

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Health Occupations**

14-405.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 14-404 of this subtitle or § 14-303 [or], § 14-305, OR § 14-5A-17 of this title, it shall give the individual against whom the action is contemplated an opportunity for a hearing before a hearing officer.

(b) The hearing officer shall give notice and hold the hearing in accordance with the Administrative Procedure Act except that factual findings shall be supported by clear and convincing evidence.

(c) The individual may be represented at the hearing by counsel.

(d) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the hearing officer may hear and refer the matter to the Board for disposition.

(e) After performing any necessary hearing under this section, the hearing officer shall refer proposed factual findings to the Board for the Board's disposition.

(f) The Board may adopt regulations to govern the taking of depositions and discovery in the hearing of charges.

(g) The hearing of charges may not be stayed or challenged by any procedural defects alleged to have occurred prior to the filing of charges.

14-408.

(a) Except as provided in this section for an action under § 14-404 of this subtitle OR § 14-5A-17 OF THIS TITLE, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:

(1) Appeal that decision to the Board of Review; and

(2) Then take any further appeal allowed by the Administrative Procedure Act.

(b) (1) Any person aggrieved by a final decision of the Board under § 14-404 of this subtitle OR § 14-5A-17 OF THIS TITLE may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

(c) An order of the Board may not be stayed pending review.

(d) The Board may appeal from any decision that reverses or modifies its order.