(11) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the certificate holder is certified and qualified to render because the individual is HIV positive;

(12) COMMITS AN ACT OF IMMORAL OR UNPROFESSIONAL CONDUCT IN THE PRACTICE OF PROFESSIONAL COUNSELING, ALCOHOL AND DRUG COUNSELING, OR MARRIAGE AND FAMILY THERAPY; OR

(13) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.

17–313.1.

(A)   IF AFTER A HEARING UNDER § 17–314 OF THIS SUBTITLE THE BOARD FINDS THAT THERE ARE GROUNDS UNDER § 17–313 OF THIS SUBTITLE TO PLACE ANY CERTIFICATE HOLDER ON PROBATION, REPRIMAND ANY CERTIFICATE HOLDER, OR SUSPEND OR REVOKE A LICENSE OR CERTIFICATE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING $ 5,000:

(1)   INSTEAD OF PLACING THE LICENSEE OR CERTIFICATE HOLDER ON PROBATION, REPRIMANDING THE LICENSEE OR CERTIFICATE HOLDER, OR SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE; OR

(2)   IN ADDITION TO PLACING THE LICENSEE OR CERTIFICATE HOLDER ON PROBATION, REPRIMANDING THE LICENSEE OR CERTIFICATE HOLDER, OR SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE.

(B)   THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

(C)   THE BOARD SHALL PAY ANY MONEY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

17–314.

(a)   Except as otherwise provided in Title 10, Subtitle 2 of the State Government Article, before the Board takes any action under § 17–313 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b)   The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c)   The hearing notice to be given to the individual shall be served personally or by registered mail to the last known address of the individual at least 30 days before the hearing.

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