

~~medical review committee and is intended to lead to redress of a matter within the scope of a medical review committee's functions.~~

~~(G) IN A CIVIL ACTION BROUGHT BY A PARTY TO THE PROCEEDINGS OF A MEDICAL REVIEW COMMITTEE DESCRIBED IN SUBSECTION (B)(5), (9), OR (11) OF THIS SECTION WHO CLAIMS TO BE AGGRIEVED BY THE DECISION OF THE MEDICAL REVIEW COMMITTEE, THE COURT SHALL AWARD COURT COSTS AND REASONABLE ATTORNEYS FEES TO THE PREVAILING PARTY IN THE CIVIL ACTION, INCLUDING A PERSON DESCRIBED IN SUBSECTION (F) OF THIS SECTION IF THE PERSON IS A PREVAILING PARTY IN THE CIVIL ACTION.~~

~~[(g)] (H) Notwithstanding this section, §§ 14-410 and 14-412 of this article apply to:~~

~~(1) The Board of Physicians; and~~

~~(2) Any other entity, to the extent that it is acting in an investigatory capacity for the Board of Physicians.~~

14-405.

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

(b) (1) The hearing officer shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(2) [Except as provided in paragraph (3) of this subsection, factual] FACTUAL findings shall be supported by a preponderance of the evidence.

[(3) Factual findings shall be supported by clear and convincing evidence if the charge of the Board is based on § 14-404(a)(22), § 14-5A-17(a)(18), or § 14-5B-14(a)(18) of this title.]

(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.