

In subsection (a)(1) of this section, the reference to "12" members of the Board is substituted for the former reference to "eleven" members, for accuracy since the Board consists of eleven appointed members and one ex officio member.

In subsection (a)(2)(ii) of this section, the former phrase "under Article 78" is deleted as surplusage.

In subsection (a)(2)(iii) of this section, the plural "professions" is substituted for the singular "profession", which formerly appeared in the first sentence of former Art. 89, § 31(a), since the fourth sentence of former § 31(a) used the plural "professions" and, thus, indicated that the two health professionals could have different specialties.

In subsection (b) of this section, the word "capability" is substituted for the former word "competence", which has legal connotations that are not appropriate in this context.

In subsection (c)(3) of this section, the former word "qualified" is deleted since members of the Board do not take an oath and, therefore, do not "qualif[y]".

Also in subsection (c)(3) of this section, the former reference to serving until the appointment of a successor is "approved by the Secretary of Licensing and Regulation" is deleted as misleading surplusage, since subsection (a)(1)(ii) of this section clearly indicates that approval precedes appointment. Similarly, in subsection (c)(4) of this section, the former requirement for vacancies to be filled "by the Commissioner with the approval of the Secretary ... in the same manner as the original appointments" is deleted. This deletion also clarifies that the requirements of subsections (a)(2) and (b) of this section apply too.

In subsection (c)(4) of this section, the clause "until a successor is appointed" is standard language added to avoid gaps in membership by indicating that a member appointed after a term begins serves until a successor takes office. This addition is supported by subsection (c)(3) of this section and the cases of Benson v. Mellor, 152 Md. 481 (1927), and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975). For circumstances under which subsection (c)(4) of this section applies, see the General Revisor's Note to this article.

The twelfth sentence of former Art. 89, § 31(a), which allowed reappointment, is deleted as unnecessary. As a general rule, the right to serve successive terms is not limited, absent an express provision to the contrary.

The Labor and Employment Article Review Committee notes that the membership of the Advisory Committee on the Wage and Hour Law, in § 3-409 of this article, is described in terms of representatives of "employees" and "employers". The General Assembly may wish to consider whether the words "industry" and "labor", in subsection (a)(2)(iv) and (v) of this section are intended as a description of the same dichotomy.