

subsection (a)(1) of this section, "[e]xcept as otherwise provided in Title 10, Subtitle 4 of the State Government Article", clarifies that the Board may act summarily under certain circumstances. See SG § 10-405(b).

In subsection (a)(1) of this section, the reference to "any final action under § 7-308" is substituted for the former limited reference to suspension or revocation to clarify that a licensee who is reprimanded also is entitled to a hearing. Consequently, the review procedures of § 7-310 of this subtitle are available to the licensee after a final decision to reprimand. This change is made to conform to other licensing provisions found throughout the Code and to meet fundamental requirements of fairness.

In subsection (a)(2) of this section, the word "shall" is substituted for the former word "may" to meet fundamental requirements of fairness.

Defined terms: "Board" § 7-101

"Person" § 1-101

7-310. JUDICIAL REVIEW.

A PARTY TO A PROCEEDING BEFORE THE BOARD WHO IS AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN § 10-201 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-215 AND 10-216 OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is standard language added to reflect the requirement for judicial review. This addition is supported by the reference, in former Art. 56, § 329(a), to compliance with the "Administrative Procedure Act".

The introductory phrase of this section conforms to SG § 10-215, which provides a right of judicial review of any "final decision" of an agency in a "contested case". A situation is a contested case if a party has a right to a hearing (see the definition of "contested case" in SG § 10-201(c)).

Defined term: "Board" § 7-101

7-311. EFFECT OF REVOCATION OR SUSPENSION.

THE SUSPENSION OR REVOCATION OF A LICENSE DOES NOT AFFECT THE OBLIGATION OF A CLAIM THAT THE LICENSEE LAWFULLY ACQUIRED BEFORE THE SUSPENSION OR REVOCATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 329(f), except as that subsection related to surrender of a license.

Defined term: "License" § 7-101