

## Article - Health Occupations

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§8-6A-10.1.

(a) Except as otherwise provided in the Administrative Procedure Act and in subsection (g) of this section, before the Board takes any action under § 8-6A-10 of this subtitle, the Board 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 the Administrative Procedure Act.

(c) The hearing notice to be given to the individual shall be sent by certified mail, return receipt requested, 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.

(e) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, the Board may hear and determine the matter.

(f) (1) Over the signature of the president, the executive director, or the deputy director as authorized by the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this subtitle and any hearings or proceedings before the Board.

(2) If an individual, without lawful excuse, disobeys a subpoena from the Board or an order by the Board to take an oath, testify, or answer questions, on petition of the Board a court of competent jurisdiction may compel compliance with the subpoena and hold the individual in contempt of court.

(g) The Board immediately may suspend the certificate of a nursing assistant or medication technician who is expelled from the rehabilitation program under § 8-208 of this title for noncompliance with the certificate holder's agreement if:

(1) Before suspending the certificate, the Board provides the certificate holder with an opportunity to show cause by written communication or nontestimonial presentation as to why the suspension should not occur; and

(2) The Board provides the certificate holder with an opportunity for a hearing that shall:

(i) Occur within 30 days after written request by the certificate holder; and

(ii) Impose on the certificate holder the burden of proving by a preponderance of the evidence that the certificate holder is not addicted to drugs or

alcohol.

(h) (1) After the Board conducts an investigation under this subtitle, the Board may issue an advisory letter to the certificate holder.

(2) The Board may disclose an advisory letter issued under this subsection to the public.

(3) The issuance of an advisory letter under this subsection:

(i) May not be considered a disciplinary action under § 8–6A–10 of this subtitle; and

(ii) May not be reported to any certifying entity, employer, or insurance company as a disciplinary action.

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