

Article - Health Occupations

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§8-6B-19.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 8-6B-17 or § 8-6B-18 of this subtitle, it shall give the person 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 person shall be sent by certified mail, return receipt requested, to the last known address of the person at least 30 days before the hearing.

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

(e) (1) The Board may issue subpoenas and administer oaths in connection with a proceeding under this section.

(2) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath, testify, or answer a question, then on petition of the Board, a court of competent jurisdiction:

(i) Shall compel compliance with the subpoena; and

(ii) May hold the person in contempt of court.

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

(g) The hearing of charges may not be stayed or challenged by procedural defects alleged to have occurred prior to the filing of charges.

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

(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 may not:

(i) Be considered a disciplinary action under § 8-6B-18 of this subtitle; and

(ii) Be reported to any licensing entity, employer, or insurance

company as a disciplinary action.

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