

# HOUSE BILL 1290

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3lr2636  
CF SB 837

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By: **Delegate Frank**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations Boards – Disciplinary Procedures – Prohibition on Stays**

3 FOR the purpose of prohibiting a hearing of charges filed by certain health  
4 occupations boards from being stayed or challenged by certain procedural  
5 defects; prohibiting an order of certain health occupations boards from being  
6 stayed pending judicial review; altering the circumstances under which an order  
7 of certain health occupations boards may not be stayed; repealing obsolete  
8 provisions of law regarding the stay of orders of certain health occupations  
9 boards; making a conforming change; and generally relating to the disciplinary  
10 procedures of health occupations boards.

11 BY repealing and reenacting, with amendments,

12 Article – Health Occupations

13 Section 1A–310, 1A–311, 2–315, 2–316, 3–315, 3–316, 4–318, 4–319, 5–312,  
14 5–313, 7–319, 7–320, 9–315, 10–316, 10–317, 11–315, 11–317, 11–318,  
15 13–317, 13–318, 16–313, 16–315, 17–511, 19–312, 19–313, 20–314, and  
16 20–315

17 Annotated Code of Maryland

18 (2009 Replacement Volume and 2012 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Health Occupations**

22 1A–310.

23 (a) Except as provided in the Administrative Procedure Act, before the Board  
24 takes any action under § 1A–309 of this subtitle, it shall give the individual against  
25 whom the action is contemplated an opportunity for a hearing before the Board.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (c) The individual may be represented at the hearing by counsel.

4 (d) Over the signature of an officer or the administrator of the Board, the  
5 Board may issue subpoenas and administer oaths in connection with any investigation  
6 under this title and any hearings or proceedings before it.

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

10 (f) If, after a hearing, an individual is found in violation of § 1A-309 of this  
11 subtitle, the individual shall pay the costs of the hearing as specified in a regulation  
12 adopted by the Board.

13 **(G) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
14 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
15 **CHARGES.**

16 1A-311.

17 (a) Except as provided in this section for an action under § 1A-309 of this  
18 subtitle, any person aggrieved by a final decision of the Board in a contested case, as  
19 defined by the Administrative Procedure Act, may:

20 (1) Appeal that decision to the Board of Review; and

21 (2) Take any further appeal allowed by the Administrative Procedure  
22 Act.

23 (b) (1) Any person aggrieved by a final decision of the Board under §  
24 1A-309 of this subtitle may not appeal to the Secretary or Board of Review but may  
25 take a direct judicial appeal.

26 (2) The appeal shall be made as provided for judicial review of final  
27 decisions in Title 10, Subtitle 2 of the State Government Article.

28 **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**  
29 **REVIEW.**

30 2-315.

31 (a) Except as otherwise provided in the Administrative Procedure Act, before  
32 the Board takes any action under § 2-314 of this subtitle or denies a license or a

1 limited license for any other reason, it shall give the individual against whom the  
2 action is contemplated an opportunity for a hearing before the Board.

3 (b) The Board shall give notice and hold the hearing in accordance with the  
4 Administrative Procedure Act.

5 (c) Any notice given under this section shall be sent by first-class mail to the  
6 last known address given to the Board by the individual.

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

10 (e) Over the signature of an officer or the administrator of the Board, the  
11 Board may issue a subpoena or administer an oath in connection with an  
12 investigation, hearing, or proceeding by the Board.

13 (f) If, after a hearing, a licensee is found in violation of this title, the licensee  
14 shall pay costs of the hearing as specified in regulations adopted by the Board.

15 **(G) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
16 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
17 **CHARGES.**

18 2-316.

19 (a) Except as provided in this section for an action under § 2-314 of this  
20 subtitle, any person aggrieved by a final decision of the Board in a contested case, as  
21 defined in the Administrative Procedure Act, may:

22 (1) Appeal that decision to the Board of Review; and

23 (2) Then take any further appeal allowed by the Administrative  
24 Procedure Act.

25 (b) (1) Any person aggrieved by a final decision of the Board under §  
26 2-314 of this subtitle may not appeal to the Secretary or Board of Review but may  
27 take a direct judicial appeal.

28 (2) The appeal shall be made as provided for judicial review of final  
29 decisions in the Administrative Procedure Act.

30 (c) An order of the Board may not be stayed pending **JUDICIAL** review.

31 3-315.

1 (a) Except as otherwise provided in the Administrative Procedure Act, before  
2 the Board takes any action under § 3–313 of this subtitle or § 3–5A–11 of this title, it  
3 shall give the individual against whom the action is contemplated an opportunity for a  
4 hearing before the Board.

5 (b) The Board shall give notice and hold the hearing in accordance with the  
6 Administrative Procedure Act.

7 (c) The individual may be represented at the hearing by counsel.

8 (d) Over the signature of an officer or the administrator of the Board, the  
9 Board may issue subpoenas and administer oaths in connection with any investigation  
10 under this title and any hearings or proceedings before it.

11 (e) If, without lawful excuse, a person disobeys a subpoena from the Board or  
12 an order by the Board to take an oath or to testify or answer a question, then, on  
13 petition of the Board, a court of competent jurisdiction shall compel compliance with  
14 the subpoena and may punish the person as for contempt of court.

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

18 (g) If, after a hearing, a chiropractor or massage therapist is found in  
19 violation of § 3–313 of this subtitle or § 3–5A–11 of this title, the chiropractor or  
20 massage therapist shall pay to the Board the costs for court reporting services.

21 **(H) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
22 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
23 **CHARGES.**

24 3–316.

25 (a) Except as provided in this section for an action under § 3–313 of this  
26 subtitle or § 3–5A–11 of this title, any person aggrieved by a final decision of the  
27 Board in a contested case, as defined in the Administrative Procedure Act, may:

28 (1) Appeal that decision to the Board of Review; and

29 (2) Then take any further appeal allowed by the Administrative  
30 Procedure Act.

31 (b) (1) Any person aggrieved by a final decision of the Board under §  
32 3–313 of this subtitle or § 3–5A–11 of this title may not appeal to the Secretary or  
33 Board of Review but may take a direct judicial appeal.

1           (2) The appeal shall be made as provided for judicial review of final  
2 decisions in the Administrative Procedure Act.

3           **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**  
4 **REVIEW.**

5 4–318.

6           (a) Except as otherwise provided in the Administrative Procedure Act, before  
7 the Board takes any action under § 4–315 of this subtitle, it shall give the individual  
8 against whom the action is contemplated an opportunity for a hearing before the  
9 Board.

10           (b) The Board shall give notice and hold the hearing in accordance with the  
11 Administrative Procedure Act.

12           (c) In accordance with the State budget, the Board may authorize payment  
13 of fees and travel expenses of witnesses who testify in a proceeding under this section.

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

15           (e) The Board may administer oaths and take depositions of witnesses in any  
16 proceeding under this section.

17           (f) (1) Over the signature of an officer or the administrator of the Board,  
18 the Board may issue subpoenas and administer oaths to witnesses in connection with  
19 any investigation under this title and any hearings or proceedings before it.

20           (2) The Board shall issue subpoenas on behalf of the individual if the  
21 individual requests in writing that the Board do so.

22           (3) If, without lawful excuse, a person disobeys a subpoena from the  
23 Board or an order by the Board to take an oath or to testify or answer a question, then,  
24 on petition of the Board, a court of competent jurisdiction may punish the person as for  
25 contempt of court.

26           (4) If, without lawful excuse, an individual disobeys a subpoena from  
27 the Board or an order by the Board to take an oath, testify, or answer a question, on  
28 petition of the Board, a court of competent jurisdiction may compel compliance with  
29 the subpoena.

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

1           **(H) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
2 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
3 **CHARGES.**

4 4–319.

5           (a) Except as provided in this section for an action under § 4–315 of this  
6 subtitle, a person aggrieved by a final decision of the Board in a contested case, as  
7 defined in the Administrative Procedure Act, may:

8                   (1) Appeal that decision to the Board of Review; and

9                   (2) Then take any further appeal allowed by the Administrative  
10 Procedure Act.

11           (b) (1) Any person aggrieved by a final decision of the Board under §  
12 4–315 of this subtitle may not appeal to the Secretary or Board of Review but may  
13 take a direct judicial appeal.

14                   (2) The appeal shall be made as provided for judicial review of final  
15 decisions in the Administrative Procedure Act.

16           **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**  
17 **REVIEW.**

18 5–312.

19           (a) Except as otherwise provided in § 10–226 of the State Government  
20 Article, before the Board takes any action under § 5–311 of this subtitle, it shall give  
21 the individual against whom the action is contemplated an opportunity for a hearing  
22 before the Board.

23           (b) The Board shall give notice and hold the hearing in accordance with Title  
24 10, Subtitle 2 of the State Government Article.

25           (c) Over the signature of an officer or the administrator of the Board, the  
26 Board may issue subpoenas and administer oaths in connection with any investigation  
27 under this title and any hearings or proceedings before it.

28           (d) If, without lawful excuse, a person disobeys a subpoena from the Board,  
29 an order by the Board to take any oath or to testify, or answer a question, then, on  
30 petition of the Board, a court of competent jurisdiction may punish the person for  
31 contempt of court.

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

1 (f) The hearing notice to be given to the individual shall be sent by certified  
2 mail to the last known address of the individual at least 14 days before the hearing.

3 (g) The individual may be represented at the hearing by counsel.

4 **(H) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
5 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
6 **CHARGES.**

7 5-313.

8 (a) Except as otherwise provided in this section for an action under § 5-311  
9 of this subtitle, any person aggrieved by a final decision of the Board in a contested  
10 case, as defined in the Administrative Procedure Act, may:

11 (1) Appeal that decision to the Board of Review; and

12 (2) Then take any further appeal allowed by the Administrative  
13 Procedure Act.

14 (b) (1) Any person aggrieved by a final decision of the Board under §  
15 5-311 of this subtitle may not appeal to the Secretary or the Board of Review but may  
16 take a direct judicial appeal.

17 (2) The appeal shall be made pursuant to the provisions on judicial  
18 review of final decisions in Title 10, Subtitle 2 of the State Government Article.

19 (c) An order of the Board may not be stayed pending **JUDICIAL** review.

20 7-319.

21 (a) Except as otherwise provided in the Administrative Procedure Act, before  
22 the Board takes any action under § 7-316 of this subtitle, it shall give the person  
23 against whom the action is contemplated an opportunity for a hearing before the  
24 Board.

25 (b) The Board shall give notice and hold the hearing in accordance with the  
26 Administrative Procedure Act.

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

28 (d) Over the signature of an officer or the administrator of the Board, the  
29 Board may issue subpoenas and administer oaths in connection with any audit or  
30 investigation under this title and any hearings or proceedings before it.

1 (e) If, without lawful excuse, a person disobeys a subpoena from the Board or  
2 an order by the Board to take an oath or to testify or answer a question, then, on  
3 petition of the Board, a court of competent jurisdiction shall compel compliance with  
4 the subpoena and may punish the person as for contempt of court.

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

8 **(G) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
9 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
10 **CHARGES.**

11 **[(g)] (H)** If after a hearing an individual is found in violation of § 7–316 of  
12 this subtitle, the individual shall pay the hearing costs.

13 **[(h)] (I)** If the Board orders the suspension of a license in accordance with §  
14 10–226(c)(2) of the State Government Article, the Board shall notify the licensee of the  
15 suspension within 48 hours after the Board makes the determination to order the  
16 suspension.

17 7–320.

18 (a) Except as provided in this section for an action against any health care  
19 professional under § 7–316 of this subtitle, any person aggrieved by a final decision of  
20 the Board in a contested case, as defined in the Administrative Procedure Act, may:

21 (1) Appeal that decision to the Board of Review; and

22 (2) Then take any further appeal allowed by the Administrative  
23 Procedure Act.

24 (b) (1) Any health care professional aggrieved by a final decision of the  
25 Board under § 7–316 of this subtitle may not appeal to the Secretary or Board of  
26 Review but may take a direct judicial appeal.

27 (2) The appeal shall be made as provided for judicial review of final  
28 decisions in the Administrative Procedure Act.

29 (c) **[(If a person notes an appeal from an order of suspension or revocation by**  
30 **the Board, the order is stayed)] AN ORDER OF THE BOARD MAY NOT BE STAYED**  
31 **PENDING JUDICIAL REVIEW.**

32 9–315.



1 (a) Except as otherwise provided in the Administrative Procedure Act, before  
2 the Board takes any action under § 9–314 of this subtitle, it shall give the individual  
3 against whom the action is contemplated an opportunity for a hearing before the  
4 Board.

5 (b) The Board shall give notice and hold the hearing in accordance with the  
6 Administrative Procedure Act.

7 (c) Over the signature of an officer or the executive director of the Board, the  
8 Board may issue subpoenas and administer oaths in connection with any investigation  
9 under this title and any hearings or proceedings before it.

10 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or  
11 an order by the Board to take an oath or to testify or answer a question, then, on  
12 petition of the Board, a court of competent jurisdiction may punish the person as for  
13 contempt of court.

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

17 **(F) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
18 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
19 **CHARGES.**

20 10–316.

21 (a) Except as otherwise provided in the Administrative Procedure Act, before  
22 the Board takes any action under § 10–315 of this subtitle, it shall give the individual  
23 against whom the action is contemplated an opportunity for a hearing before the  
24 Board.

25 (b) (1) The Board chairman may delegate the authority to conduct a  
26 hearing to a committee consisting of two or more Board members.

27 (2) The committee shall:

28 (i) Hold an evidentiary hearing; and

29 (ii) Prepare a recommended decision for consideration by a  
30 quorum of the Board.

31 (3) The committee shall give notice to the individual of the opportunity  
32 to file exceptions and present argument to the Board regarding the recommended  
33 decision.

1 (c) The Board shall give notice and hold the hearing in accordance with the  
2 Administrative Procedure Act.

3 (d) The hearing notice to be given to the individual shall be sent by certified  
4 mail, return receipt requested, bearing a postmark from the United States Postal  
5 Service, to the last known address of the individual at least 30 days before the  
6 hearing.

7 (e) The individual may be represented at the hearing by counsel.

8 (f) Over the signature of an officer or the administrator of the Board, the  
9 Board may issue subpoenas and administer oaths in connection with any investigation  
10 under this title and any hearings or proceedings before it.

11 (g) If, without lawful excuse, a person disobeys a subpoena from the Board or  
12 an order by the Board to take an oath or to testify or answer a question, then, on  
13 petition of the Board, a court of competent jurisdiction may punish the person as for  
14 contempt of court.

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

18 **(I) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
19 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
20 **CHARGES.**

21 10-317.

22 (a) Except as provided in this section for an action under § 10-315 of this  
23 subtitle, any person aggrieved by a final decision of the Board in a contested case, as  
24 defined in the Administrative Procedure Act, may:

25 (1) Appeal that decision to the Board of Review; and

26 (2) Then take any further appeal allowed by the Administrative  
27 Procedure Act.

28 (b) (1) Any person aggrieved by a final decision of the Board under §  
29 10-315 of this subtitle may not appeal to the Secretary or Board of Review but may  
30 take a direct judicial appeal.

31 (2) The appeal shall be made as provided for judicial review of final  
32 decisions in the Administrative Procedure Act.

33 **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**  
34 **REVIEW.**

1 11-315.

2 (a) Except as otherwise provided in the Administrative Procedure Act, before  
3 the Board takes any action under § 11-313 of this subtitle, it shall give the licensee  
4 against whom the action is contemplated an opportunity for a hearing before the  
5 Board.

6 (b) The Board shall give notice and hold the hearing in accordance with the  
7 Administrative Procedure Act.

8 (c) The individual may be represented at the hearing by counsel.

9 (d) The Board may issue subpoenas in connection with any investigation of  
10 charges under § 11-313 of this subtitle or proceeding under this section.

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

14 **(F) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
15 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
16 **CHARGES.**

17 11-317.

18 (a) The Board shall include in any order of suspension or revocation the  
19 specific terms and conditions of the suspension or revocation.

20 (b) [Except as provided in § 11-318(c) of this subtitle for a stay pending  
21 review, when] **WHEN** the Board files an order of suspension or revocation, it is  
22 effective, in accordance with its terms and conditions, immediately.

23 (c) The Board shall keep a copy of each order of suspension or revocation as a  
24 permanent record.

25 11-318.

26 (a) Except as provided in this section for an action under § 11-313 of this  
27 subtitle, any person aggrieved by a final decision of the Board in a contested case, as  
28 defined in the Administrative Procedure Act, may:

29 (1) Appeal that decision to the Board of Review; and

30 (2) Then take any further appeal allowed by the Administrative  
31 Procedure Act.

1 (b) (1) Any person aggrieved by a final decision of the Board under §  
2 11–313 of this subtitle may not appeal to the Secretary or Board of Review but may  
3 take a direct judicial appeal.

4 (2) The appeal shall be made as provided for judicial review of final  
5 decisions in the Administrative Procedure Act.

6 (c) [If an optometrist seeks judicial review of an order of suspension or  
7 revocation by the Board, the order shall be stayed until the optometrist's judicial  
8 remedies are exhausted] **AN ORDER OF THE BOARD MAY NOT BE STAYED**  
9 **PENDING JUDICIAL REVIEW.**

10 13–317.

11 (a) Except as otherwise provided in the Administrative Procedure Act, before  
12 the Board takes any action under § 13–316 of this subtitle, it shall give the individual  
13 against whom the action is contemplated an opportunity for a hearing before the  
14 Board.

15 (b) The Board shall give notice and hold the hearing in accordance with the  
16 Administrative Procedure Act.

17 (c) The individual may be represented at the hearing by counsel.

18 (d) (1) The chairman of the Board may delegate authority to conduct a  
19 hearing to a committee consisting of three or more Board members.

20 (2) The committee shall:

21 (i) Hold an evidentiary hearing; and

22 (ii) Prepare a recommended decision for consideration by a  
23 quorum of the Board, which may include members of the committee.

24 (3) The committee shall give each party the opportunity to file  
25 exceptions and present argument to the Board regarding the decision of the  
26 committee.

27 (e) Over the signature of an officer or the executive director of the Board, the  
28 Board may issue subpoenas and administer oaths in connection with any investigation  
29 under this title and any hearings or proceedings before it.

30 (f) If, without lawful excuse, a person disobeys a subpoena from the Board or  
31 an order by the Board to take an oath or to testify or answer a question, then, on  
32 petition of the Board, a court of competent jurisdiction may punish the person as for  
33 contempt of court.

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

4 (H) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY  
5 PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF  
6 CHARGES.

7 13–318.

8 (a) Except as provided in this section for an action under § 13–316 of this  
9 subtitle, any person aggrieved by a final decision of the Board in a contested case, as  
10 defined in the Administrative Procedure Act, may:

11 (1) Appeal that decision to the Board of Review; and

12 (2) Then take any further appeal allowed by the Administrative  
13 Procedure Act.

14 (b) (1) Any person aggrieved by a final decision of the Board under §  
15 13–316 of this subtitle may not appeal to the Secretary or Board of Review but may  
16 take a direct judicial appeal.

17 (2) The appeal shall be made as provided for judicial review of final  
18 decisions in the Administrative Procedure Act.

19 (C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL  
20 REVIEW.

21 16–313.

22 (a) Except as otherwise provided in the Administrative Procedure Act, before  
23 the Board takes any action under § 16–311 of this subtitle, it shall give the individual  
24 against whom the action is contemplated an opportunity for a hearing before the  
25 Board.

26 (b) The Board shall give notice and hold the hearing in accordance with the  
27 Administrative Procedure Act.

28 (c) The individual may be represented at the hearing by counsel.

29 (d) Over the signature of an officer or the administrator of the Board, the  
30 Board may issue subpoenas and administer oaths in connection with any investigation  
31 under this title and any hearings or proceedings before it.

32 (e) If, without lawful excuse, a person disobeys a subpoena from the Board or  
33 an order by the Board to take an oath or to testify or answer a question, then, on

1 petition of the Board, a court of competent jurisdiction may punish the person as for  
2 contempt of court.

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

6 (g) If, after a hearing, an individual is found in violation of § 16–311 of this  
7 subtitle, the individual shall pay the costs of the hearing as specified in a regulation  
8 adopted by the Board.

9 **(H) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
10 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
11 **CHARGES.**

12 16–315.

13 (a) Except as provided in this section for an action under § 16–311 of this  
14 subtitle, any person aggrieved by a final decision of the Board in a contested case, as  
15 defined in the Administrative Procedure Act, may:

16 (1) Appeal that decision to the Board of Review; and

17 (2) Then take any further appeal allowed by the Administrative  
18 Procedure Act.

19 (b) (1) Any person aggrieved by a final decision of the Board under §  
20 16–311 of this subtitle may not appeal to the Secretary or Board of Review but may  
21 take a direct judicial appeal.

22 (2) The appeal shall be made as provided for judicial review of final  
23 decisions in the Administrative Procedure Act.

24 **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**  
25 **REVIEW.**

26 17–511.

27 (a) Except as otherwise provided in Title 10, Subtitle 2 of the State  
28 Government Article, before the Board takes any action under § 17–509 of this subtitle,  
29 it shall give the individual against whom the action is contemplated an opportunity for  
30 a hearing before the Board.

31 (b) The Board shall give notice and hold the hearing in accordance with Title  
32 10, Subtitle 2 of the State Government Article.

1 (c) The hearing notice to be given to the individual shall be served personally  
2 or by registered mail to the last known address of the individual at least 30 days  
3 before the hearing.

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

5 (e) (1) Over the signature of an officer or the administrator of the Board,  
6 the Board may issue subpoenas and administer oaths in connection with any  
7 investigation under this title and any hearings or proceedings before it.

8 (2) If, without lawful excuse, a person disobeys a subpoena from the  
9 Board or an order by the Board to take an oath or to testify or answer a question, then,  
10 on petition of the Board, a court of competent jurisdiction may punish the person as for  
11 contempt of court.

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

15 **(G) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
16 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
17 **CHARGES.**

18 19–312.

19 (a) Except as otherwise provided in the Administrative Procedure Act, before  
20 the Board takes any action under § 19–311 of this subtitle, it shall give the individual  
21 against whom the action is contemplated an opportunity for a hearing before the  
22 Board.

23 (b) The Board shall give notice and hold the hearing in accordance with the  
24 Administrative Procedure Act.

25 (c) Over the signature of an officer or the administrator of the Board, the  
26 Board may issue subpoenas and administer oaths in connection with any investigation  
27 under this title and any hearings or proceedings before it.

28 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or  
29 an order by the Board to take an oath or to testify or answer a question, then, on  
30 petition of the Board, a court of competent jurisdiction may punish the person as for  
31 contempt of court.

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

1 (f) If, after a hearing, an individual is found in violation of § 19–311 of this  
2 subtitle, the individual shall pay the costs of the hearing as specified in a regulation  
3 adopted by the Board.

4 **(G) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
5 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
6 **CHARGES.**

7 19–313.

8 (a) Except as provided in this section for an action under § 19–311 of this  
9 subtitle, any person aggrieved by a final decision of the Board in a contested case, as  
10 defined in the Administrative Procedure Act, may:

11 (1) Appeal that decision to the Board of Review; and

12 (2) Then take any further appeal allowed by the Administrative  
13 Procedure Act.

14 (b) (1) Any person aggrieved by a final decision of the Board under §  
15 19–311 of this subtitle may not appeal to the Secretary or Board of Review but may  
16 take a direct judicial appeal.

17 (2) The appeal shall be made as provided for judicial review of final  
18 decisions in the Administrative Procedure Act.

19 **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**  
20 **REVIEW.**

21 20–314.

22 (a) Except as otherwise provided in the Administrative Procedure Act, before  
23 the Board takes any action under § 20–313 of this subtitle, it shall give the individual  
24 against whom the action is contemplated an opportunity for a hearing before the  
25 Board.

26 (b) The Board shall give notice and hold the hearing in accordance with the  
27 Administrative Procedure Act.

28 (c) Over the signature of an officer or the executive secretary of the Board,  
29 the Board may issue subpoenas and administer oaths in connection with any  
30 investigation under this title and any hearings or proceedings before it.

31 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or  
32 an order by the Board to take an oath or to testify or answer a question, then, on  
33 petition of the Board, a court of competent jurisdiction may punish the person as for  
34 contempt of court.



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

4 **(F) A HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**  
5 **PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF**  
6 **CHARGES.**

7 20–315.

8 (a) Except as provided in this section for an action under § 20–313 of this  
9 subtitle, any person aggrieved by a final decision of the Board in a contested case, as  
10 defined in the Administrative Procedure Act, may:

11 (1) Appeal that decision to the Board of Review; and

12 (2) Then take any further appeal allowed by the Administrative  
13 Procedure Act.

14 (b) (1) Any person aggrieved by a final decision of the Board under §  
15 20–314 of this subtitle may not appeal to the Secretary or Board of Review but may  
16 take a direct judicial appeal.

17 (2) The appeal shall be made as provided for judicial review of final  
18 decisions in the Administrative Procedure Act.

19 **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**  
20 **REVIEW.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2013.