

SENATE BILL 837

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3lr3105
CF HB 1290

By: **Senator Young**

Introduced and read first time: February 6, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 14, 2013

Committee Report: Favorable with amendments

Committee amendments withdrawn, March 19, 2013

Senate action: Adopted

Read second time: March 19, 2013

CHAPTER _____

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Health Occupations**

2 1A–310.

3 (a) Except as provided in the Administrative Procedure Act, before the Board
4 takes any action under § 1A–309 of this subtitle, it shall give the individual against
5 whom the action is contemplated an opportunity for a hearing before the 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) Over the signature of an officer or the administrator of the Board, the
10 Board may issue subpoenas and administer oaths in connection with any investigation
11 under this title and any hearings or proceedings before it.

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

18 **(G) 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 1A–311.

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

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

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

28 (b) (1) Any person aggrieved by a final decision of the Board under §
29 1A–309 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 Title 10, Subtitle 2 of the State Government Article.

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

3 2–315.

4 (a) Except as otherwise provided in the Administrative Procedure Act, before
5 the Board takes any action under § 2–314 of this subtitle or denies a license or a
6 limited license for any other reason, it shall give the individual against whom the
7 action is contemplated an opportunity for a hearing before the Board.

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

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

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

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

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

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

23 2–316.

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

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

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

30 (b) (1) Any person aggrieved by a final decision of the Board under §
31 2–314 of this subtitle may not appeal to the Secretary or Board of Review but may
32 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** review.

4 3–315.

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

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

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

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

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

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

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

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

28 3–316.

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

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

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

3 (b) (1) Any person aggrieved by a final decision of the Board under §
4 3–313 of this subtitle or § 3–5A–11 of this title may not appeal to the Secretary or
5 Board of Review but may take a direct judicial appeal.

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

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

10 4–318.

11 (a) Except as otherwise provided in the Administrative Procedure Act, before
12 the Board takes any action under § 4–315 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) In accordance with the State budget, the Board may authorize payment
18 of fees and travel expenses of witnesses who testify in a proceeding under this section.

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

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

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

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

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

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

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 4–319.

8 (a) Except as provided in this section for an action under § 4–315 of this
9 subtitle, a 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 4–315 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 5–312.

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

26 (b) The Board shall give notice and hold the hearing in accordance with Title
27 10, Subtitle 2 of the State Government Article.

28 (c) 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 investigation
30 under this title and any hearings or proceedings before it.

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

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

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

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

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

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 5-313.

13 (a) Except as otherwise provided in this section for an action under § 5-311
14 of this subtitle, any person aggrieved by a final decision of the Board in a contested
15 case, as 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 5-311 of this subtitle may not appeal to the Secretary or the Board of Review but may
21 take a direct judicial appeal.

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

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

25 7-319.

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

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

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

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

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

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

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

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

16 **[(h)] (I)** If the Board orders the suspension of a license in accordance with §
17 10–226(c)(2) of the State Government Article, the Board shall notify the licensee of the
18 suspension within 48 hours after the Board makes the determination to order the
19 suspension.

20 7–320.

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

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

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

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

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

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

4 9–315.

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

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

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

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

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

21 **(F) 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 10–316.

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

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

31 (2) The committee shall:

32 (i) Hold an evidentiary hearing; and

1 (ii) Prepare a recommended decision for consideration by a
2 quorum of the Board.

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

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

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

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

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

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

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

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

26 10–317.

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

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

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

1 (b) (1) Any person aggrieved by a final decision of the Board under §
2 10–315 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) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**
7 **REVIEW.**

8 11–315.

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

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

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

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

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

21 **(F) 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 11–317.

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

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

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

32 11–318.

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

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

5 (2) Then take any further appeal allowed by the Administrative
6 Procedure Act.

7 (b) (1) Any person aggrieved by a final decision of the Board under §
8 11–313 of this subtitle may not appeal to the Secretary or Board of Review but may
9 take a direct judicial appeal.

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

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

16 13–317.

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

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

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

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

26 (2) The committee shall:

27 (i) Hold an evidentiary hearing; and

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

30 (3) The committee shall give each party the opportunity to file
31 exceptions and present argument to the Board regarding the decision of the
32 committee.

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

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

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

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

14 13–318.

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

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

19 (2) Then take any further appeal allowed by the Administrative
20 Procedure Act.

21 (b) (1) Any person aggrieved by a final decision of the Board under §
22 13–316 of this subtitle may not appeal to the Secretary or Board of Review but may
23 take a direct judicial appeal.

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

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

28 16–313.

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

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

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

17 **(H) 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 16–315.

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

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

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

27 (b) (1) Any person aggrieved by a final decision of the Board under §
28 16–311 of this subtitle may not appeal to the Secretary or Board of Review but may
29 take a direct judicial appeal.

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

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

1 17-511.

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

6 (b) The Board shall give notice and hold the hearing in accordance with Title
7 10, Subtitle 2 of the State Government Article.

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

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

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

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

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

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

25 19-312.

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

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

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

1 (d) 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 may punish the person as for
4 contempt of court.

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

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

14 19–313.

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

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

19 (2) Then take any further appeal allowed by the Administrative
20 Procedure Act.

21 (b) (1) Any person aggrieved by a final decision of the Board under §
22 19–311 of this subtitle may not appeal to the Secretary or Board of Review but may
23 take a direct judicial appeal.

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

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

28 20–314.

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

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

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

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

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

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

14 20–315.

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

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

19 (2) Then take any further appeal allowed by the Administrative
20 Procedure Act.

21 (b) (1) Any person aggrieved by a final decision of the Board under §
22 20–314 of this subtitle may not appeal to the Secretary or Board of Review but may
23 take a direct judicial appeal.

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

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

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