

Article - Health Occupations

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§18–315.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 18-313 of this subtitle, it 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 served personally or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of the individual at least 10 days before the hearing.

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

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

(2) The Board shall issue subpoenas on behalf of the individual if the individual:

(i) Requests that the Board do so; and

(ii) States under oath that the testimony or evidence sought is necessary to the individual's defense.

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

(f) If after due notice the individual 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 any procedural defects alleged to have occurred before the filing of charges.

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