

§1053. Disciplinary action by the board

1. Possible sanctions. For each violation of this chapter or the rules or conditions of licensure or registration, the board may take one or more of the following actions:

A. Issue a warning, censure or reprimand to a licensee or registrant. Each warning, censure or reprimand issued must be based upon a violation of a different applicable law, rule or condition of licensure or must be based upon a separate instance of actionable conduct or activity; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Suspend a license or registration for up to 360 days for each violation of an applicable law, rule or condition of licensure or registration or instance of actionable conduct or activity. Suspensions may be set to run concurrently or consecutively. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the licensee's or registrant's record; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Revoke a license or registration; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Impose a fine of up to \$100,000 for each violation of an applicable law, rule or condition of licensure or registration or instance of actionable conduct or activity; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. Impose conditions of probation upon a licensee or registrant. Probation may run for such time period as the board determines appropriate; and [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

F. Impose costs of investigation and hearing. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Consent agreements. The board may execute a consent agreement that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of the licensee or registrant, the board and the Attorney General. Any remedy, penalty or fine that is otherwise available by law may be achieved by consent agreement, including long-term suspension and permanent revocation of a license or registration. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Surrender of license or registration. The board may accept surrender of a license or registration. In order for a licensee's or registrant's surrender of a license or registration to be effective, a surrender must first be accepted by vote of the board. The board may refuse to accept surrender of a license or registration if the licensee or registrant is under investigation or is the subject of a pending complaint or proceeding, unless a consent agreement is first entered into pursuant to this chapter.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Letters of guidance or concern. The board may issue letters of guidance or concern to a licensee or registrant. Letters of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The board may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified

amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are confidential only to the extent otherwise provided by law.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

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