

§90-A. Licensing actions

1. Disciplinary proceedings and sanctions. The licensing board or its staff, shall investigate a complaint on its own motion or upon receipt of a written complaint filed with the licensing board regarding noncompliance with or violation of this chapter or of any rules adopted by the board. The licensing board or its staff may subpoena witnesses, records and documents, including records and documents maintained by a health care facility or other service organization or person related to the delivery of emergency medical services, in any investigation or hearing it conducts.

[PL 2025, c. 491, §17 (AMD).]

2. Notice. The licensing board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but in no event later than 60 days after the licensing board or its staff receives the initial pertinent information. The licensee has the right to respond within 30 days in all cases except those involving an emergency denial, suspension or revocation, as described in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 5. If the licensee's response to the complaint satisfies the licensing board or its staff that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

[PL 2025, c. 491, §17 (AMD).]

3. Informal conference.

[PL 2025, c. 491, §17 (RP).]

4. Further action. If the licensing board or its staff finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions.

A. The licensing board or its staff may negotiate a consent agreement with the licensee that fixes the period and terms of probation necessary to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the licensing board or its staff, the licensee and the Department of the Attorney General. [PL 2025, c. 491, §17 (AMD).]

B. If a licensee voluntarily surrenders a license, the licensing board or its staff may negotiate stipulations necessary to ensure protection of the public health and safety and the rehabilitation or education of the licensee. These stipulations may be set forth only in a consent agreement signed by the licensing board or its staff, the licensee and the Department of the Attorney General. [PL 2025, c. 491, §17 (AMD).]

C. If the licensing board or its staff concludes that modification, nonrenewal or suspension pursuant to subsection 7 of a license or imposition of a civil penalty pursuant to subsection 7 is in order, the licensing board shall so notify the licensee and inform the licensee of the licensee's right to request an adjudicatory hearing. If the licensee requests an adjudicatory hearing in a timely manner, the adjudicatory hearing must be held by the licensing board in accordance with Title 5, chapter 375, subchapter 4. If the licensee wishes to appeal the final decision of the licensing board, the licensee shall file a petition for review with the Superior Court within 30 days of receipt of the licensing board's decision. Review under this paragraph must be conducted pursuant to Title 5, chapter 375, subchapter 7. [PL 2025, c. 491, §17 (AMD).]

D. Except in the specific circumstances for which Title 5, section 10004 may be invoked, if the licensing board or its staff concludes that suspension beyond the authority conferred by section 88 and subsection 7 of the license is in order, the licensing board or its staff shall request the Attorney General to file a complaint in the District Court in accordance with Title 4, chapter 5 and the Maine Administrative Procedure Act to commence either full or emergency proceedings. [PL 2025, c. 491, §17 (AMD).]

[PL 2025, c. 491, §17 (AMD).]

5. Grounds for licensing action. A decision to take action against any applicant or licensee pursuant to this chapter or any rules adopted pursuant to this chapter, including, but not limited to, a decision to impose a civil penalty or to refuse to issue or renew a license or to modify, suspend or revoke a license of a person, service or vehicle, may be predicated on the following grounds:

A. Fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued; [PL 1991, c. 588, §19 (AMD).]

B. [PL 2007, c. 274, §22 (RP).]

B-1. The use of any drug, narcotic or substance that is illegal under state or federal law, or to the extent that the licensee's ability to provide emergency medical services or emergency medical dispatch services would be impaired; [PL 2007, c. 274, §23 (NEW).]

B-2. A declaration of or claim pertaining to the licensee of legal incompetence that has not been legally terminated; [PL 2007, c. 274, §24 (NEW).]

B-3. Any condition or impairment within the preceding 3 years, including, but not limited to, substance use disorder or a mental, emotional or nervous disorder or condition, that in any way affects, or if untreated could impair, the licensee's ability to provide emergency medical services or emergency medical dispatch services; [PL 2017, c. 407, Pt. A, §123 (AMD).]

C. [PL 2007, c. 274, §26 (RP).]

D. Aiding or abetting the practice of emergency care by a person not duly licensed under this chapter who purports to be so; [PL 1991, c. 588, §19 (AMD).]

E. Incompetent professional practice as evidenced by:

(1) Demonstrated inability to respond appropriately to a client, patient or the general public; or

(2) Inability to apply principles, skills or knowledge necessary to successfully carry out the practice for which the licensee is licensed; [PL 1991, c. 588, §19 (AMD).]

F. Violation of any reasonable standard of professional behavior, conduct or practice that has been established in the practice for which the licensee is licensed; [PL 1991, c. 588, §19 (AMD).]

G. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement, conviction of a crime that relates directly to the practice for which the licensee is licensed, conviction of a crime for which incarceration for one year or more may be imposed or conviction of a crime defined in Title 17-A, chapter 11, 12 or 45; [PL 2007, c. 274, §27 (AMD).]

H. Any violation of this chapter or any rule adopted by the board or the licensing board; or [PL 2025, c. 491, §17 (AMD).]

I. For other purposes as specified by rules or law. [PL 1987, c. 273, §8 (NEW).]
[PL 2025, c. 491, §17 (AMD).]

6. Notice of action. In any proceeding under this section with regard to an ambulance service owned and operated by a municipality or a private ambulance service with which a municipality contracts for services, if the licensing board or its staff takes further licensing action under subsection 4, the licensing board shall notify in writing the town manager or city manager and the municipal officers of the municipality that owns and operates or contracts with the ambulance service within 5 business days of taking the action.

[PL 2025, c. 491, §17 (AMD).]

7. Authority. In addition to authority otherwise conferred, the licensing board or, as delegated, its staff may, for each violation of applicable laws, rules or conditions of licensure or registration, in

accordance with the procedures established in this section and any rules adopted by the board, take one or more of the following actions:

A. Issue warnings, censures or reprimands to a licensee, deny or refuse to renew a license and suspend or revoke a license. Each warning, censure, reprimand and revocation issued must be based upon violations of different applicable laws, rules or conditions of licensure or must be based upon separate instances of actionable conduct or activity; [PL 2025, c. 491, §17 (NEW).]

B. Suspend a license or registration for up to 90 days for each violation of applicable laws, rules and conditions of licensure or registration or for each 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 record; [PL 2025, c. 491, §17 (NEW).]

C. Impose civil penalties of up to \$1,500 for each violation of applicable laws, rules and conditions of licensure or for each instance of actionable conduct or activity; [PL 2025, c. 491, §17 (NEW).]

D. Impose conditions of probation upon an applicant or licensee. Probation may run for that time period as the licensing board or its staff determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision of the applicant or licensee; and other conditions as the licensing board or its staff determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant or licensee. Failure to comply with the conditions of probation is a ground for disciplinary action against a licensee; [PL 2025, c. 491, §17 (NEW).]

E. 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 applicant or licensee, the licensing board or its staff and the Department of the Attorney General. Any remedy, penalty or fine or cost recovery that is otherwise available by law, even if only in the jurisdiction of the District Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a professional license. 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; or [PL 2025, c. 491, §17 (NEW).]

F. Assess a licensee the costs of investigation and adjudicatory hearings relating to that licensee. [PL 2025, c. 491, §17 (NEW).]

[PL 2025, c. 491, §17 (NEW).]

8. Authority to issue letters of guidance. In addition to authority otherwise conferred, the licensing board or, as delegated, its staff may issue a letter of guidance or concern to an applicant or licensee.

A letter 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 applicant 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, a letter of guidance or concern is not confidential. The licensing board or, as delegated, its staff may place a letter of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or applicant'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 licensing board or its staff in any subsequent action commenced against the applicant or licensee within the specified time frame.

[PL 2025, c. 491, §17 (NEW).]

9. Authority to request mental and physical examinations. For the purposes of this subsection, by application for and acceptance of a license to practice, an emergency medical services person is considered to have given consent to a mental or physical examination when directed by the licensing board. The licensing board may direct an emergency medical services person to submit to a mental examination whenever the licensing board determines the emergency medical services person may be suffering from a mental illness that may be interfering with the competent practice of emergency medical services or from the use of intoxicants or drugs to an extent that they are preventing the emergency medical services person from practicing competently and with safety to patients. The licensing board may direct an emergency medical services person to submit to a physical examination whenever the licensing board determines the emergency medical services person may have diminished physical capabilities to an extent that they are preventing the emergency medical services person from practicing competently and with safety to patients. An emergency medical services person examined pursuant to an order of the licensing board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual in a proceeding under subsection 1. Failure to comply with an order of the licensing board to submit to a mental or physical examination results in the immediate suspension of the license of the emergency medical services person until the emergency medical services person submits to the examination.
[PL 2025, c. 491, §17 (NEW).]

10. Appeals of nondisciplinary actions and refusals to issue. Any person or organization aggrieved by the decision of the staff of the licensing board in taking any nondisciplinary action pursuant to this chapter or rules adopted pursuant to this chapter or in the interpretation of this chapter or rules adopted pursuant to this chapter or in refusing to issue a license may appeal the decision to the licensing board for a final decision. The staff's decision stands until the licensing board issues a decision to uphold, modify or overrule the staff's decision. In the case of nonrenewal, the person or organization must be afforded an opportunity for hearing in accordance with this chapter and the Maine Administrative Procedure Act. A final decision of the licensing board constitutes final agency action appealable pursuant to Title 5, chapter 375, subchapter 7.
[PL 2025, c. 491, §17 (NEW).]

SECTION HISTORY

PL 1987, c. 273, §8 (NEW). PL 1991, c. 588, §19 (AMD). PL 1993, c. 575, §§2,3 (AMD). PL 1993, c. 600, §§A35,36 (AMD). PL 1999, c. 547, §B58 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 229, §§5-8 (AMD). PL 2003, c. 559, §2 (AMD). PL 2007, c. 274, §§22-27 (AMD). PL 2015, c. 6, §3 (AMD). PL 2017, c. 407, Pt. A, §123 (AMD). PL 2023, c. 111, §1 (AMD). PL 2025, c. 491, §17 (AMD).

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