

§8012. Legally protected health care activity

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Aiding and assisting legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 1. [PL 2023, c. 648, Pt. E, §1 (NEW).]

B. "Covered health care practitioner" has the same meaning as "health care practitioner" in Title 24, section 2502, subsection 1-A, except that "covered health care practitioner" does not include a veterinarian. "Covered health care practitioner" also includes persons licensed under:

- (1) Title 32, chapter 18;
- (2) Title 32, chapter 32;
- (3) Title 32, chapter 83;
- (4) Title 32, chapter 117; and
- (5) Title 32, chapter 119. [PL 2023, c. 648, Pt. E, §1 (NEW).]

C. "Legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 8. [PL 2023, c. 648, Pt. E, §1 (NEW).]

D. "Professional discipline" means the issuance of a letter of guidance or concern; a warning, censure or reprimand; a license or registration denial, nonrenewal, suspension or revocation; a civil penalty for violation of applicable laws, rules and conditions of licensure or registration or for instances of actionable conduct or activity; the imposition of conditions of probation upon an applicant, licensee or registrant; or the execution of a consent agreement with the consent of an applicant, licensee or registrant. [PL 2023, c. 648, Pt. E, §1 (NEW).]

[PL 2023, c. 648, Pt. E, §1 (NEW).]

2. Professional discipline prohibited. Notwithstanding any provision of state law to the contrary and except as required by federal law, the commissioner; the Director of the Office of Professional and Occupational Regulation within the department; any agency, bureau, board or commission within or affiliated with the department; and the Department of Health and Human Services may not subject a covered health care practitioner to professional discipline based solely on:

A. The covered health care practitioner's engaging in legally protected health care activity or aiding and assisting legally protected health care activity; [PL 2023, c. 648, Pt. E, §1 (NEW).]

B. A criminal action, civil action or professional discipline action in another state against the covered health care practitioner that is based on the covered health care practitioner engaging in legally protected health care activity or aiding and assisting legally protected health care activity; or [PL 2023, c. 648, Pt. E, §1 (NEW).]

C. Conviction of a crime or any civil judgment or professional discipline in this State or another state against the covered health care practitioner based solely on a violation of another state's law prohibiting legally protected health care activity or aiding and assisting legally protected health care activity. [PL 2023, c. 648, Pt. E, §1 (NEW).]

[PL 2023, c. 648, Pt. E, §1 (NEW).]

3. Confidentiality. Notwithstanding any provision of state law to the contrary and except when public disclosure is authorized by federal law or another state law, the portions of a record of a conviction of a crime in this State or another state, any civil judgment, arbitration award or settlement agreement from this State or another state or professional discipline imposed in this State or another state that are in the possession of the commissioner; the Director of the Office of Professional and Occupational Regulation within the department; any agency, bureau, board or commission within or

affiliated with the department; or, for a licensed electrologist, the Department of Health and Human Services are confidential to the extent that the criminal conviction, civil judgment, arbitration award or settlement agreement or professional discipline is based on the covered health care practitioner's engaging in legally protected health care activity or aiding and assisting legally protected health care activity.

[PL 2023, c. 648, Pt. E, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 648, Pt. E, §1 (NEW).

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