

§18323. Powers and duties of the board

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter: [PL 2015, c. 429, §21 (NEW).]

1. Hearings and procedures.

[PL 2023, c. 17, Pt. P, §10 (RP).]

2. Complaints.

[PL 2023, c. 17, Pt. P, §11 (RP).]

3. Fees.

[PL 2023, c. 17, Pt. P, §12 (RP).]

4. Budget.

[PL 2023, c. 17, Pt. P, §13 (RP).]

5. Adequacy of budget, fees and staffing.

[PL 2023, c. 17, Pt. P, §14 (RP).]

6. Executive director; duties.

[PL 2023, c. 17, Pt. P, §15 (RP).]

7. Authority to delegate.

[PL 2023, c. 17, Pt. P, §16 (RP).]

8. Protocols for professional review committee. The authority to establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired licensee under this chapter from seeking alternative forms of treatment; and [PL 2015, c. 429, §21 (NEW).]

9. Authority to order a mental or physical examination. The authority to direct a licensee, who by virtue of an application for and acceptance of a license to practice under this chapter is considered to have given consent, to submit to an examination whenever the board determines the licensee may be suffering from a mental illness or physical illness that may be interfering with competent practice under this chapter or from the use of intoxicants or drugs to an extent that prevents the licensee from practicing competently and with safety to patients. A licensee examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual. The board may petition the District Court for immediate suspension of a license if the licensee fails to comply with an order of the board to submit to a mental or physical examination pursuant to this subsection. [PL 2015, c. 429, §21 (NEW).]

10. Subpoena authority. In addition to the powers under Title 10, section 8003, subsection 5-A, the power to issue subpoenas in accordance with the terms of Title 5, section 9060, except that the authority applies to any stage of an investigation and is not limited to an adjudicatory proceeding. [PL 2023, c. 17, Pt. P, §17 (NEW).]

11. Assessment of costs. When there is a finding of a violation, the power to assess the licensee for all or part of the actual expenses incurred by the board or its agents for investigations and enforcement duties performed. For the purposes of this subsection, "actual expenses" includes, but is not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record.

The board, as soon as feasible after a finding of a violation, shall give the licensee notice of the assessment. The licensee shall pay the assessment in the time specified by the board, which may not be less than 30 days after notice of the assessment.

[PL 2023, c. 17, Pt. P, §18 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2019, c. 92, §1 (AMD). PL 2023, c. 17, Pt. P, §§10-18 (AMD).

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