

§18325. Disciplinary action; judicial review

1. Disciplinary action. The board may suspend, revoke, refuse to issue or renew a license pursuant to Title 5, section 10004. The following are grounds for an action to refuse to issue, modify, suspend, revoke or refuse to renew the license of a person licensed under this chapter:

- A. The practice of fraud, deceit or misrepresentation in obtaining a license or authority from the board or in connection with services within the scope of the license or authority; [PL 2015, c. 429, §21 (NEW).]
- B. Misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [PL 2015, c. 429, §21 (NEW).]
- C. A professional diagnosis of a mental or physical condition that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [PL 2015, c. 429, §21 (NEW).]
- D. Incompetence in the practice for which the licensee is licensed or authorized by the board. A licensee is considered incompetent in the practice if the licensee has:
 - (1) Engaged in conduct that evidences a lack of ability or fitness to perform the duties owed by the licensee to a client or patient or the general public; or
 - (2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed; [PL 2015, c. 429, §21 (NEW).]
- E. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed or authorized by the board; [PL 2015, c. 429, §21 (NEW).]
- F. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or authorized by the board, or conviction of a crime for which incarceration for one year or more may be imposed; [PL 2015, c. 429, §21 (NEW).]
- G. Engaging in false, misleading or deceptive advertising; [PL 2015, c. 429, §21 (NEW).]
- H. Aiding or abetting unlicensed practice by a person who is not licensed or authorized as required under this chapter; [PL 2015, c. 429, §21 (NEW).]
- I. Failure to provide supervision as required under this chapter or a rule adopted by the board; [PL 2015, c. 429, §21 (NEW).]
- J. Engaging in any activity requiring a license or authority under this chapter or rule adopted by the board that is beyond the scope of acts authorized by the license or authority held; [PL 2015, c. 429, §21 (NEW).]
- K. Continuing to act in a capacity requiring a license or authority under this chapter or a rule adopted by the board after expiration, suspension or revocation of that license or authority; [PL 2015, c. 429, §21 (NEW).]
- L. Noncompliance with an order of or consent agreement executed by the board; [PL 2015, c. 429, §21 (NEW).]
- M. Failure to produce any requested documents in the licensee's possession or under the licensee's control relevant to a pending complaint, proceeding or matter under investigation by the board; [PL 2015, c. 429, §21 (NEW).]

N. Any violation of a requirement imposed pursuant to section 18352; [PL 2015, c. 488, §33 (AMD).]

O. A violation of this chapter or a rule adopted by the board; and [PL 2015, c. 488, §33 (AMD).]

P. Failure to comply with the requirements of Title 22, section 7253. [PL 2015, c. 488, §34 (NEW).]

[PL 2015, c. 488, §§33, 34 (AMD).]

1-A. Authority to file in court. If the board concludes that suspension or revocation of a license is warranted, the board may file a complaint in the District Court in accordance with Title 4, chapter 5. [PL 2017, c. 210, Pt. J, §1 (NEW).]

2. Judicial review. Notwithstanding Title 10, section 8003, subsection 5, any nonconsensual revocation pursuant to Title 10, section 8003, subsection 5 of a license or authority issued by the board may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 and is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2015, c. 488, §§33, 34 (AMD). PL 2017, c. 210, Pt. J, §1 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 129th Maine Legislature and is current through October 1, 2020. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.