

§20141. Investigative committees**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE 1/1/27)**

Separate investigative committees are established within the board with the power and authority to conduct and act upon investigations in accordance with this subchapter. [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

1. Composition. The chair of the board shall divide the membership of the board into 2 investigative committees of 11 members. Each investigative committee must include 3 allopathic physicians, 3 osteopathic physicians, 2 physician associates and 3 public members. The chair or vice-chair of the board shall chair each investigative committee, and each investigative committee may choose an alternate to chair individual meetings in the absence of the chair and vice-chair. Each investigative committee has the power to act as an investigative committee or a hearing panel. [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

2. Powers and duties of investigative committee. An investigative committee of the board has the following powers and duties:

A. The duty to investigate complaints, mandated reports, other reports and licensing matters in a timely fashion regarding potential violation of this chapter or the violation of rules adopted by the board pursuant to its authority; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

B. The power to issue subpoenas for the production of documents and records; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

C. The power to direct that a licensee or applicant for licensure or relicensure undergo a mental or physical examination. An individual examined pursuant to the direction of the committee may not prevent testimony or prevent the acceptance into evidence of a report based on that examination in any proceeding before the committee or board; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

D. The power to dismiss complaints; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

E. The power to dismiss complaints and issue letters of guidance or concern. 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 provision of law to the contrary, a letter of guidance or concern is not confidential. The board 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 board in any subsequent action commenced against the licensee or applicant within the specified time frame. Complaints, reports and investigation materials placed on file are confidential only to the extent that confidentiality is required pursuant to Title 24, chapter 21; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

F. The power to hold an informal conference with a licensee or applicant for licensure or relicensure. The committee shall provide the licensee with adequate notice of the informal conference and the issues to be discussed. The complainant may attend and may be accompanied by up to 2 individuals, including legal counsel. The informal conference must be conducted in executive session of the committee, pursuant to Title 1, section 405, unless otherwise requested by

the licensee. Before the committee decides what action to take at the informal conference or as a result of the informal conference, the committee shall give the complainant a reasonable opportunity to speak. Statements made at the informal conference may not be introduced at a subsequent formal hearing unless all parties consent. The complainant, the licensee and the complainant's and the licensee's representatives, if any, shall maintain the confidentiality of the informal conference; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

G. The power, with the consent of the licensee, to enter into a consent agreement that resolves an investigation and that fixes the period and terms of probation best adapted to protect the public health and safety and rehabilitate or educate the licensee. Consent agreements may be entered into only with the consent of the applicant or licensee, the investigative committee 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 or 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 the board and by an action in Superior Court; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

H. The power to accept a voluntary surrender of a license or privilege, in consideration of which the committee may negotiate stipulations, including terms and conditions for reinstatement, that ensure protection of the public health and safety and serve to rehabilitate or educate the licensee. These stipulations may be set forth only in a consent agreement signed by the board, the licensee and the Office of the Attorney General; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

I. If the committee concludes that modification or nonrenewal of the license is in order, the power to hold an adjudicatory hearing in accordance with Title 5, chapter 375, subchapter 4; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

J. The power to refer the investigation to an adjudicatory hearing before the board or to the Office of the Attorney General to file a complaint in the District Court in accordance with Title 4, chapter 5; and [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

K. The power to conduct adjudicatory hearings referred by the other investigative committee under this section. [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]
[PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

3. Adjudicatory hearings. The following provisions apply to adjudicatory hearings.

A. Adjudicatory hearings must be conducted by an adjudicatory hearing panel composed solely of a subset of board members taken from among one of the 2 investigative committees, with a minimum quorum of 5 members serving as an adjudicatory hearing panel, as long as at least one member serving on an adjudicatory hearing panel holds the same license as a licensee or applicant for licensure whose case is being adjudicated and is present for purposes of a quorum when a decision is made by an adjudicatory hearing panel. A board member may not serve on an adjudicatory hearing panel if the board member participated in the review and investigation of the licensee or applicant for licensure whose case is being adjudicated. [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

B. Adjudicatory hearings held by adjudicatory hearing panels must be conducted consistent with Title 5, chapter 375, subchapter 4. [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

C. A presiding officer shall conduct each board hearing, as determined by the adjudicatory hearing panel or by board rule. [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

D. The board may adopt rules governing its adjudicatory hearings in accordance with section 20113, subsection 1, paragraph S. [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

[PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

SECTION HISTORY

PL 2025, c. 738, Pt. A, §7 (NEW). PL 2025, c. 738, Pt. A, §9 (AFF).

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