

§20144. Disciplinary action; judicial review**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE 1/1/27)**

1. Disciplinary action. The board may suspend or revoke a license or privilege issued by the board pursuant to Title 5, section 10004. In addition to the powers under Title 10, section 8003, subsection 5, the board may suspend, revoke or refuse to issue or renew a license or privilege or impose license or privilege restrictions, conditions and periods of probation based on the following grounds for discipline:

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

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

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

D. Aiding or abetting the practice of medicine or rendering of medical services by an individual who is not licensed under this chapter and who has not been properly delegated the task and who claims to be legally licensed; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

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

F. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior, including engaging in disruptive behavior, that has been established in the practice for which the licensee is licensed. For purposes of this paragraph, "disruptive behavior" means aberrant behavior that interferes with or is likely to interfere with the delivery of care; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

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

H. A violation of this chapter or a rule adopted by the board; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

I. Engaging in false, misleading or deceptive advertising; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

J. Prescribing drugs listed as controlled substances by the United States Department of Justice, Drug Enforcement Administration for other than accepted therapeutic purposes; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

K. Failure to report to the board a physician or physician associate licensed under this chapter or a physician associate privileged under chapter 145-A, in accordance with Title 24, section 2505; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

L. Failure to comply with the requirements of Title 24, section 2905-A; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

M. Revocation, suspension or restriction of a license to practice medicine or other disciplinary action; denial of an application for a license; or surrender of a license to practice medicine following the institution of disciplinary action by another state or a territory of the United States or a foreign country if the conduct resulting in the disciplinary or other action involving the license would, if committed in this State, constitute grounds for discipline under the laws or rules of this State; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

N. Engaging in any activity requiring a license under the governing law of the board that is beyond the scope of acts authorized by the license held; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

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

P. Noncompliance with an order of the board or a consent agreement executed by the board; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

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

R. Failure to timely respond to a complaint notification sent by the board; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

S. Failure to comply with the requirements of Title 22, section 7253; or [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

T. Advertising, offering or administering conversion therapy to a minor. [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).]

2. Judicial review. Notwithstanding any provision of Title 10, section 8003, subsection 5 to the contrary, 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 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

3. Letters of guidance. In addition to the authority conferred under Title 10, section 8003, subsection 5, the board may issue a letter of guidance or concern to a licensee or applicant. 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).]

SECTION HISTORY

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

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