

§20113. Powers and duties**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE 1/1/27)**

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter. [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

1. Powers. The board may:

A. Establish standards of eligibility for examinations for candidates desiring admission to medical practice as physicians or physician associates in this State; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

B. Design or adopt an examination and other suitable criteria for establishing a candidate's knowledge in medicine and its related skills; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

C. License and establish standards of practice for physicians and physician associates practicing medicine or rendering medical services in this State; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

D. Conduct adjudicatory hearings, administer oaths, compel the testimony of witnesses and compel the production of books, records and documents relevant to inquiry pursuant to a subpoena and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

E. Issue subpoenas in accordance with Title 10, section 8003-A and Title 5, section 9060 for the production of documents, records and the testimony of witnesses in the course of an investigation or an adjudicatory hearing. This authority applies to any stage of an investigation and is not limited to an adjudicatory proceeding. During investigation, this power is delegated to investigative committees pursuant to section 20141 or, outside of regular meetings of the investigative committees, to the executive director or, in the executive director's absence, to the assistant executive director; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

F. Engage legal counsel, to be approved by the Attorney General, and investigative assistants of the board's own choosing to advise the board generally and specifically and to represent the board in hearings before the board and in appeals taken from a decision of the board; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

G. Except as provided in paragraph M and subsection 2, paragraph E, employ and prescribe the duties of other personnel as the board determines necessary. Except as prescribed in paragraph M, the appointment and compensation of that staff is subject to the Civil Service Law; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

H. Mandate, conduct and operate, or contract with other agencies, individuals, firms or associations for the conduct and operation of, programs of medical education, including statewide programs of health education for the general public and for the disbursement of funds accumulated through the receipt of licensure fees for this purpose, as long as the funds are not disbursed for this purpose for out-of-state travel, meals or lodging for a physician being educated under this program; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

I. Conduct and operate, or contract with other agencies or nonprofit organizations for the conduct and operation of, a program of financial assistance to medical students indicating an intent to engage in family practice in rural areas of this State, under which the students may be provided with interest-free grants or interest-bearing loans in an amount not to exceed \$5,000 per student per

year on terms and conditions as the board may determine; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

J. Conduct examinations relevant to licensure; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

K. Provide services and carry out functions necessary to fulfill the board's statutory responsibilities; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

L. Set reasonable fees for services such as providing license certifications and verifications, providing copies of board law and rules and providing copies of documents. The board may also set reasonable fees to defray its costs in administering examinations for special purposes that it may from time to time require and for admitting courtesy candidates from other states to its examinations; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

M. Appoint an executive director who serves at the pleasure of the board and who shall assist the board in carrying out its administrative duties and responsibilities under this chapter. The salary range for the executive director must be set by the board within the range established by Title 2, section 6-C; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

N. Direct staff to review and approve applications for licensure or renewal in accordance with criteria established in law or in rules adopted by the board. Licensing decisions made by staff may be appealed to the board or one of its investigative committees pursuant to section 20141; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

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

P. At the direction of the board or one of its investigative committees pursuant to section 20141, order a licensee or applicant for licensure or relicensure to undergo a mental or physical examination. An individual examined pursuant to the direction of the board or one of its investigative committees may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual in any proceeding before the committee or board; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

Q. When there is a finding of a violation, 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 paragraph, "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; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

R. Issue a license limited to the practice of administrative medicine, or any other special license, as defined by rules adopted by the board; and [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

S. Adopt rules as the board determines necessary and proper to carry out this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [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. Duties. The board shall:

A. Investigate complaints in a timely fashion on the board's own motion and those filed with the board regarding the 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. Open investigations following receipt of reports required by law to be filed with the board or other information and reports made to the board regarding a licensee or applicant for licensure; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

C. Keep a record of the names and residences of all individuals licensed under this chapter and a record of all money received and disbursed by the board. Records or duplicates must always be open to inspection in the office of the secretary during regular office hours. The board shall annually make a report to the Commissioner of Professional and Financial Regulation and to the Legislature containing a full and complete account of all its official acts during the preceding year and a statement of its receipts and disbursements and comments or suggestions as the board determines essential; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

D. Submit to the Commissioner of Professional and Financial Regulation the board's budgetary requirements in the same manner as is provided in Title 5, section 1665. The Commissioner of Professional and Financial Regulation shall in turn transmit these requirements to the Bureau of the Budget without revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee; and [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

E. Ensure that the budget submitted by the board to the Commissioner of Professional and Financial Regulation is sufficient, if approved, to provide for adequate legal and investigative personnel on the board's staff and that of the Attorney General to ensure that professional liability complaints described in Title 24, section 2607 and complaints regarding this chapter may be resolved in a timely fashion. The board's staff must include one position staffed by an individual who is primarily a consumer assistant. Within the limit set by this chapter, the board shall charge sufficient licensure fees to finance this budget provision. The board shall submit legislation to request an increase in these fees should they prove inadequate to the provisions of this paragraph. Within the limit of funds provided to it by the board, the Department of the Attorney General shall make available to the board sufficient legal and investigative staff to enable all complaints mentioned in this paragraph to be resolved in a timely fashion. [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. Annual report. Beginning March 1, 2028 and annually thereafter, the board shall submit to the Legislature a report consisting of statistics on the following for the preceding year and in comparison to prior years:

A. The number and type of complaints against licensees received from the public or filed on the board's own motion, in the aggregate and for each type of licensee; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

B. The number and type of complaints dismissed for lack of merit or insufficient evidence of grounds for discipline, in the aggregate and for each type of licensee; [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

C. The number and type of cases in process of investigation or hearing carried over at year-end, in the aggregate and for each type of licensee; and [PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

D. The number and type of disciplinary actions finalized during the report year, in the aggregate and for each type of licensee. [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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