

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND McLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
AT THE
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

CHAPTER 590

AN ACT Relating to Breath-testing Equipment Used Under Implied Consent Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, courts have held that testimony of a representative of the Department of Health and Welfare as to approval may be required to establish the essential elements of a case; and

Whereas, such requirement imposes an unreasonable burden upon law enforcement; and

Whereas, it is important that breath-testing evidence be readily admissible in court; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 29, § 1312, sub-§ 6, amended. The last paragraph of subsection 6 of section 1312 of Title 29 of the Revised Statutes, as repealed and replaced by chapter 547 of the public laws of 1971, is amended by adding 2 new sentences at the end to read as follows:

Approved equipment shall have a stamp of approval affixed by the Department of Health and Welfare. Evidence that such equipment was in a sealed carton bearing said stamp of approval shall be accepted in court as prima facie evidence that such equipment was approved by the Department of Health and Welfare for use by the law enforcement officer to take the sample specimen of the defendant's breath.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 28, 1972

CHAPTER 591

AN ACT Relating to the Board of Registration in Medicine.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 32, c. 48, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 48, to read as follows:

CHAPTER 48
BOARD OF REGISTRATION IN MEDICINE
SUBCHAPTER I
BOARD OF REGISTRATION

§ 3263. Appointment; vacancies; compensation

The Board of Registration in Medicine, as heretofore established, and in this chapter called the "board" shall consist of 6 persons appointed by the Governor with the advice and consent of the Council. They shall be residents in the State, shall be graduates of a legally chartered medical college or university having authority to confer degrees in medicine and shall have been actively engaged in the practice of their profession in the State of Maine for a continuous period of 5 years preceding their appointment to the Board of Registration in Medicine. Two persons, qualified as aforesaid, shall be appointed members of said board on or before the first day of July of every uneven-numbered year, to hold office for 6 years from the first day of July following said appointment. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause by the Governor with the advice and consent of the Council.

Members of said board shall receive annual salaries of \$750 each, except the chairman, who shall receive \$1,000 a year, and the secretary, who shall receive \$5,000. In addition, each member shall receive necessary traveling expenses in attending the meetings of the board and meetings authorized by the board. Extra compensation for each day actually spent in an investigation or prosecution of complaints and cases under this chapter shall be allowed to each member of the board actually engaged therein, in addition to the aforementioned traveling expenses. If the fees to be collected under any of the provisions of this chapter are insufficient to pay the salaries and expenses provided by this section, the members of said board shall be entitled to only a pro rata payment for salary in any years in which such fees are insufficient.

§ 3264. Oath

Each member of said board shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is qualified under the terms of this chapter to hold such office.

§ 3265. Secretary-treasurer; bonding

The secretary-treasurer of the board shall, in addition to taking the oath of office before entering upon the duties thereof, enter into a corporate surety bond in the sum of \$5,000 for the use and benefit of the funds of said board, conditioned that he will faithfully perform the duties of his office and account for all moneys which may come into his hands by virtue thereof. The said bond shall be approved by and deposited with the Secretary of State.

§ 3266. Elections; meetings; seal; expenses

The members of said board shall meet on the 2nd Tuesday of July of the uneven-numbered years at such time and place as they may determine and shall elect a chairman and a secretary who shall hold their respective offices for the term of 2 years. The secretary of said board shall be the treasurer thereof and shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law. The said board shall hold regular meetings, one in March, one in July and one in November of each year, and such additional meetings at such times and places as it may determine. Said board shall cause a seal to be engraved and shall keep a record of all their proceedings.

§ 3267. Quorum

A majority of the members of the board shall constitute a quorum for the transaction of business under this chapter, but a less number may adjourn from time to time until a quorum is present.

§ 3268. Members may administer oaths

Any member of said board shall have the authority to administer oaths, compel the testimony of witnesses and compel the production of books, records and documents relevant to inquiry pursuant to a subpoena issued in accordance with section 3269.

§ 3269. Powers and duties of the board

The board shall have the following powers and duties in addition to all other powers and duties imposed by this chapter:

1. Set standards. The power to set standards of eligibility for examination for candidates desiring admission to medical practice in Maine;
2. Adopt criteria. The power to design or adopt an examination and other suitable criteria for establishing a candidate's knowledge in medicine and its related skills;
3. Licensing and standards. The power to license and register and to set standards of practice for physicians and surgeons practicing medicine in Maine;
4. Hearings and procedure. The power to hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board, and, the board, acting through the secretary, shall have the authority to subpoena witnesses, books, records and documents in hearings before it;
5. Legal representation. The power to engage legal counsel, to be approved by the Attorney General, and investigative assistants of its own choosing to advise the board generally and specifically, to represent the board in any hearings before it and in any appeals taken from a decision of the board;

6. Salary and duties. The power to employ, fix the salary of and prescribe the duties of other personnel as the board shall deem necessary;

7. Rules and regulations. The power to promulgate such rules and regulations as the board may deem necessary and proper to carry out this chapter;

8. Complaints. The duty to investigate complaints on its own motion and those lodged with the board or its representatives regarding the violation of any section of this chapter and the violation of any rules or regulations adopted by the board pursuant to its authority;

9. Open financial records. The duty to keep a record of the names and residences of all persons registered under this chapter and a record of all moneys received and disbursed by said board, and said records or duplicates thereof shall always be open to inspection in the office of the secretary during regular office hours. Said board shall annually, on or before the first day of July in each year, make a report to the Governor containing a full and complete account of all its official acts during the preceding year, and a statement of its receipts and disbursements and such comments or suggestions as it may deem essential.

SUBCHAPTER II

REGISTRATION

§ 3270. Registration required

Unless duly registered and licensed by said board, no person shall practice medicine or surgery or any branch thereof, or hold himself out to practice medicine or surgery or any branch thereof within the State by diagnosing, relieving in any degree or curing, or professing or attempting to diagnose, relieve or cure any human disease, ailment, defect or complaint, whether physical or mental, or of physical and mental origin, by attendance or by advice, or by prescribing or furnishing any drug, medicine, appliance, manipulation, method or any therapeutic agent whatsoever or in any other manner unless otherwise provided by statutes of this State. Any person licensed under chapter 37 may prefix the title "Doctor" or the letters "Dr." to his name, as provided in section 2704, or any chiropractor duly licensed by this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Chiropractor," or any dentist duly licensed by this State may prefix the title "Doctor" or the letters "Dr." to his name or any optometrist duly licensed under the laws of this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Optometrist" or any podiatrist duly licensed under the laws of this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Podiatrist" or "Chiropodist."

Whoever, not being duly registered by said board, practices medicine or surgery or any branch thereof, or holds himself out to practice medicine or surgery or any branch thereof in any of the ways aforesaid, or who uses the title "Doctor" or the letters "Dr." or the letters "M.D." in connection with his name, contrary to this section, shall be punished by a fine of not less than \$100 nor more than \$500 for each offense, or by imprisonment for 3 months, or by both. The prefixing of the title "Doctor" or the letters "Dr." or the

appending of the letters "M.D." by any person to his name or the use of the title of doctor or physician in any way by any person not duly registered as described shall be prima facie evidence that said person is holding himself out to practice medicine or surgery contrary to this section, provided that nothing contained in this section shall prevent any person who has received the doctor's degree from any reputable college or university, other than the degree of "Doctor of Medicine" from prefixing the letters "Dr." to his name, if he is not engaged, and does not engage, in the practice of medicine or surgery or the treatment of any disease or human ailment. Nothing in this chapter shall be so construed as to affect or prevent the practice of the religious tenets of any church in the ministrations to the sick or suffering by mental or spiritual means.

§ 3271. Qualifications; fee

Any graduate of a medical school in the United States or Canada designated as accredited by the American Medical Association and the Association of American Medical Colleges, or any foreign medical school graduate who is either a citizen of the United States or has been admitted to the United States for permanent residence as an immigrant and has been evaluated by the Educational Council for Foreign Medical Graduates and is a recipient of its permanent certificate, and who has served an internship for at least 12 months or its equivalent in an educational program approved by the American Medical Association or the Medical Council of Canada, upon payment of a fee of \$125, shall be entitled to examination, and if found qualified by a majority of the members of the board, shall be registered as a physician or surgeon in the State of Maine.

Each of the applicants must be 20 years of age and of good moral character. The board at its discretion may permit an applicant who is otherwise qualified to be examined during his internship, the certificate of licensure to be withheld until the successful completion of his internship.

§ 3272. Examinations

The board shall examine all such applicants for registration as a licensed physician or surgeon. Each applicant shall, at least 60 days before the date of his examination, present to the secretary of the board an application under oath or affirmation containing satisfactory proof that said applicant is a graduate of an accredited medical school of the United States or Canada, or a graduate of any foreign medical school qualified in accordance with the provisions of section 3271. Applicants shall be examined in whole or part in writing and shall be thorough in such subjects as the board may deem necessary.

§ 3273. Reexamination

Any applicant who fails the examination may be reexamined by the board upon payment of a fee of \$100.

§ 3274. Certificates

Each physician registered under this chapter shall, following registration, receive a certificate thereof under the seal of the board and signed by the chairman and secretary, which must be publicly displayed at the person's

principal place of practice, as long as said person continues the practice of medicine.

§ 3275. Licensure by reciprocity

The board may, at its discretion, grant licensure without examination to a physician in good standing who has been examined and licensed by a board of another state or who has been examined and certified by the National Board of Medical Examiners, provided the examination passed by the applicant is deemed by the board to have been equivalent in all essentials to its own examination and provided that such applicant has paid a fee of \$100 and has satisfied the educational and other qualifications provided in this chapter. The board may make such rules and regulations as may be necessary in connection with this section.

§ 3276. Temporary registrations; state hospitals

In the case of physicians assigned to junior positions in state hospitals, caring for tubercular and mental patients, the requirements of sections 3270 to 3275 may be waived by the board and temporary registration may be granted, limited to practice in state institutions under the Department of Mental Health and Corrections, for periods of one year, which may be renewed at the discretion of the board, upon recommendation of the superintendent of such institution, except that such waiver and temporary registration may not be granted after December 31, 1974.

§ 3277. Camp physicians

Any physician, a graduate of an accredited medical school or university or a foreign medical school graduate, who holds a permanent certificate from the Educational Council for Foreign Medical Graduates, and who is of good repute may, at the discretion of the board, make application for a temporary license to practice as camp physician so that he may care for the campers in that particular camp for which he was hired and obtained as a camp physician. He shall be entitled to practice only on patients in said camp. The certificate of licensure shall be obtained each year. Application for this temporary certificate shall be made in the same form and manner as for regular licensure. No examination shall be exacted from applicants for these temporary licenses. The fee shall be \$25 annually, which shall include registration and certificate.

§ 3278. Locum tenens

Any physician, a graduate of an accredited medical school or university or foreign medical school graduate who holds a permanent certificate from the Educational Council for Foreign Medical Graduates and who is of good repute may, at the discretion of the board, be given a temporary license to be effective for not more than 6 months after issuance for the purpose of permitting such physician to serve as "locum tenens" for some other physician who is then licensed to practice medicine in this State and whose own license is not temporary or limited under any of the provisions of this chapter, provided that such Maine physician is either unable because of illness to maintain his practice or because of his absence from the general locus of such practice or for other reasons deemed sufficient by the board.

§ 3279. Interns; residents; visiting instructors

Any physician who is qualified under section 3271 may be licensed by the board as an intern for no longer than a period of 24 months.

Any physician who is qualified under section 3271 may be licensed by the board as a hospital resident.

The board at its discretion may waive the requirement of the Education Council for Foreign Medical Graduates of section 3271 for no longer than one year in granting temporary educational certificates to interns or residents.

A temporary educational certificate in each of the above classifications may be obtained each year from the board and the certificate shall be issued in the name of the applicant. A certificate to a hospital resident may be renewed annually at the discretion of the board for not more than 5 years. The annual fee for an intern shall be \$1 and for a hospital resident shall be \$10. No examination shall be required for applicants for these temporary educational certificates. Physicians licensed under this section shall have all the rights granted to physicians who have been licensed to practice medicine and surgery, except that their practice shall be limited to the training programs connected with the hospital or hospitals.

A physician who has a full professional license to practice medicine or surgery issued in another state may practice in this State as if he were licensed in this State, where he is performing medical procedures as part of a course of instruction in graduate medical education in a hospital in this State.

A certificate, issued under this section or the right of any visiting medical instructor to practice without examination in this State, may be revoked for any one of the reasons stated in section 3282, and in addition thereto if any intern or hospital resident violates the limitations placed upon his temporary education certificate or in the case of the visiting medical instructor who performs medical procedures which are not a part of a course of instruction as provided in this section, the temporary educational certificate or the right of the visiting medical instructor may be revoked in accordance with the procedures set forth in this chapter.

§ 3280. Biennial reregistration; fees

On or before the first day of July, 1966, and on or before the first day of July of every even-numbered year thereafter, every physician licensed under this chapter shall register with the Board of Registration in Medicine on forms provided by said board. The registration fee shall be \$5 for residents of this State and \$10 for nonresidents. This section shall not apply to interns or residents registered under section 3279 nor shall it apply to those holding temporary certificates for practice in hospitals or camps as provided in sections 3276 and 3277. Said registration fees provided for under this section shall not be required of any physician who is 70 years of age on the first day of July of the year for which reregistration is made, although the requirement of reregistration as provided for shall apply without regard to age.

At least 60 days before July 1st of every even-numbered year thereafter the board shall mail to each licensee at his last known office address a notice

of requirement of reregistration with appropriate forms therefor. Whenever a licensee fails to reregister within the time required, it shall be the duty of the board to notify such licensee at his last known office address that his reregistration is past due. Thirty days after such notice has been sent, if reregistration has still not been made, the board shall notify said licensee by registered mail, return receipt requested, with instructions to deliver to addressee only, that his license has been suspended for 30 days, at the end of which period, if reregistration has still not been made, the board shall summarily revoke said license and shall not restore same except after hearing and upon the following conditions: The licensee shall show cause why he failed to reregister and pay to said board \$10 for each biennial period that he is in arrears.

§ 3281. Withdrawal of registration

The holder of a license or temporary license who notifies the board in writing of the withdrawal of his registration is not required to pay registration fees or penalties beyond those due at the time of his withdrawal, but after a holder gives such notice, his license to practice is not valid until reinstated by the board.

An applicant for reinstatement is entitled to be reinstated upon paying a reinstatement fee of \$10 and satisfying the board that he has paid all fees and penalties due at the time of his withdrawal, and no cause exists for revoking or suspending his license, and he has applied within 5 years after his withdrawal, or was in active practice outside this State within one year prior to the filing of application for reinstatement.

§ 3282. Complaints; allegations; grounds for investigation and hearing

The following complaints or allegations, after investigation, shall be grounds for convening of the board in order to hear the same and allow the accused to respond, and shall be considered grounds for suspension or revocation of a license:

1. Convictions. Conviction in this State or another state or in a federal court of felony or of a crime involving moral turpitude;
2. Fraud. Fraud in the procurement of a license or certificate under this chapter;
3. Unprofessional conduct. Unprofessional conduct, including, but not limited to the following:
 - A. Procuring, aiding or abetting a criminal operation or abortion;
 - B. Advertising in any manner considered by the board to be deceptive or unethical;
 - C. The obtaining of any fee or offering to accept any fee, present or other form of remuneration whatsoever, on the assurance or promise that a manifestly incurable disease can or will be cured;

- D. Willfully betraying a professional secret to the detriment of the patient;
- E. Habitual intemperance in the use of alcohol or the habitual use of narcotic or hypnotic drugs;
- F. Mental illness interfering with the competent practice of medicine;
- G. Dishonorable or immoral conduct that tends to discredit the medical profession;
- H. Conduct unbecoming a person licensed to practice medicine or detrimental to the best interest of the public health or safety;
- I. Gross or repeated malpractice;
- J. Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine, except as the same may be necessary for accepted therapeutic purposes;
- K. Refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease, injury, ailment or infirmity;
- L. Prescribing narcotic or hypnotic drugs or both for other than accepted therapeutic purposes;
- M. Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or cannabis; the judgment of conviction, unless pending upon appeal, shall be conclusive evidence of such unprofessional conduct;
- N. Failure to report to the secretary of the board treatment of a physician licensed under this chapter for addiction to alcohol or drugs or for mental illness in accordance with the provisions of section 3285.

§ 3283. Investigation; hearings; appeal

The board, on its own motion or upon complaint made to it or its secretary, shall order investigation of all complaints and all allegations of non-compliance with or violations of this chapter relating to the registration and activities of physicians and surgeons. Upon completion of investigation by the secretary, its legal counsel or their agents, all information gathered shall be presented to a judiciary committee consisting of at least 3 board members. The judiciary committee may, by a majority vote, recommend that a hearing before the full board be held. In the absence of this recommendation, all information gathered and presented to the judiciary committee will be filed.

Upon recommendation of the judiciary committee, the board shall meet at the next mutually convenient time and place and accord the accused practitioner a full hearing on the complaint or allegations against him. Notice of

time and place of hearing, accompanied by a written notice of the complaint or allegations, shall be served upon the accused practitioner either personally by the secretary or his agent or by registered mail, return receipt requested, sent to the last known business address of the accused, which he registered with the board, at least 20 days before the date of hearing. Affidavit by the secretary or his agent of personal service, a signed return receipt or refusal to accept the registered notice shall constitute due return of service. The accused may submit a written answer to the complaint or allegations summarized in the notice at least 10 days before the hearing at the office of the secretary. Failure to submit such written answer shall have the effect of a denial of the complaint or allegations and shall work no disability on the accused practitioner at the hearing. Failure of accused practitioner to appear at the hearing, either in person or represented by legal counsel, shall be grounds for a finding of admission by the accused of any and all complaints or allegations against him and shall empower the board to take disciplinary action, after hearing, as is provided in section 3284.

The accused shall have the right to present evidence, subpoena and present witnesses, books, records and documents, challenge and cross-examine same and be represented by legal counsel. All subpoenas shall issue through a Justice of the Peace upon notice to same by the accused practitioner stating name, location, and, in the case of subjects other than persons, the custody of subjects of the subpoenas.

The board has the right to prosecute its case through its private legal counsel, to present evidence, subpoena and present witnesses, books, records and documents and challenge and cross-examine same.

The board shall furthermore have the duty to provide for the recordation and transcription of all testimony taken and the preservation of all evidence presented at the hearing. A certified copy of the transcript will be provided to the accused practitioner for purposes of information or appeal only if the accused practitioner deposits a sum equal to \$1 per page with the secretary before receiving the said certified copy.

The accused shall have the right to appeal from a final determination by the board to the Superior Court. The board shall have legal counsel present at all hearings to advise the board on legal rulings.

§ 3284. Disciplinary action; notice, appeal

The board after a full hearing is empowered to take the following disciplinary action against an accused practitioner by a vote of the majority of the members of the board:

1. Revocation. Revocation of license;
2. Suspension. Suspension of license for a certain period of time;
3. Probation. Probation for a certain period of time during which the accused practitioner must file periodic affidavits of his practice in conformity with the standards set by the board;

4. Censure. Censure to issue in the form of a letter of censure.

A notice of any action taken by the board adverse to the accused practitioner, including notice of revocation or suspension, a notice of probation or a letter of censure shall be filed in the office of the secretary and shall be open to public inspection. Upon revocation or suspension of license by said board, the disciplined practitioner shall deliver up his certificate to the secretary within 10 calendar days after the board's decision. The disciplined practitioner whose certificate has been revoked or suspended under this section, may within 10 days, after decision, file a petition in the Superior Court in the county where he resides or in Kennebec County to review the order of revocation or suspension by the board. Revocation or suspension of the practitioner's license may be stayed pending determination of the Superior Court only if petitioner can show cause why said revocation or suspension should be stayed. Petitioner shall be entitled to an immediate hearing and decision before the Superior Court upon filing a request for a stay of revocation or suspension of his license pending appeal.

§ 3285. Public hearings

All hearings under sections 3283 and 3284 shall be open to the public.

§ 3286. Emergency action

Notwithstanding any other provision of this chapter, if any person licensed under this chapter treats another person licensed under this chapter for addiction to alcohol or drugs in any form or for mental illness, said practitioner shall report the treatment and the name of the treated licensed patient to the secretary on the next regular working day. Disclosure of this information shall be deemed not to be a violation of any common or statutory law of physician and patient privilege and shall give rise not to cause of action, either civilly or criminally, unless done maliciously.

Failure to report shall be grounds for a suspension of license to practice for up to 6 months.

Upon its own motion or upon complaint, the board shall, in the interests of public health, safety and welfare, treat as an emergency any complaint or allegation that a person licensed under this chapter is or may be unable to practice medicine with reasonable skill and safety to patients by reason of mental illness, alcohol intemperance, excessive use of drugs, narcotics or as a result of any mental or physical condition interfering with the competent practice of medicine. In enforcing this paragraph the board shall have authority to compel a physician to submit to a mental or physical examination by physicians designated by it. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a final order of disciplinary action may be entered without the taking of testimony or presentation of evidence. A physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

For the purpose of this section, every physician licensed under this chapter who shall accept the privilege to practice medicine in this State shall, by so

practicing or by the making and filing of biennial registration to practice medicine in this State, be deemed to have given his consent to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.

Injunctions shall issue forthwith to enjoin the practice of medicine by any person licensed to practice under this chapter when such person's continued practice will or might cause irreparable damage to the public health or safety prior to the time proceedings under this chapter could be instituted and completed. In a petition for injunction pursuant to this section, there shall be set forth with particularity the facts which make it appear that irreparable damage to the public health or safety will or well might occur prior to the time proceedings under this chapter could be instituted and completed. Such petition shall be filed in the name of the board on behalf of the State of Maine.

§ 3287. Reinstatement on board's own motion

At any time after a license or certificate has been revoked, suspended or the holder of same has been placed on probation as provided, the board, upon its own motion and of its own authority and right, may consider such revocation, suspension or probation for any reason deemed by it to be sufficient and may in its discretion reinstate the license of such person or remove such person from probationary status, provided that the application of this section may be applied in the best interest of the public health and safety.

§ 3288. Reinstatement on application of person whose license is suspended or revoked

At any time after the expiration of 12 months from the date the license of any person to practice medicine or surgery has been revoked, or at any time after the expiration of $\frac{1}{2}$ the term of the suspension but in no case less than 6 months from the date the license of any person to practice medicine or surgery has been suspended for a definite period of time, such person whose license has been revoked or suspended may file his application with the secretary of such board together with an application fee of \$25 to reinstate his license. The application shall be assigned for hearing at the next regular meeting of the board following the filing thereof and the board shall have the authority and right to reconsider such revocation or suspension, in its discretion, and for such causes and reasons deemed by it sufficient and for the best interests of the medical profession and the citizens of this State, may reinstate the license of the applicant and issue the order therefor.

§ 3289. Record of reinstatement

Upon the reinstatement of any such license by the board, either upon its own motion or upon application, the secretary of the board shall forthwith enter the order of reinstatement in the minutes and records of the board.

SUBCHAPTER III
GENERAL PROVISIONS

§ 3290. Records of proceedings and orders of proceedings

In any proceeding under this chapter, neither the record of proceedings nor the orders entered by the board shall be used against the physician in any other proceeding.

§ 3291. Immunity of licensee rendering emergency care

No physician licensed under this chapter who in the exercise of due care renders emergency care at the scene of an accident shall be liable for any civil damages as a result of acts or omissions by such a person in rendering emergency care.

§ 3292. Treatment of minors

Any person licensed under this chapter who, in the exercise of due care, renders medical care to a minor for treatment of venereal disease or of problems associated with the abuse of drugs is under no obligation to obtain the consent of a parent or a guardian, as applicable, or to inform such parent or guardian of such treatment. The licensed person rendering medical care to a minor for treatment of problems associated with the abuse of drugs may, at his discretion, within 48 hours from the initiation of treatment notify, or obtain consent from, the parent or guardian of such minor, as applicable, with respect to continuing treatments.

§ 3293. Review committees

Any physician licensed under this chapter shall not be liable for civil damages as a result of his acts, omissions or decisions in connection with his duties on a utilization review committee or peer review committee.

§ 3294. Jurisdiction

The jurisdiction conferred under this chapter shall be original and concurrent with the jurisdiction conferred under the Administrative Code, Title 5, sections 2301 to 2452, providing for disciplinary action as defined in section 3284 and on the grounds as provided in section 3282. There shall be no right of removal by an accused practitioner after a complaint has been filed, except that prior to hearing an accused practitioner shall have the right of removal at least 10 days before the hearing and the case thereafter shall be heard under said Administrative Code.

Sec. 2. R. S., T. 32, c. 47, repealed. Chapter 47 of Title 32 of the Revised Statutes, as amended, is repealed.