

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-782)
109TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1642, L.D. 1751, Bill,
"AN ACT to Eliminate the Requirement for Certain Adjudicatory
Proceedings before the Board of Registration in Medicine."

Amend the bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 32 MRSA §3282, first ¶, as last amended by
PL 1977, c. 694, §610, is repealed and the following enacted
in its place:

When any of the following grounds are established, the
Administrative Court may revoke or suspend a license or the
board may place a licensee on probation, censure him or refuse
to renew a license:

Sec. 2. 32 MRSA §3283, as repealed and replaced by PL
1977, c. 694, §611, is repealed and the following enacted in
its place:

§3283. Disciplinary action

1. Investigation and report. The board, on its own mo-
tion or on complaint made to it or its secretary, shall order
investigation of all complaints and all allegations of noncom-
pliance with or violations of this chapter relating to physicians
and surgeons. The investigator, on completion of investigation,
shall report his findings to the board.

2. Board action. After receiving and considering the
investigatory report, the board may:

- A. File a complaint in the Administrative Court for suspension or revocation, in accordance with Title 4, chapter 25; or
 - B. Hold a hearing, which shall be an "adjudicatory proceeding" and shall be conducted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. After the hearing the board may censure the licensee, place him on probation or file a complaint under paragraph A.
3. Probation. The board may order a licensee placed on probation to file periodic affidavits of his practice in accordance with the board's standards.
4. Notice of adverse action. A notice of any action taken by the board adverse to an accused, including filing a complaint, shall be filed in the office of the secretary and shall be open to public inspection.'

Statement of Fact

This amendment allows the Board of Registration in Medicine to continue to hold hearings and censure or place on probation a physician or surgeon. It eliminates the present mandatory hearing before the board before it may file a complaint in the Administrative Court for suspension or revocation of a licens