

Public Release of Information:

With limited exceptions:

The complaint process is confidential and should not be made part of the patient's medical record.

If the complaint is dismissed, information that there was a complaint and its dismissal is only publicly available from the Board upon request.

If a Letter of Guidance is issued it remains in the licensee's file for up to 10 years and is available to the public upon request.

If a disciplinary action was taken a press release is issued and the disciplinary document is posted on the website.

Do's and Don'ts:

- DO respond within 30 days
- DO provide a complete, factual, straightforward response.
- DO provide any records or other information requested with your response.
- DO attempt to answer all the concerns voiced in the complaint.
- DO speak with an attorney if you have legal questions.
- DO check the Board website if you have questions about Rules or Statutes.
- DO NOT speak with Board members .
- DO NOT ignore a complaint.
- DO NOT wait until the last minute and request an extension.
- DO NOT withhold facts or records.

If you have questions or suggestions, please contact Dennis Smith at (207) 287-3605 or Elena Crowley at (207) 287-3625. They would be happy to speak with you.

Complaint Review:

In order to maintain confidentiality the Board conducts its review of a complaint in executive session. However, the law, with some exceptions, allows most complainants, licensees who are the subject of a complaint, and/or their attorneys to be present and observe the Board's review of a complaint.

The agenda for each Board meeting will be posted on the Board's web site at least 6 days prior to the meeting. The complaints for review appear on each agenda under their respective complaint (CR) numbers. To learn which complaints will be discussed, go to: www.maine.gov/md. If you do not have internet access, you may contact the Board at (207) 287-3601.

If you would like to attend, prior notification to the Board staff is strongly suggested. Please be sure to appear at the Board's office and sign in no later than 9:00 a.m. on the day of the meeting. If you are late, the Board may have already reviewed the complaint.

Please remember that the law allows you to be present and listen to the Board's discussion, but does not permit you to participate. Anyone attempting to intervene or otherwise disrupt the Board's review and/or discussion will be asked to leave.

Board of Licensure in Medicine

137 State House Station, Augusta ME 04333

Phone (207) 287-3601 Fax (207) 287-6590

TTY users call Maine relay 711

<http://www.maine.gov/md>

Licensee's Guide to the Complaint Process



Maine Board of Licensure in Medicine

*"For the protection of the health,
safety and welfare of the public"*

<http://www.maine.gov/md>

Board Duties:

Maine law states that physicians and physician assistants must be licensed to practice medicine in our State. Through licensure, the State ensures that all practitioners have an appropriate level of education and training and that they abide by recognized standards of professional conduct.

As part of the Board's duties it evaluates licensee performance and must, by law, investigate all complaints and reports. Complaints and reports are received from:

- Patients / Family Members / Concerned Citizens
- Licensees and Other Professionals
- Hospitals
- Federation of State Medical Boards
- National Practitioner DataBank
- Federal or State Agencies
- Malpractice Carriers

Certain reports from licensees and hospitals are mandated under 24 M.R.S.A. 2505 - 2506.

When the Board receives such a report it starts an investigation and determines if a complaint should be issued. Normally the licensee is not formally notified unless the Board issues a complaint. If no complaint is issued then the investigation is closed.

Complaint Process:

Upon receipt of a complaint, the Board sends a copy of the complaint to the licensee. (Per statute the Board has 60 days to notice the licensee.) The licensee has 30 days to respond in writing. A copy of this response is provided to

Complaint Process (cont):

the complainant. If you believe doing so would seriously jeopardize the patient's health, please contact Board staff for instructions.

The complaint, response, and investigative materials are generally reviewed by the Board about 4 weeks after receipt of your response.

Based on its review the Board determines if possible grounds for disciplinary action exist.

- If no, the complaint is dismissed or dismissed with a Letter of Guidance (LOG). LOGs allow the Board to express concern or guidance intended to improve professional performance and possibly prevent further complaints before the Board. LOGs are **not** disciplinary.
- If yes, the complaint remains open pending further Board action, such as:

Further investigation:

Normally takes 3 to 9 months. The Board completes the investigation as quickly as possible.

Informal Conference:

When the Board has questions after reviewing the complaint it may request an Informal Conference with the licensee. This is a chance for the Board to have a discussion with both the complainant and the licensee.

Licensees are welcome to have an attorney present, but the Conference is informal and the Board expects to engage with the licensee, not the attorney.

Complaint Process (cont):

Adjudicatory Hearing:

If the Board determines there may be grounds for discipline it may order an Adjudicatory Hearing. If an Adjudicatory Hearing is ordered, the Board strongly recommends that the licensee:

consult with an attorney.

- The Licensee and complainant are notified of the Board's action in writing.

Some Grounds for Discipline:

- Fraud or deceit in obtaining a license
- Habitual Substance Abuse
- Sexual Misconduct
- Incompetence or Unprofessional Conduct
- Conviction of a Crime
- Violation of Law, Rule, or Board Order
- Inappropriate Prescribing
- Disciplinary action by another state
- Failure to report an impaired physician

Disciplinary Actions include:

warning; reprimand; censure; fine(s); cost of hearing; education; probation with conditions; suspension; revocation or modification of license.

Confidentiality:

With limited exceptions, Maine law makes complaints and investigative records confidential (not accessible to the general public) during the pendency of an investigation. In addition, the law makes patient/client treatment records confidential.