

Chapter 4: RULES FOR THE ISSUANCE OF CITATIONS

SUMMARY: Chapter 4 lists the violations for which a citation and administrative fine may be issued, describes the licensee's right to request a hearing, and describes the time and manner in which the fine must be paid. Section 2 specifies the Board may issue a complaint charging unprofessional conduct and states that administrative fines are not reportable to any databanks.

SECTION 1**1. List of Violations**

Board staff may issue citations for:

- A. Failure to report the existence of an outstanding complaint before the Maine Board of Licensure in Medicine against the applicant on a license application, license renewal application, or other document provided to the Board.
- B. Failure to provide a response to the notice of a complaint within the statutorily specified 30 days from notice or within the timeframe specified by issuance of an extension of response as granted by Board staff.
- C. Failure to answer accurately any question on any Board of Licensure in Medicine application.
- D. Failure to submit a complete application for licensure within 14 days from issuance of an emergency license, unless a waiver has been granted.
- E. Failure to meet Continuing Medical Education (CME) requirements at license renewal as confirmed by random audit.

2. Fine Amount

The administrative fine for each violation is \$200.00.

3. Service of Citation

The citation may be served on the licensee/applicant by mail sent from the Board office.

4. Right to Hearing

The citation shall inform the licensee/applicant that the licensee/applicant may pay the administrative fine or may request a hearing before the Board regarding the violation. If the licensee/applicant requests a hearing, the citation shall be processed in the same manner as a complaint pursuant to 32 M.R.S. §3282-A, except that the licensee/applicant's

written response to the citation must be filed at the same time as the written request for hearing.

5. Time for Payment or Request for Hearing

The licensee/applicant shall either pay the administrative fine within 30 days or request a hearing in writing within 30 days following issuance of the citation. Failure to take either action within this 30-day period is a violation of the Board's rules that may subject the licensee to further disciplinary action by the Board for unprofessional conduct, including but not limited to an additional fine and action against the license.

6. Administrative Process

- A. If a citation is issued, any pending applications will not be processed further until the administrative fine is received by the Board or the Board takes final action regarding the citation following an adjudicatory hearing. After receipt of the administrative fine the application will be re-placed in processing order. The application will be processed further, subject to all regular reviews and processes.
- B. If a citation is issued relating to a complaint investigation, any pending investigative process will continue unabated, including presenting the complaint information at the next Board meeting, absent the complainant's response, for adjudication.

SECTION 2

1. Filing a Complaint

Nothing in this chapter shall prohibit the Board from issuing a complaint pursuant to 32 M.R.S. §3282-A in addition to a citation for a violation listed in this chapter. In case of failure to file a permanent application for licensure after the issuance of a citation, a complaint may be filed charging unprofessional conduct in addition to the citation.

2. Citation Violations Not Reportable

Administrative fines paid solely in response to citations issued pursuant to this chapter do not constitute discipline or negative action or finding and shall not be reported to the Federation of State Medical Boards, the National Practitioner Databank, or to any other person, organization, or regulatory body except as allowed by law. Citation violations and administrative fines paid are public records within the meaning of 1 M.R.S. §402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. §408.

STATUTORY AUTHORITY: 10 M.R.S. §8003-E; 32 M.R.S. §3269(7)

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