

§3269. Powers and duties of the board

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter: [PL 1993, c. 600, Pt. A, §202 (AMD).]

1. Set standards. The power to set standards of eligibility for examination for candidates desiring admission to medical practice in Maine; [PL 1971, c. 591, §1 (NEW).]

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; [PL 1971, c. 591, §1 (NEW).]

3. Licensing and standards. The power to license and to set standards of practice for physicians and surgeons practicing medicine in Maine; [PL 1993, c. 600, Pt. A, §202 (AMD).]

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, has the authority to subpoena witnesses, books, records and documents in hearings before it; [PL 1993, c. 600, Pt. A, §202 (AMD).]

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 hearings before it and in appeals taken from a decision of the board; [PL 1993, c. 600, Pt. A, §202 (AMD).]

6. Salary and duties. Except as provided in subsections 15 and 16, the power to employ and prescribe the duties of other personnel as the board determines necessary. Except as prescribed in subsection 15, the appointment and compensation of that staff is subject to the Civil Service Law; [PL 1993, c. 600, Pt. A, §202 (AMD).]

7. Rules. The power to adopt rules as the board determines necessary and proper to carry out this chapter; [PL 1993, c. 600, Pt. A, §202 (AMD).]

8. Complaints. The duty to investigate complaints in a timely fashion on its own motion and those lodged with the board or its representatives regarding the violation of a section of this chapter and the violation of rules adopted by the board pursuant to its authority; [PL 1993, c. 600, Pt. A, §202 (AMD).]

8-A. Report. By March 1st of each year, the board shall submit to the Legislature a report consisting of statistics on the following for the preceding year:

A. The number of complaints against licensees received from the public or filed on the board's own motion; [PL 1989, c. 462, §11 (NEW).]

B. The number of complaints dismissed for lack of merit or insufficient evidence of grounds for discipline; [PL 1989, c. 462, §11 (NEW).]

C. The number of cases in process of investigation or hearing carried over at year end; and [PL 1989, c. 462, §11 (NEW).]

D. The number of disciplinary actions finalized during the report year as tabulated and categorized by the annual statistical summary of the Physician Data Base of the Federation of State Medical Boards of the United States, Inc.; [PL 1993, c. 600, Pt. A, §202 (AMD).]
[PL 1993, c. 600, Pt. A, §202 (AMD).]

9. Open financial records. The duty to 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, and 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 1993, c. 600, Pt. A, §202 (AMD).]

10. Powers. The power to 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 to disburse funds accumulated through the receipt of licensure fees for this purpose, provided that funds may not be disbursed for this purpose for out-of-state travel, meals or lodging for a physician being educated under this program. The power to 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 Maine, under which program 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.

Notwithstanding any other provision of this subsection, if the board contracts with the Commissioner of Education to provide funds for the costs of positions for which the State has contracted at the University of Vermont College of Medicine, or the Tufts University School of Medicine, the terms of the contract between the board and the commissioner must be in accordance with the requirements of Title 20-A, chapter 421;

[PL 1993, c. 600, Pt. A, §202 (AMD).]

11. Conduct examinations. The power to conduct examinations in medicine;

[PL 1993, c. 600, Pt. A, §202 (AMD).]

12. Other services and functions. The power to provide services and carry out functions necessary to fulfill the board's statutory responsibilities. The board may set reasonable fees for services such as providing license certification and verifications, providing copies of board law and rules, and providing copies of documents. The board may also set reasonable fees to defray its cost 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 1991, c. 425, §11 (AMD).]

13. Liaison; limitation.

[PL 1995, c. 462, Pt. B, §6 (RP).]

14. Budget. The duty to submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner 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;

[PL 1995, c. 462, Pt. B, §7 (RPR).]

15. Adequacy of budget, fees and staffing. The duty to 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 a section of this chapter can be resolved in a timely fashion. The board's staff must include one position staffed by an individual who is primarily a consumer assistant. The functions and expense of the consumer assistant position must be shared on a pro rata basis with the Board of

Osteopathic Licensure. Within the limit set by section 3279, 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 subsection.

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 consumer complaints mentioned in this subsection to be resolved in a timely fashion;

[PL 2001, c. 260, Pt. H, §1 (AMD).]

16. Executive director. The power to 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; and

[PL 2001, c. 260, Pt. H, §2 (AMD).]

17. Approval of licenses. The power to 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 full board.

[PL 2001, c. 260, Pt. H, §3 (NEW).]

The Commissioner of Professional and Financial Regulation acts as a liaison between the board and the Governor. [PL 1995, c. 462, Pt. B, §8 (NEW).]

The Commissioner of Professional and Financial Regulation does not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter. [PL 1995, c. 462, Pt. B, §8 (NEW).]

SECTION HISTORY

PL 1971, c. 591, §1 (NEW). PL 1975, c. 404, §1 (AMD). PL 1975, c. 504 (AMD). PL 1977, c. 388, §2 (AMD). PL 1977, c. 451 (AMD). PL 1977, c. 604, §§28,29 (AMD). PL 1979, c. 345, §1 (AMD). PL 1981, c. 239 (AMD). PL 1985, c. 748, §42 (AMD). PL 1985, c. 804, §§19,22 (AMD). PL 1987, c. 178, §§2,3 (AMD). PL 1989, c. 462, §§10-12 (AMD). PL 1989, c. 700, §A147 (AMD). PL 1991, c. 425, §11 (AMD). PL 1993, c. 600, §A202 (AMD). PL 1993, c. 659, §§B14,15 (AMD). PL 1995, c. 462, §§B6-8 (AMD). PL 1997, c. 680, §C2 (AMD). PL 2001, c. 260, §§H1-3 (AMD).

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