

§18325. Disciplinary action; judicial review

1. Disciplinary action. In addition to the powers under Title 10, section 8003, subsection 5-A, the board may suspend, revoke or refuse to issue or renew a license pursuant to Title 5, section 10004. The following are grounds for an action to refuse to issue, modify, suspend, revoke or refuse to renew the license of a person licensed under this chapter:

- A. The practice of fraud, deceit or misrepresentation in obtaining a license or authority from the board or in connection with services within the scope of the license or authority; [PL 2015, c. 429, §21 (NEW).]
- B. Misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [PL 2015, c. 429, §21 (NEW).]
- C. A professional diagnosis of a mental or physical condition that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [PL 2015, c. 429, §21 (NEW).]
- D. Incompetence in the practice for which the licensee is licensed or authorized by the board. A licensee is considered incompetent in the practice if the licensee has:
 - (1) Engaged in conduct that evidences a lack of ability or fitness to perform the duties owed by the licensee to a client or patient or the general public; or
 - (2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed; [PL 2015, c. 429, §21 (NEW).]
- E. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed or authorized by the board; [PL 2015, c. 429, §21 (NEW).]
- F. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or authorized by the board, or conviction of a crime for which incarceration for one year or more may be imposed; [PL 2015, c. 429, §21 (NEW).]
- G. Engaging in false, misleading or deceptive advertising; [PL 2015, c. 429, §21 (NEW).]
- H. Aiding or abetting unlicensed practice by a person who is not licensed or authorized as required under this chapter; [PL 2015, c. 429, §21 (NEW).]
- I. Failure to provide supervision as required under this chapter or a rule adopted by the board; [PL 2015, c. 429, §21 (NEW).]
- J. Engaging in any activity requiring a license or authority under this chapter or rule adopted by the board that is beyond the scope of acts authorized by the license or authority held; [PL 2015, c. 429, §21 (NEW).]
- K. Continuing to act in a capacity requiring a license or authority under this chapter or a rule adopted by the board after expiration, suspension or revocation of that license or authority; [PL 2015, c. 429, §21 (NEW).]
- L. Noncompliance with an order of or consent agreement executed by the board; [PL 2015, c. 429, §21 (NEW).]
- M. Failure to produce any requested documents in the licensee's possession or under the licensee's control relevant to a pending complaint, proceeding or matter under investigation by the board; [PL 2015, c. 429, §21 (NEW).]

N. [PL 2023, c. 17, Pt. P, §19 (RP).]

O. A violation of this chapter or a rule adopted by the board; [PL 2021, c. 134, §1 (AMD).]

P. Failure to comply with the requirements of Title 22, section 7253; and [PL 2021, c. 134, §2 (AMD).]

Q. Administering botulinum toxins or dermal fillers to a patient when that administration is not supported by a diagnosed dental condition or is not part of a patient's dental treatment plan. This paragraph does not apply to a dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization. [PL 2021, c. 134, §3 (NEW).]

[PL 2023, c. 17, Pt. P, §19 (AMD).]

1-A. Authority to file in court.

[PL 2023, c. 17, Pt. P, §20 (RP).]

2. Judicial review. Notwithstanding any provision of Title 10, section 8003, subsection 5-A to the contrary, any nonconsensual revocation pursuant to Title 10, section 8003, subsection 5-A of a license or authority issued by the board may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 and is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

[PL 2023, c. 17, Pt. P, §21 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2015, c. 488, §§33, 34 (AMD). PL 2017, c. 210, Pt. J, §1 (AMD). PL 2021, c. 134, §§1-3 (AMD). PL 2023, c. 17, Pt. P, §§19-21 (AMD).

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