

**§19402. Disciplinary actions**

**1. Forms of disciplinary action; grounds.** The board may deny or refuse to renew a license or suspend or revoke a license and may impose other discipline for any of the following reasons:

- A. The practice of fraud, deceit or misrepresentation in obtaining a license from the board, or in connection with services rendered while engaged in the occupation or profession for which the person is licensed; [PL 2023, c. 580, §8 (NEW).]
- B. Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the practice of optometry; [PL 2023, c. 580, §8 (NEW).]
- C. Conviction of a crime to the extent permitted by Title 5, chapter 341; [PL 2023, c. 580, §8 (NEW).]
- D. Any violation of the governing law of the board; [PL 2023, c. 580, §8 (NEW).]
- E. Any violation of the rules of the board; [PL 2023, c. 580, §8 (NEW).]
- F. Engaging in any activity requiring a license under the board that is beyond the scope of acts authorized by the license held; [PL 2023, c. 580, §8 (NEW).]
- G. Continuing to act in a capacity requiring a license under the governing law of the board after expiration, suspension or revocation of that license; [PL 2023, c. 580, §8 (NEW).]
- H. Aiding or abetting any unlicensed practice by a person who is not licensed as required by the board; [PL 2023, c. 580, §8 (NEW).]
- I. Noncompliance with an order or consent agreement of the board; [PL 2023, c. 580, §8 (NEW).]
- J. Noncompliance with a document release requirement to provide patient records; [PL 2023, c. 580, §8 (NEW).]
- K. Failure to produce any requested documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation; [PL 2023, c. 580, §8 (NEW).]
- L. Any violation of a requirement imposed pursuant to Title 10, section 8003-G; [PL 2023, c. 580, §8 (NEW).]
- M. Misuse of alcohol, drugs or substances that has resulted or foreseeably may result in the licensee performing services in a manner that endangers the health or safety of patients or other individuals; [PL 2023, c. 580, §8 (NEW).]
- N. Professional diagnosis of a mental or physical condition that has resulted or foreseeably may result in the licensee performing services in a manner that endangers the health or safety of patients or other individuals; [PL 2023, c. 580, §8 (NEW).]
- O. Practicing optometry in or on premises where materials other than those necessary to render optometric services are dispensed to the public; [PL 2023, c. 580, §8 (NEW).]
- P. Practicing optometry in or in conjunction with any retail store or other commercial establishment where merchandise is displayed or offered for sale; [PL 2023, c. 580, §8 (NEW).]
- Q. Practicing optometry under a name other than that named in the license. Licensees practicing in association with other licensed optometrists or physicians as authorized by this chapter may practice under a name adopted to denote this association if the names of all optometrists and physicians so associated are stated as they appear on each individual's license whenever the association name is used; [PL 2023, c. 580, §8 (NEW).]

R. Practicing optometry as an employee of any person, business or organization not engaged primarily in health care delivery; [PL 2023, c. 580, §8 (NEW).]

S. Splitting or dividing a fee with any person or organization in return for solicitation of customers by that person or organization; and [PL 2023, c. 580, §8 (NEW).]

T. Giving to or accepting from an optician or ophthalmic dispenser a rebate, monetary compensation, discount or gift. [PL 2023, c. 580, §8 (NEW).]  
[PL 2023, c. 580, §8 (NEW).]

**2. Complaint resolution and imposition of disciplinary action by board.** The board may resolve a complaint through consent agreements or may, following a hearing, impose one or more of the forms of disciplinary actions in subsection 1 upon a licensee or a license applicant for violations of subsection 1 for violations of this chapter, Title 10, chapter 901 or any other applicable law.  
[PL 2023, c. 580, §8 (NEW).]

#### SECTION HISTORY

PL 2023, c. 580, §8 (NEW).

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