

## **Disciplinary Actions include:**

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

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## **Public Release of Information:**

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 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.

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## **Do's and Don'ts:**

- DO respond in 30 days
  - DO provide a factual, straightforward response.
  - DO forward a copy of the record with the response, unless otherwise noted.
  - DO attempt to answer all the concerns voiced in the complaint.
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## **Do's and Don'ts (cont):**

- DO speak with an attorney if you have legal questions.
  - DO check the Board website if you have questions about Rules or Statutes at [http://www.docboard.org/me/me\\_home.htm](http://www.docboard.org/me/me_home.htm)
  - DO NOT speak with Board members about the complaint.
  - DO NOT ignore a complaint.
  - DO NOT wait until the last minute and request an extension.
  - DO NOT withhold facts or records.
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**If you have questions or suggestions, please contact Randal Manning (207) 287-3605 or Maureen Lathrop at (207) 287-3625. They would be happy to speak with you.**

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## **Board of Licensure in Medicine**

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[http://www.docboard.org/me/me\\_home.htm](http://www.docboard.org/me/me_home.htm)

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# *Physician'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.docboard.org/me/me\\_home.htm](http://www.docboard.org/me/me_home.htm)

## Board History and Duties:

Since 1895, it has been Maine law that a physician must be licensed to practice medicine in our State. Through licensure, the State ensures that all practicing physicians 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 physician performance and must 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 physicians 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 than the investigation is closed and not placed in the licensure file.

## 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 the complainant. If doing so would jeopardize the patient's health, please provide the Board with a rationale.

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

Based on its review the Board determines if 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 that may 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 attempts to finish the investigation as quickly as possible.

### Informal Conference:

When the Board has questions after reviewing the complaint it may order an Informal Conference. This is a chance for the

## Complaint Process (cont)

### Informal Conference (cont)

Board to have a discussion with both the complainant and the licensee.

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

### 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 physician and complainant are notified of the Board's action in writing.

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## Some Grounds for Discipline:

- Fraud & 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