

BOARD POLICY
General

Subpoena Power

POLICY: It is the policy of the Maine State Board of Nursing that the following persons have power to issue subpoenas in the Board's name:

- Any Board member when acting for the Board (32 M.R.S.A. §2105-A(1-A))
- Assistant Attorney General in furtherance of: 1) limited investigations prior to the Board's initial consideration of information upon receipt of adverse information including but not limited to A) a consumer complaint, B) a report filed pursuant to 24 M.R.S.A. §2506-2507, or C) particularized information from a licensee; 2) an investigation authorized by the Board; and 3) an adjudicatory hearing. For purposes of this delegation, "limited investigation" is defined as developing the specific facts alleged in the adverse information received.
- Executive Director
- Assistant Executive Director
- In addition, once the Board has voted to hold an adjudicatory hearing and a hearing officer has been appointed to preside, the hearing officer is authorized to issue subpoenas for the hearing.

HISTORY: Pursuant to 10 M.R.S.A. §8003-A(1) and 32 M.R.S.A. §2105-A(A-1) the Board of Nursing has the power to issue subpoenas both during an investigation (i.e., before an adjudicatory hearing) and for an adjudicatory hearing. Pursuant to 5 M.R.S.A. § 9060 the Board has the authority to delegate its power to issue subpoenas to "any person" so designated.

EFFECTIVE DATE: March 29, 2018