

BOARD POLICY
General

Decision and Order

POLICY: It is the policy of the Maine State Board of Nursing that a written Decision and Order is created following an Adjudicatory Hearing. As a general rule, the Board's action does not become effective until the Decision and Order is signed at the next meeting. However, the Board recognizes that there are certain situations, where the health and safety of the public may be in immediate jeopardy, which requires the decision to take effect immediately.

If the Board wishes the action to take effect immediately, it shall:

1. Include the effective date in the vote;
2. Instruct staff to immediately enact the decision;
3. Instruct the Hearing Officer to create the Decision and Order immediately; and
4. Vote to give the Board Chair the ability to review and sign the Decision and Order prior to the next meeting.

HISTORY: The Board has historically expected its decisions following an Adjudicatory Hearing to take effect immediately. This has been carried out by staff per Board expectation. The Board received legal counsel that, while immediate imposition of sanctions may be appropriate in exceptional circumstances, the general practice should be that the sanction becomes effective upon the adoption of a written Decision and Order by the Board.

EFFECTIVE DATE: March 29, 2018