

SHALL BE AFFORDED AN OPPORTUNITY AT REASONABLE INTERVALS TO DEMONSTRATE THAT HE CAN RESUME THE COMPETENT PRACTICE OF MEDICINE IN COMPLIANCE WITH STANDARDS OF ACCEPTABLE AND PREVAILING MEDICAL PRACTICE. A PHYSICIAN WHO ACCEPTS THE PRIVILEGE OF PRACTICING MEDICINE IN THIS STATE AND IS LICENSED TO PRACTICE MEDICINE IN THIS STATE IS DEEMED TO HAVE GIVEN HIS CONSENT TO SUBMIT TO THE EXAMINATION PROVIDED REQUESTED FOR IN THIS SUBSECTION WHEN REQUESTED IN WRITING BY THE COMMISSION, AND TO HAVE WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE TESTIMONY OR EXAMINATION REPORTS OF THE EXAMINING DOCTOR OF MEDICINE ON THE GROUND THAT THE TESTIMONY OR REPORTS CONSTITUTE A PRIVILEGED COMMUNICATION. ]]

(3) THE INVESTIGATING BODY AS PROVIDED IN PARAGRAPHS 1 AND 2 OF THIS SUBSECTION MAY REQUEST A PHYSICIAN TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A PHYSICIAN APPROVED BY THE COMMISSION. THE EXPENSE OF THE EXAMINATION SHALL BE BORNE BY THE COMMISSION. A PHYSICIAN WHO ACCEPTS THE PRIVILEGE OF PRACTICING MEDICINE IN THIS STATE AND IS DULY LICENSED TO PRACTICE MEDICINE IS DEEMED TO HAVE GIVEN HIS CONSENT TO SUBMIT TO AN EXAMINATION WHEN REQUESTED IN WRITING BY THE COMMISSION, AND TO HAVE WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE TESTIMONY OR EXAMINATION REPORTS OF THE EXAMINING PHYSICIAN OR PHYSICIANS ON THE GROUND THAT THE TESTIMONY OR REPORTS CONSTITUTE A PRIVILEGED COMMUNICATION. IF A PHYSICIAN FAILS OR REFUSES TO SUBMIT TO AN EXAMINATION UNDER CIRCUMSTANCES WHICH THE COMMISSION FINDS ARE NOT BEYOND HIS CONTROL, THE FAILURE OR REFUSAL IS PRIMA FACIE EVIDENCE OF HIS INABILITY TO PRACTICE MEDICINE COMPETENTLY AND IN COMPLIANCE WITH STANDARDS OF ACCEPTABLE AND PREVAILING MEDICAL PRACTICE AT ANY HEARING BEFORE THE COMMISSION UPON CHARGES MADE AGAINST THE PHYSICIAN UNDER THIS SECTION.

(h) When the Commission has completed its investigation according to the process outlined herein, it may reprimand a physician or place him on probation, revoke or suspend his license, or dismiss the charges against the physician for any of the causes listed below as unprofessional conduct:

(1) Fraudulent or deceptive procuring or use of a license.

(2) Solicitation or advertising contrary to § 129 of this article.

(3) The performance of an abortion outside a licensed hospital.

(4) Conviction of a crime involving moral turpitude.