

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 697

S.P. 234

In Senate, February 10, 2005

An Act To Clarify Reporting Responsibilities to Licensing Boards

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOBBS of York.

Cosponsored by Representative SMITH of Monmouth and

Senator: SULLIVAN of York, Representative: MARRACHÉ of Waterville.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 24 MRSA §2506**, as amended by PL 1997, c. 697, §5, is
5 further amended to read:

6 **§2506. Provider, entity and carrier reports**

7
8 A health care provider or health care entity shall, within
9 60 days, report in writing to the disciplined practitioner's
10 board or authority the name of any licensed, certified or
11 registered employee or person privileged by the provider or
12 entity whose employment or privileges have been revoked,
13 suspended, limited or terminated or who resigned while under
14 investigation or to avoid investigation for reasons related to
15 clinical competence or unprofessional conduct, together with
16 pertinent information relating to that action. Pertinent
17 information includes a description of the adverse action, the
18 name of the practitioner involved, the date, the location and a
19 description of the event or events giving rise to the adverse
20 action, identification of the complainant and the medical records
21 involved. Upon request, the following information must be
22 released to the board or authority: medical records relating to
23 the event or events; written statements signed or prepared by any
24 witness or complainant to the event; and related correspondence
25 between the practitioner and the provider or entity. The report
26 must include situations in which employment or privileges have
27 been revoked, suspended, limited or otherwise adversely affected
28 by action of the health care practitioner while the health care
29 practitioner was the subject of disciplinary proceedings, and it
30 also must include situations where employment or privileges have
31 been revoked, suspended, limited or otherwise adversely affected
32 by act of the health care practitioner in return for the health
33 care provider or health care entity terminating such proceeding.
34 Any reversal, modification or change of action reported pursuant
35 to this section must be reported immediately to the
36 practitioner's board or authority, together with a brief
37 statement of the reasons for that reversal, modification or
38 change. The failure of any health care provider or health care
39 entity to report as required is a civil violation for which a
40 fine of not more than \$1,000 may be adjudged.

41
42 Carriers providing managed care plans are subject to the
43 reporting requirements of this section when they take adverse
44 actions against a practitioner's credentials or employment for
45 reasons related to clinical competence or unprofessional conduct
46 that may adversely affect the health or welfare of the patient.

