

# MAINE STATE LEGISLATURE

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## CHAPTER 47

## PHYSICIANS AND SURGEONS

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## SUBCHAPTER I

## GENERAL PROVISIONS

Sec.

3151. Immunity of licensee rendering emergency care.

3152. Suspension during mental illness.

**§ 3151. Immunity of licensee rendering emergency care**

No person licensed under this chapter who in the exercise of due care renders emergency care at the scene of an accident shall be liable for any civil damages as a result of acts or omissions by such a person in rendering emergency care.

1961, c. 265, § 1.

**§ 3152. Suspension during mental illness**

Notwithstanding any other provision of this chapter, if any person licensed under this chapter becomes mentally ill and he is under the care and treatment of a physician licensed to practice medicine in this State, said attending physician shall make an immediate report to the Department of Mental Health and Corrections whether or not the physician who has been diagnosed as being mentally ill is admitted to any mental institution or any private hospital either by involuntary or voluntary commitment procedures. The Department of Mental Health and Corrections shall immediately cause an investigation to be made into the mental condition of the physician alleged to have been diagnosed as mentally ill and shall file a report with the Board of Registration in Medicine as to whether or not said physician's mental illness seriously interferes with his ability to practice medicine. If the report indicates that said physician's ability to practice is seriously interfered with, the board shall order notice of a hearing which

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notice shall be given 5 days prior to the hearing and the board after hearing may then by  $\frac{2}{3}$  vote suspend the license of said physician to practice medicine and surgery. The board may voluntarily restore the license to said physician when it receives a report from the Department of Mental Health and Corrections that the mental illness no longer interferes with the physician's ability to practice medicine and any physician whose license has been suspended as above provided may petition for the restoration of said license at any time and the board may restore his license after hearing. When a physician is hospitalized or treated for mental illness outside of the State of Maine, and the board learns of this fact, the board may request the Department of Mental Health and Corrections to review the status of the physician alleged to be so mentally ill and said department shall make a similar report and the board may proceed as outlined above.

1963, c. 271.

**SUBCHAPTER II**

**BOARD OF REGISTRATION**

Sec.

3201. Appointment; vacancies; compensation.

3202. Elections; meetings; seal; expenses.

3203. Investigation of complaints; revocation of certificates.

3204. Records and reports.

**§ 3201. Appointment; vacancies; compensation**

The Board of Registration in Medicine, as heretofore established and in this chapter called the "board," shall consist of 6 persons appointed by the Governor with the advice and consent of the Council. They shall be residents in the State, shall be graduates of a legally chartered medical college or university having authority to confer degrees in medicine and shall have been actively engaged in the practice of their profession in the State of Maine for a continuous period of 5 years preceding their appointment to the Board of Registration in Medicine. Two persons, qualified as aforesaid, shall be appointed members of said board on or before the first day of July of every uneven-numbered year, to hold office for 6 years from the first day of July following said appointment. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause by the Governor, with the advice and consent of the Council.

Members of said board shall receive annual salaries of \$500 each, except the chairman, who shall receive \$700 a year, and the secretary, who shall receive \$1,000 a year. In addition each member shall receive necessary traveling expenses in attending the meetings of the board. Extra compensation for each day actually spent in investigation or prosecution of complaints and cases under section 3203 shall be allowed to each member of the board actually engaged therein. If the fees to be collected under sections 3252 and 3254 to 3256 are insufficient to pay the salaries and expenses provided by this section, the members of said board shall be entitled to only a pro rata payment for salary in any year in which such fees are insufficient.

R.S.1954, c. 66, § 1; 1955, c. 55; 1961, c. 104, § 1; 1963, c. 271.

**§ 3202. Elections; meetings; seal; expenses**

The members of said board shall meet on the 2nd Tuesday of July of the uneven-numbered years at such time and place as they may determine and shall elect a chairman and a secretary, who shall hold their respective offices for the term of 2 years. The secretary of said board shall be the treasurer thereof and shall receive all fees, charges and assessments payable to the board, and account for and pay over the same according to law. The said board shall hold regular meetings, one in March, one in July and one in November of each year, and such additional meetings at such times and places as it may determine. Said board shall cause a seal to be engraved and shall keep correct records of all its proceedings, and may make such minor rules and regulations as it shall deem necessary for the successful enforcement of its authority and the performance of its duties.

R.S.1954, c. 66, § 2; 1963, c. 271.

**§ 3203. Investigation of complaints; revocation of certificates**

The board, its members or agents shall investigate all complaints and all cases of noncompliance with or violation of this chapter relating to the registration and activities of physicians and surgeons, and shall bring all such cases to the notice of the proper prosecuting officers. Said board, after a conviction before a proper court, either within or without the State, of any crime involving moral turpitude, or of any crime in the practice of his profession or of a felony; or on proof to its satisfaction of fraudulent or unprofessional conduct in the practice of his profession,

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or addiction to the use of morphine, cocaine or other drugs having similar effect; or on proof to its satisfaction of the use of advertising which may be considered by the board to be deceptive, misleading, extravagant, improbable or unethical, of or by any person to whom a certificate has been issued by them, and after hearing, may by vote of  $\frac{2}{3}$  of the entire board recommend to the proper prosecuting officer the suspension or revocation of the certificate and suspension or cancelling of the registration of the person to whom the same was issued. Said board may recommend to the prosecuting officer the suspension or revocation of any certificate by  $\frac{2}{3}$  vote of the entire board in any case where such certificate has been wrongfully obtained, or for any fraud connected with the said registration.

R.S.1954, c. 66, § 7; 1955, c. 261, § 5; 1963, c. 271.

**§ 3204.    Records and reports**

The board shall keep a record of the names and residences of all persons registered under this chapter and a record of all moneys received and disbursed by said board, and said records or duplicates thereof shall always be open to inspection in the office of the Secretary of State during regular office hours. Said board shall annually, on or before the first day of July in each year, make a report to the Governor containing a full and complete account of all its official acts during the preceding year, also a statement of its receipts and disbursements and such comments or suggestions as it may deem essential.

R.S.1954, c. 66, § 9; 1959, c. 202, § 3; 1963, c. 271.

**SUBCHAPTER III**

**REGISTRATION**

Sec.

- 3251. Registration required.
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**§ 3251. Registration required**

Unless duly registered and licensed by said board, no person shall practice medicine or surgery or any branch thereof, or hold himself out to practice medicine or surgery or any branch thereof for gain or hire within the State by diagnosing, relieving in any degree or curing, or professing or attempting to diagnose, relieve or cure any human disease, ailment, defect or complaint, whether physical or mental, or of physical or mental origin, by attendance or by advice, or by prescribing or furnishing any drug, medicine, appliance, manipulation, method or any therapeutic agent whatsoever or in any other manner unless otherwise provided by statute of this State. Any person licensed under chapter 37 may prefix the title "Doctor" or the letters "Dr." to his name, as provided in section 2704, or any member of the Maine State Chiropractors Association or any chiropractor duly licensed by this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Chiropractor", or any dentist duly licensed by this State may prefix the title "Doctor" or the letters "Dr." to his name, or any optometrist duly licensed under the laws of this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Optometrist," or any podiatrist duly licensed under the laws of this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Podiatrist" or "Chiropodist," when permitted such right by the laws governing the practice of podiatry. Whoever not being duly registered by said board practices medicine or surgery or any branch thereof, or holds himself out to practice medicine or surgery or any branch thereof in any of the ways aforesaid, or who uses the title "Doctor" or the letters "Dr." or the letters "M.D." in connection with his name, contrary to this section, shall be punished by a fine of not less than \$100 nor more than \$500 for each offense, or by imprisonment for 3 months, or by both. The prefixing of the title "Doctor" or the letters "Dr." or the appending of the letters "M.D." by any person to his name, or the use of the title of doctor or physician in any way by any person not duly registered as hereinbefore described shall be prima facie evidence that said person is holding himself out to practice medicine or surgery contrary to this section, provided that nothing herein contained shall prevent any person who has received the doctor's degree from any reputable college or university, other than the degree of "Doctor of Medicine" from prefixing the letters "Dr." to his name, if he is not engaged, and does not engage, in the practice

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of medicine or surgery or the treatment of any disease or human ailment.

R.S.1954, c. 66, § 8; 1963, c. 271.

**§ 3252. Qualifications; fee**

Any graduate of a medical school in the United States or Canada designated as accredited by the American Medical Association and who has served an internship for at least 12 months, or its equivalent, in a hospital approved by the American Medical Association and the American Hospital Association shall, upon the payment of a fee of \$100, be entitled to examination and, if found qualified by a majority of the members of the board, shall be registered as a physician or surgeon in the State of Maine.

Each of the applicants must be 21 years of age, of good moral character, and must present satisfactory proof that he has served an internship for at least 12 months, or its equivalent, in a hospital approved by the American Medical Association and American Hospital Association. The board at its discretion may permit an applicant who is otherwise qualified to be examined during his internship, the certificate of licensure to be withheld until the successful completion of his internship. He shall present such other facts as the board in its blank application may require.

R.S.1954, c. 66, § 3; 1955, c. 169, § 1; 1959, c. 202, § 1; 1961, c. 104, § 2; 1963, c. 271.

**§ 3253. Examinations**

The board shall examine all such applicants for registration as a licensed physician or surgeon. Each applicant shall, at least 30 days before the date of his examination, present to the secretary of the board an application under oath or affirmation containing satisfactory proof that said applicant is a graduate of an accredited medical school of the United States or Canada.

Applicants shall be examined in whole or in part in writing and shall be thorough in the following subjects: Anatomy, physiology, biochemistry, pathology, bacteriology, public health, surgery, medicine, obstetrics and gynecology and pediatrics, and such branches of medical science as the board may deem necessary.

R.S.1954, c. 66, § 4; 1955, c. 169, §§ 2, 3; 1959, c. 202, § 2; 1961, c. 104, § 3; c. 394, § 21; 1963, c. 271.

**§ 3254. Reexamination**

Any applicant who fails the examination may be reexamined by the board upon payment of a fee of \$50.

1963, c. 271.

**§ 3255. Display of certificate**

Each physician, as heretofore mentioned in sections 3252 and 3256, shall following registration receive a certificate thereof under the seal of the board and signed by the chairman and secretary, which shall state the facts and must be publicly displayed at the person's principal place of practice, as long as said person continues the practice of medicine.

1963, c. 271.

**§ 3256. Graduates of foreign medical schools**

Graduates of foreign medical schools who request medical licensure in the State of Maine must be evaluated by the Educational Council for Foreign Medical Graduates, and must be a recipient of its permanent certificate. He must have served an internship of at least 12 months, or its equivalent, in a hospital approved by the American Medical Association and the American Hospital Association. They shall upon payment of a fee of \$100 be entitled to examination, and if found qualified by a majority of the members of the board, shall be registered as a physician or surgeon in the State of Maine.

Any foreign medical school graduate must present satisfactory proof under oath or affirmation that he has satisfactorily passed the qualifying examination of the Educational Council for Foreign Medical Graduates.

1955, c. 169, § 4; 1959, c. 360, § 2; 1963, c. 271.

**§ 3257. Reciprocity**

The board may, at its discretion, grant licensure without examination to a physician who is a graduate of an accredited medical school of the United States or Canada, and who has been successfully examined by a medical board considered competent by the State of Maine Board of Registration in Medicine. He must in addition present to the board satisfactory certificates of having in every way fulfilled all the educational and other requirements of this board, provided that such applicant has not previously failed an examination of this board. The board may make such

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rules and regulations as may be necessary in connection with this section.

R.S.1954, c. 66, § 5; 1963, c. 271.

**§ 3258.      Temporary registration; state hospitals**

In the case of physicians assigned to junior positions in state hospitals, caring for tubercular and mental patients, the requirements of sections 3252 to 3257 may be waived by the board and temporary registration may be granted, limited to practice in state institutions under the Department of Mental Health and Corrections, for periods of one year, which may be renewed at the discretion of the board, upon recommendation of the superintendent of such institution.

R.S.1954, c. 66, § 6; 1961, c. 394, § 22; 1963, c. 271; c. 412, § 23.

**§ 3259.      —Camp physicians**

Any physician, a graduate of an accredited medical school or university, or a foreign medical school graduate, who holds a permanent certificate from the Educational Council for Foreign Medical Graduates, and who is of good repute may at the discretion of the board make application for a temporary license to practice as camp physician so that he may care for the campers in that particular camp for which he was hired and obtained as camp physician. He shall be entitled to practice only on patients in said camp. The certificate of licensure shall be obtained each year. Application for this temporary certificate shall be made in the same form and manner as for regular licensure. The fee shall be \$25 annually, which shall include registration and certificate. No examination shall be exacted from applicants for these temporary licenses.

1963, c. 271.

**§ 3260.      —Interns; residents; visiting instructors**

Any physician who is qualified under sections 3252, 3253 and 3256 but who has not taken the examinations in this or any other state and has not served his internship in this or in any other state may be licensed by the board as an intern for no longer than a period of 24 months.

Any physician who is qualified under sections 3252, 3253 and 3256 and who has not taken the examination in this or any other

state but who has completed his internship may be licensed by the board as a hospital resident.

The board at its discretion may waive the requirement of the Education Council for Foreign Medical Graduates of section 3256 for no longer than one year in granting temporary educational certificates to interns or residents.

A temporary educational certificate in each of the above classifications may be obtained each year from the board and the certificate shall be issued in the name of the applicant. A certificate to a hospital resident may be renewed annually at the discretion of the board for not more than 5 years. The annual fee for an intern shall be \$1 and for a hospital resident shall be \$10. No examination shall be required for applicants for these temporary educational certificates.

Physicians licensed under this section shall have all the rights granted to physicians who have been licensed to practice medicine and surgery except that their practice shall be limited to the training programs connected with the hospital or hospitals.

A physician who has a full professional license to practice medicine or surgery issued in another state may practice in this State as if he were licensed in this State, where he is performing medical procedures as part of a course of instruction in graduate medical education in a hospital in this State.

A certificate issued under this section or the right of any visiting medical instructor to practice without examination in this State may be revoked for any one of the reasons stated in section 3203 and in addition thereto if any intern or hospital resident violates the limitations placed upon his temporary education certificate or in the case of the visiting medical instructor who performs medical procedures which are not a part of a course of instruction as provided in this section, the temporary educational certificate or the right of the visiting medical instructor may be revoked in accordance with the procedures set forth in this chapter.

1963, c. 271.