

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date August 5, 1965

To Richard J. Dubord, Attorney General

Dept. Attorney General's

From John B. Wlodkowski, Ass't Attorney General

Dept. Insurance

Subject Request of HARBOR HOSPITAL, INC. York Harbor, for a Hearing under Title 24, Chapter 19, Section 2309

FACTS: (Based on correspondence of attorneys representing the respective parties)

Harbor Hospital, Inc. is a licensed Maine Corporation which has provided general hospital facilities for acute care and general care to the public at York Harbor, Maine. Up until April, 1965, Harbor Hospital had the usual hospital service contract with Associated Hospital Service of Maine, at which time it was subsequently cancelled by Associated Hospital Service in the exercise of its option to do so. Apparently this action was taken on the grounds that certain records at the hospital had been improperly kept.

QUESTION:

Whether the Insurance Commissioner is required to hold a hearing as requested by Harbor Hospital, Inc. in its controversy with Associated Hospital Service for reinstatement?

ANSWER:

No.

OPINION:

The pertinent statutory provision governing the hearing of disputes by the Insurance Commissioner states as follows:

"Any dispute arising between a corporation subject to this chapter and any hospital or physician with which such corporation has a contract for hospital, medical or surgical service may be submitted to the Commissioner for his decision with respect thereto."
24 M.R.S.A. 2309

Assuming that the above facts are correct, it would appear then that Harbor Hospital, Inc. cannot properly submit its dispute with Associated Hospital Service to the Commissioner because it does not have the requisite contract with "a corporation subject to this chapter." Therefore, the Insurance Commissioner is not required to hold a hearing as requested by Harbor Hospital, Inc.

John B. Wlodkowski
Ass't Attorney General

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