

# MAINE STATE LEGISLATURE

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Medical Board; Out of State Education

32 M.R.S.A. §3269-10

February 9, 1977

Representative Bonnie Post  
State of Maine  
House of Representatives  
Augusta, Maine 04333

Dear Representative Post:

Reference your inquiry of January 11, 1977, in regard to certain actions of the Board of Registration in Medicine in carrying out programs in medical education and in conducting a program of financial assistance for medical students, we have now reviewed the matter and applicable statutes.

Your first question reads as follows: "Is the Board of Registration in Medicine out of compliance with 32 M.R.S.A. §3269, sub-§10 (or any other statute), even though "medical education" is not defined in the law?"

As this question is related to an example which refers to two contracts entered into by the Board of Registration in Medicine, which you suggest do not appear to be programs of medical education, we assume that your question in regard to compliance relates specifically to those two programs.

We have reviewed the contract of December 31, 1975, between the Board and the Committee on Continuing Medical Education of the Maine Medical Association and it is our opinion that the activities of said Committee are sufficiently related to a program of continuing medical education for physicians that the Board in awarding funds to the Committee is acting consistently with the authority granted to it by 32 M.R.S.A. §3269, sub-§10. We note that the

Committee on Continuing Medical Education of the Maine Medical Association is authorized in the contract to carry out a continuing medical education program on behalf of the Board of Registration in Medicine. The contract provides that the Committee will monitor and evaluate programs of continuing medical education in the State of Maine.

Your inquiry also refers to a contract of January 20, 1976, between the Board of Registration in Medicine and the Pine Tree Organization for Professional Standards Review, Inc. This contract provides for the compilation of a 100% file of discharge data and integration of this data. It is stated in the contract that this information is needed to evaluate the necessity for continuing medical education in the State of Maine. If a direct and substantial relationship between the data being compiled and continuing medical education in the State can be shown, then it would be the opinion of this office that the Board of Registration in Medicine is in compliance with 32 M.R.S.A. §3269, sub-§1.0 in regard to this program also.

Your inquiry in regard to a program of financial assistance for medical students reads as follows: "Does the Board's disbursement to the department constitute a program of financial assistance to medical students as intended under 32 M.R.S.A. §3269, sub-§10?" The reference to a disbursement by the Board of Registration in Medicine is clarified by a related example which states that the Board has disbursed \$50,000 to the Department of Educational and Cultural Services to contract with the University of Vermont Medical School and the Tufts University School of Medicine for spaces for medical students from Maine.

The \$50,000 disbursed to the Department of Educational and Cultural Services forms part of a \$137,000 disbursement from the State to purchase positions at two medical schools. The subsidies to the University of Vermont and Tufts Medical Schools in most cases incorporate a tuition subsidy of approximately \$2,000 per student. In addition, a substantial portion of each payment reflects a subsidy to the medical schools in question. While the maximum tuition at the schools is approximately \$4,050, the actual cost to educate each medical student is approximately \$12,000 per year. We have been assured by the Department of Educational and Cultural Services that absent the purchase of these contract spaces at the two medical schools, students from Maine would not have been accepted at the schools in any significant numbers.

The statute in question gives to the Board of Registration in Medicine the authority to conduct or contract for the operation of a program of financial assistance to medical students. The statute further provides that the program may be in the form of interest-free grants or interest-bearing loans in an amount not to exceed \$5,000 per student per year. The statute, however, does not provide that this is the only type of program of financial assistance to medical students in which the Board of Registration in Medicine is authorized to engage. The program of the Department of Educational and Cultural Services provides financial assistance to medical students both directly and indirectly. The direct financial assistance is in the form of tuition subsidies. The indirect financial assistance is the provision of monies to medical schools to insure positions in those medical schools for students from Maine. Under the circumstances, it is the opinion of this office that the Board's action in providing a disbursement of \$50,000 to the Department of Educational and Cultural Services is consistent with its powers under 32 M.R.S.A. §3269, sub-§10.

Your last inquiry is phrased as follows: "Is the Board's \$50,000 to the Department a violation of the specification in §3269 that the students must indicate an intent to practice medicine in rural Maine?"

The statutory provision in regard to this issue is clear and unambiguous. Financial assistance is to be provided to medical students "indicating an intent to engage in family practice in rural Maine." Disbursements cannot be made by the Board of Registration in Medicine for the financial assistance of medical students absent an indication by the student that he intends to engage in the family practice of medicine in rural Maine. You have indicated that the present agreement which medical students from Maine at Vermont and at Tufts must sign does not include any statement in regard to intention to practice family medicine in rural Maine. It is, of course, possible that such an intention could be manifested in a manner other than a specific contractual obligation. We are looking further into this matter and we will advise you of any additional information which comes to our attention.

Very truly yours,

DAVID P. CLUCHEY  
Assistant Attorney General

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