

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1050

H. P. 811

House of Representatives, February 26, 1969

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Moreshead of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Revising the Laws Relating to Physicians and Surgeons.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 32, § 3152, repealed and replaced. Section 3152 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3152. Suspension during mental illness

Notwithstanding any other provision of this chapter, if any person licensed under this chapter becomes mentally ill and is under the care and treatment of a physician licensed to practice medicine in this State or said physician licensed under this chapter is hospitalized or being treated for mental illness outside of the State of Maine, said attending physician shall make an immediate report to the board 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 board shall immediately cause an investigation to be made into the mental condition of the physician alleged to be diagnosed as mentally ill, and a report as to said investigation shall be filed with the board. If the report indicates that said physician's ability to practice is seriously interfered with, the board shall order notice of a hearing, which notice shall be given 5 days prior to the hearing, and the board after hearing may then by 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 has been established to its satisfaction that the mental illness no longer interferes with the physician's ability to practice medicine. Any physician whose license has been

suspended as provided may petition for the restoration of said license at any time and the board may restore his license after hearing.

Any physician failing to report a physician who is under his care for treatment of mental illness, as described in this section, shall be punished by a fine of \$100.

Sec. 2. R. S., T. 32, § 3251, amended. The first sentence of section 3251 of Title 32 of the Revised Statutes is amended to read as follows:

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.

Sec. 3. R. S., T. 32, § 3253, amended. The last paragraph of section 3253 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

Applicants shall be examined in such branches of medical science as the board may deem necessary.

Sec. 4. R. S., T. 32, § 3254, amended. Section 3254 of Title 32 of the Revised Statutes is amended to read as follows:

§ 3254. Reexamination

Any applicant who fails the examination may be reexamined by the board upon payment of a fee of ~~\$50~~ \$75.

Sec. 5. R. S., T. 32, § 3256, amended. The first sentence of section 3256 of Title 32 of the Revised Statutes is amended to read as follows:

Graduates of foreign medical schools **who possess a degree of "Doctor of Medicine" or "Bachelor of Science and Surgery"** 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.

Sec. 6. R. S., T. 32, § 3260, amended. The first, 2nd and 4th paragraphs of section 3260 of Title 32 of the Revised Statutes are amended to read as follows:

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.

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 education certificates.

Sec. 7. R. S., T. 32, § 3261, amended. The last paragraph of section 3261 of Title 32 of the Revised Statutes, as enacted by section 9 of chapter 251 of the public laws of 1965, is amended to read as follows:

At least 60 days before July 1st of every even-numbered year thereafter the board shall mail to each licensee at his last known office address a notice of requirement of reregistration with appropriate forms therefor. Whenever a licensee fails to reregister within the time required it shall be the duty of the board to notify such licensee at his last known office address that his reregistration is past due. Thirty days after such notice has been sent, if reregistration has still not been made, the board shall notify said licensee by registered mail, return receipt requested, with instructions to deliver to addressee only, that his license has been suspended for 30 days, at the end of which period, if reregistration has still not been made, the board shall summarily revoke said license and shall not restore same except after hearing and upon the following conditions: The licensee shall show cause why he failed to reregister, and the licensee shall pay to said board ~~either \$5 for each biennial period that he was not registered or \$25, whichever is less if an inhabitant of this State, and \$10 for each biennial period that he was not registered, in all other cases.~~ either \$5 for each biennial period that he was not registered, and \$10 for each biennial period that he was not registered, in all other cases.