

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 1402**

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H. P. 1079

House of Representatives, March 8, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Santoro of Portland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### **AN ACT Relating to Medical Treatment of Persons at State Operated Facilities.**

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

Sec. 1. R. S., T. 32, § 2706, additional. Title 32 of the Revised Statutes is amended by adding a new section 2706, to read as follows:

§ 2706. Treatment at state operated facilities

No person shall 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 advice, or by admission or discharge or by prescribing or furnishing any drug, medicine, appliance, manipulation, method or any therapeutic agent whatsoever or in any other manner at any premise, institution or facility operated by the State, unless licensed and duly qualified to practice under this chapter and chapter 48.

Sec. 2. R. S., T. 32, § 3295, additional. Title 32 of the Revised Statutes is amended by adding a new section 3295, to read as follows:

§ 3295. Treatment at state operated facilities

No person shall 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 advice, or by admission or discharge or by prescribing or furnishing any drug, medicine, appliance, manipulation, method or any therapeutic agent whatsoever or in any other manner at any premise, institu-

**tion or facility operated by the State, unless licensed and duly qualified to practice under this chapter and chapter 37.**

#### STATEMENT OF FACT

This bill will, explicitly and implicitly, insure that the diagnosis, treatment, care, admission and discharge of patients from direct or indirect medical services is effected by licensed personnel only.

It will prevent political appointees or other unqualified persons from practicing medicine or surgery, osteopathic medicine or other forms of health treatment without being qualified and licensed. Thus, all policy decisions in regard to admission, diagnosis, treatment and discharge rest exclusively with licensed physicians and licensed osteopathic physicians regardless of fiscal or administrative jurisdictions.