

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 269, L.D. 346, Bill,¹ AN
ACT Authorizing the Board of Osteopathic Examination and Regis-
tration to Establish Rules and Regulations for Physicians'
Assistants, Supervising Physicians and other Delegated Physicians."

Amend the bill by striking out everything after the enacting
clause and inserting in its place the following:

'32 MRSA §§2594-B, 2594-C and 2594-D are enacted to read:

§ 2594-B. Certificates of qualification and registration;

Physician's statement

1. Certificates required. No physician assistant shall be
permitted to practice under the supervision of an osteopathic
physician until he has applied for and obtained:

- ← A. A certificate of qualification issued by the Board
- ← of Osteopathic Examination and Registration and
- ← B. A certificate of registration, which must be renewed
- ← annually.

2. Statement by supervisory physician. All applications for
certificate of qualification shall be accompanied by an application
by the proposed supervisory physician, which application shall con-
tain a statement that that physician shall be responsible for all
medical activities of the physician assistant.

§ 2594-C. Rules and regulations

1. Rules and regulations authorized. The board may adopt such rules and regulations dealing with osteopathic physician assistants as are necessary to carry out sections 2594-A through 2594-D.

2. Content. The rules and regulations authorized under this section may include, but need not be limited to rules and regulations in the following areas:

└─ A. Training programs for and certification of physician assistants;

B. Information to be included in applications submitted by physician assistants for certification;

C. Information to be included in applications submitted by proposed supervisory physicians;

D. Knowledge and skills to be required of the physician assistants;

E. The agency relationship to be required between supervising physicians and physician assistants;

F. Requirements with respect the supervisory physician's supervision of medical services provided by physician assistants;

G. The methods of performance to be required of physician assistants;

- ← H. Requirements for initial registration, including fees
← which shall in no event exceed \$25;
- ← I. Requirements for annual registration, including fees
← which shall in no event exceed \$25;
- ← J. Provisions relating to physician assistant trainees;
← and
- ← K. Continuing education requirements, as a precondition
← to annual registration.

§ 2594-D. Termination of Certificate

1. Termination of certificate provisions. The certificate may
be terminated by the board when, after due notice and hearing, the board
shall find that the physician assistant:

- ← A. Has held himself out or permitted himself to be
← represented as a licensed physician;
- ← B. Has performed otherwise than at the direction and
← under the supervision of a physician licensed by the
← board;
- C. Has been delegated and performed a task or tasks
beyond his competence;
- D. Is an habitual user of intoxicants or drugs to such
an extent that he is unable to perform competently and
with safety for the patients in his capacity as an
assistant to the physician;
- E. Has been convicted in any court, state or federal,
of any criminal offense;

- ← F. Has a mental illness interfering with his competent
- ← practice as a physician assistant;
- ← G. Has failed to comply with any rule or regulation of
- ← the board pertaining to the practice of physician assis-
- ← tant;
- ← H. Is guilty of administering, dispensing or prescribing
- ← any controlled substance otherwise than as authorized
- ← by law; or
- ← I. Has made a false or fraudulent statement or submitted
- ← a forged or false document in applying for a certificate;

2. Consent to physical or mental examination; objections to
admissibility of physicians' testimony waived. For the purposes
of this section, every physician assistant registered under these
rules and regulations who shall accept the responsibility of ren-
dering medical services in this State by the filing of an applica-
tion and of annual registration:

- ← A. Shall be deemed to have given his consent to a men-
- ← tal or physical examination when directed in writing by
- ← the board; and
- ← B. Shall be deemed to have waived all objections to the
- ← admissibility of the examining physicians' testimony or
- ← reports on the ground that the same constitute a pri-
- ← vileged communication.

3. Jurisdiction. The jurisdiction conferred under this section shall be original and concurrent under the Administrative Code, Title 5, Part 6. There shall be no right of removal by an accused physician assistant after notice of hearing before the board has been filed. The accused, however, shall, at least 10 days before the hearing, have the right of removal. Any case removed shall be heard under the Administrative Code.

4. Enforcement. In addition to the termination procedure set forth in this section, if the board is of the opinion that the continued practice of any physician assistant is in violation of this section or any other provision of statute or rule and regulation, and constitutes a threat to the public health and welfare in such a manner that irreparable injury or danger to the public may occur prior to the commencement and commission of termination proceedings set forth in this section, the board may apply for injunctive relief.

Statement of Fact

The purposes of this new draft include the following:

- 1) To enumerate the areas in which the Board of Osteopathic Examination and Registration is authorized to adopt rules and regulations about physician assistants;
- 2) To clarify the certification and registration procedures for physician assistants; and

- 3) To specify, in detail, procedures for the termination of certificate for physician assistant.

These provisions for osteopathic physician assistants are similar to the provisions for allopathic physician assistants.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.

6/15/77

(Filing No. H-613)