

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 205, L.D. 727, Bill, "AN ACT to Implement the Recommendations of the Pomeroy Commission on Medical and Hospital Malpractice Insurance."

Amend the Amendment by inserting after the first paragraph the following:

'Sec. 1. 1 MRSA c.29 is enacted to read:

CHAPTER 29

TERMINATION OF STATUTORY PROVISIONS

§2501. Repeal of statutory provisions

The following statutory provisions are repealed on the dates set forth in this section.

24. Title 24.

A. Title 24, chapter 21, subchapter 3 shall be repealed on January 1, 1983.

§2502. Committee reports

Any legislative committee having jurisdiction over a statutory provision listed in section 2501 shall prepare and submit to the Legislature, within 30 legislative days after the convening of the last regular session prior to the date set out in section 2501 for repeal of that provision, a report evaluating the advisability of retaining the statutory provision.

§2503. Contents of report

A report prepared pursuant to section 2502 shall include:

1. Past effectiveness. An evaluation of the past effectiveness of the statutory provision;
2. Future need. An evaluation of the future need for the statutory provision;
3. Alternative methods. An examination of alternative methods of attaining the purpose of the provision;
4. Cost of retention. An estimate of the cost of retaining the provision; and
5. Recommendation. A recommendation of the committee as to the amendment, repeal, replacement or retention of the provision.'

Further amend the Amendment in the 2nd paragraph by striking out the underlined word and figure "Sec. 1." and inserting in its place the following 'Sec. 2.'

Further amend the Amendment by striking out the 4th paragraph and inserting in its place the following:

'Further amend the Bill in the first line after the enacting clause by inserting at the beginning 'Sec. 3.'

Further amend the Amendment by inserting after the 17th paragraph the following:

'Further amend the Bill in that part designated "§2702." subsection 1, by inserting at the end of the first paragraph the following new sentence:

No health care provider may require a patient to execute an agreement to arbitrate as a condition of admission or as a condition to the provision of treatment.

Further amend the Bill in that part designated "\$2702." in subsection 1, paragraph B, last paragraph by striking out the following underlined words:

UNLESS YOU ARE PARTY TO AN EXISTING ARBITRATION AGREEMENT IN CONNECTION WITH MEMBERSHIP IN A NON-PROFIT HOSPITAL OR MEDICAL SERVICE ORGANIZATION,

further amend the Amendment by inserting after the 19th paragraph the following:

'Further amend the Bill in that part designated "\$2702." subsection 2, by inserting at the end of the first paragraph the following new sentence:

No physician may require a patient to execute an agreement to arbitrate as a condition of the physician providing treatment to the patient.

Further amend the Bill in that part designated "\$2702." subsection 2, paragraph A, by inserting under the caption "NOTICE TO PATIENT" the following new sentence:

YOU CANNOT BE REQUIRED TO SIGN THIS AGREEMENT IN ORDER TO RECEIVE TREATMENT.'

Further amend the Amendment by inserting after the 13rd paragraph the following:

'Further amend the Bill in that part designated "\$2702." in subsection 2, paragraph C by striking out the last sentence and inserting in its place the following:

No irrevocable provisions for arbitration shall be included in contracts of nonprofit hospital or medical service organizations with their members or hospitals. '

Further amend the Amendment by striking out the 4th paragraph before the Statement of Fact and inserting in its place the following:

'Further amend the Bill by inserting after that part designated "\$2714." the following:

§2715. Legislative review

This subchapter is subject to repeal under Title 1, section 2501. The legislative committee having jurisdiction over the review provided for in Title 1, section 2502 shall be the Joint Standing Committee on Judiciary.

§2716. Data collection and evaluation

The Board of Registration in Medicine and the Board of Osteopathic Examination and Registration shall, in cooperation with the Superintendent of Insurance, collect and evaluate information in order to determine the effects of this subchapter on the provision of medical malpractice insurance in this State and on the costs of that insurance. These boards shall submit their findings to the Legislature by March 15, 1982.'

Further amend the Bill by renumbering those parts designated "§2714." "§2715." "§2716." to be "§2713." "§2714." "§2715."

Statement of Fact

This Amendment provides a sunset review of subchapter III, "Medical Malpractice Arbitration," provides that no irrevocable

provision for arbitration may be included in contracts of nonprofit hospital or medical service organizations with their members or hospitals, and clarifies the language of the bill to insure that physicians and hospitals cannot require patients to enter into arbitration agreements as a precondition to service.

Filed by Mr. Spencer of Standish.

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

6/22/77

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