

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-818)
108TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "C" 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 17th paragraph
17th
the following: (/paragraph deals with designated "§2604.")

'Further amend the Bill in that part designated "§2702."
by striking out all of paragraph B of subsection 1 and
inserting in its place the following:

'B. Every arbitration agreement offered pursuant to this
subsection shall contain the following provision in 12-point
boldface type immediately above the space for signature of
the parties:

NOTICE TO PATIENT

YOU CANNOT BE REQUIRED TO SIGN THIS AGREEMENT IN ORDER TO BE
ADMITTED TO (name of provider) OR TO RECEIVE TREATMENT
THEREIN. THIS AGREEMENT PROVIDES THAT ANY CLAIM YOU MAY ASSERT
RELATIVE TO YOUR CARE HERE WILL BE SUBMITTED TO A PANEL OF
ARBITRATORS RATHER THAN A COURT FOR DETERMINATION BY A JURY
OR A JUDGE, AS WOULD BE YOUR CONSTITUTIONAL RIGHT IN THE ABSENCE
OF THIS AGREEMENT.

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THIS AGREEMENT MAY BE CANCELLED BY YOU WITHIN 180 DAYS OF YOUR DISCHARGE OR DEPARTURE FROM (name of provider). TO EFFECT SUCH CANCELLATION, YOU MUST NOTIFY (name and address of provider) IN WRITING BY CERTIFIED MAIL.'

Further amend the Amendment by striking out all of the 18th and 19th paragraphs and inserting in their place the following: (18th and 19th paragraphs deal with designated "§2702.", subsection 1, paragraph C)

'Further amend the Bill in that part designated "§2702." by striking out all of paragraph C of subsection 1 and inserting in its place the following:

'C. An agreement executed pursuant to this subsection may be revoked by the person receiving health care or treatment within 180 days of discharge by or departure from the health care provider, and shall be deemed to have been revoked by the person's death occurring within the period of revocability. No agreement may be revoked after commencement of arbitration proceedings. Revocation shall be effected by delivery of written notice to the health care provider or by depositing the notice properly addressed as certified mail.'

Further amend the Amendment by striking out all of the 20th paragraph and inserting in its place the following: (the 20th paragraph deals with designated "§2702.", subsection 2, paragraph A by adding a new paragraph)

'Further amend the Bill in that part designated "§2702." by striking out in subsection 2 all of paragraph A and inserting in its place the following:

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'A. Every arbitration agreement offered pursuant to this subsection shall contain the following provisions in 12-point boldface type immediately above the space for signature of the parties:

NOTICE TO PATIENT

YOU CANNOT BE REQUIRED TO SIGN THIS AGREEMENT TO RECEIVE TREATMENT BY (name of provider). THIS AGREEMENT PROVIDES THAT ANY CLAIM YOU MAY ASSERT RELATIVE TO YOUR CARE HERE WILL BE SUBMITTED TO A PANEL OF ARBITRATORS RATHER THAN A COURT FOR DETERMINATION BY A JURY OR A JUDGE AS WOULD BE YOUR CONSTITUTIONAL RIGHT IN THE ABSENCE OF THIS AGREEMENT.

THIS AGREEMENT MAY BE CANCELLED BY YOU WITHIN 180 days OF YOUR TREATMENT BY (name of provider). TO EFFECT SUCH CANCELLATION, YOU MUST NOTIFY (name and address of provider) IN WRITING BY CERTIFIED MAIL.

UNLESS YOU ARE PARTY TO AN EXISTING ARBITRATION AGREEMENT IN CONNECTION WITH MEMBERSHIP IN A NONPROFIT HOSPITAL OR MEDICAL SERVICE ORGANIZATION, YOU MAY CANCEL THIS AGREEMENT WITHIN 180 DAYS OF YOUR SIGNING IT. TO EFFECT SUCH CANCELLATION, YOU MUST NOTIFY (name and address of physician) IN WRITING BY CERTIFIED MAIL.'

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Further amend the Amendment by striking out all of the 21st paragraph and inserting in its place the following: (21st paragraph deals with designated "§2702.", subsection 2, paragraph B by inserting a new paragraph B)

'Further amend the Bill in that part designated "§2702." in subsection 2 by striking out all of paragraph B and inserting in its place the following:

B. An agreement executed pursuant to this subsection may be revoked by the person receiving health care or treatment within 180 days of receiving the same from the physician, or by the person's death occurring within the period of revocability. No agreement may be revoked after commencement of arbitration proceedings. Revocation shall be effected by delivery of written notice to the health care provider or by depositing the notice properly addressed as certified mail.'

Statement of Fact

This amendment expands the revocation period to 180 days and provides that the agreement may be revoked by either party.

Filed by Mr. Hobbins of Saco.

Reproduced and distributed under the direction of the Clerk of the House.
6/23/77

(Filing No. H-818)