

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 870

S. P. 314

In Senate, February 17, 1981

On Motion of Senator Sutton of Oxford, reconsidered referral and referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator C. Sewall of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning Participation of Physicians before the Professional Malpractice Advisory Panel.

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

Sec. 1. 24 MRSA § 2803, sub-§ 2, as enacted by PL 1977, c. 492, § 3, is amended to read:

2. **Notice to physician; agreement; waiver.** Upon receipt of the request, the chairman shall immediately forward, by certified mail, a copy to the physician involved who ~~if he agrees to the submission shall forthwith,~~ **within 2 weeks from the date on which the copy was forwarded,** forward to the chairman a statement as provided in subsection 1, paragraphs B, C, D and E. Neither the party making the original request pursuant to subsection 1 nor his attorney shall be bound by any waiver or agreement made thereunder until the chairman shall have received from the physician a like written waiver or agreement, **or until the physician has failed to forward his statement as provided in subsection 1, within 2 weeks from the date on which a copy of the petitioner's request was mailed to him.**

Sec. 2. 24 MRSA § 2803, sub-§ 3, first sentence, as enacted by PL 1977, c. 492, § 3, is amended to read:

Upon receipt of the statement provided in subsection 2, **or the expiration of 2 weeks from the date on which a copy of the petitioner's request for submission**

was mailed to the physician, whichever is first, the chairman shall immediately designate and convene a hearing committee of panel members to consider the case.

STATEMENT OF FACT

The purpose of this bill is to amend the law dealing with the medical Professional Malpractice Advisory Panel to compel a physician to participate in the hearing process.