

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1938

S. P. 830 In Senate, February 9, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

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

MAY M. ROSS, Secretary of the Senate
Presented by Senator Bustin of Kennebec.

Cosponsors: Representative Lund of Augusta, Representative
Mitchell of Vassalboro and Senator Gill of Cumberland.

STATE OF MAINE

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

**AN ACT to Abolish the Mandatory Reporting of
Alcoholism Section of the Board of Registration
in Medicine Act.**

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

Sec. 1. 32 MRSA §503, sub-§3, ¶1L, as amended by PL
1979, c. 663, §209, is repealed.

Sec. 2. 32 MRSA §3286, first and 2nd ¶¶, as enacted by
PL 1971, c. 591, §1, are repealed.

STATEMENT OF FACT

At present, the law requires physicians who treat other
physicians for alcohol or drugs to report the treatment and
name of the physician within a day to the Board of Registra-
tion in Medicine.

1 This provision is intended to protect the public from
2 persons who might practice medicine while impaired. The
3 provision is in conflict with federal requirements for con-
4 fidentiality of alcohol and drug abuse patient records, and
5 therefore would place a reporting physician in jeopardy of
6 criminal penalties for violation of the federal statutes.
7 Nonreporting would place a treating physician in violation
8 of state law. The elimination of this requirement removes
9 the risk to the physicians.

10 This bill also enhances the possibility of a physician
11 seeking treatment for alcoholism or drug abuse which would
12 be an effective protection for the public.

13 This bill does not affect other requirements in state
14 law for the board's investigation of complaints or allega-
15 tions against a physician for alcohol or drug addiction, or
16 the possible suspension or revocation of a license on these
17 grounds.

18 Section 1 of the bill eliminates a provision for manda-
19 tory reporting in the statutes affecting chiropractors.

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