

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1966

6
7 H.P. 1491

House of Representatives, January 19, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint
9 Rule 26.

10 Reference to the Committee on Health and Institutional Services is
suggested and ordered printed.

EDWIN H. PERT, Clerk

11 Presented by Representative Nelson of Portland.
12

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR

17 AN ACT to Clarify the Licensing
18 Authority of the Board of Registration
19 in Medicine.
20

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

23 Sec. 1. 32 MRSA §3271, as amended by PL 1983, c.
24 378, §47, is repealed and the following enacted in
25 its place:

26 §3271. Qualifications for medical registration

27 Except where otherwise specified by this chapter,
28 all applicants for registration as a physician or
29 surgeon in the State shall satisfy each of the fol-
30 lowing requirements.

31 1. Medical education. Each applicant shall ei-
32 ther:

1 A. Graduate from a medical school designated as
2 accredited by the Liaison Committee on Medical
3 Education; or

4 B. Graduate from a foreign medical school deemed
5 by the board to provide medical education equiva-
6 lent to that provided by accredited medical
7 schools in the United States or Canada, and ei-
8 ther receive a permanent certificate from the Ed-
9 ucational Commission for Foreign Medical Gradu-
10 ates or achieve a passing score on the Visa Qual-
11 ifying Examination or another comprehensive exam-
12 ination deemed by the board to be substantially
13 equivalent.

14 (1) The board shall adopt rules establish-
15 ing standards and procedures for evaluating
16 foreign medical schools. The board may dele-
17 gate functions relating to the gathering of
18 information to individuals or organizations
19 with experience in the field of medical edu-
20 cation, provided that the board shall make
21 all determinations regarding the adequacy of
22 an applicant's medical education.

23 (2) The foreign medical schools which are
24 evaluated pursuant to this section shall pay
25 to the board all reasonable expenses inci-
26 dent to the board's evaluation.

27 2. Postgraduate training. Each applicant is re-
28 quired to have satisfactorily completed as least 12
29 months in a graduate educational program approved by
30 the Accreditation Council on Graduate Medical Educa-
31 tion, the Canadian Medical Association or the Royal
32 College of Physicians and Surgeons of Canada.

33 3. Examination. Each applicant shall achieve a
34 passing score on the examination or examinations des-
35 ignated by the board as the qualifying examination or
36 examinations for licensure.

37 4. Fees. Each applicant shall pay a fee in the
38 amount of \$100 plus the cost of the qualifying exami-
39 nation or examinations.

1 5. Board action. No applicant may be registered
2 unless the board finds that the applicant is quali-
3 fied and that there exists no cause, as set forth in
4 section 3282-A, which would be considered grounds for
5 disciplinary action against a licensed physician or
6 surgeon.

7 Sec. 2. 32 MRSA §3272, as enacted by PL 1971,
8 c. 591, §1, is repealed and the following enacted in
9 its place:

10 §3272. Examinations

11 Each applicant for licensure as a physician or
12 surgeon shall, at least 60 days before the date of
13 his qualifying examination, present to the secretary
14 of the board an application under oath or affirmation
15 containing satisfactory proof that the applicant has
16 met the requirements for medical education and post-
17 graduate medical training set forth in section 3271.
18 Applicants shall be examined in writing and may be
19 examined orally on such subjects as the board may
20 deem necessary.

21 Sec. 3. 32 MRSA §3273, as amended by PL 1983, c.
22 378, §48, is further amended to read:

23 §3273. Reexamination

24 Any applicant who fails the examination may be
25 reexamined by the board upon payment of a fee of \$50
26 plus the ~~current~~ cost of the examination.

27 Sec. 4. 32 MRSA §3275, sub-§1, as amended by PL
28 1979, c. 345, §4, is further amended to read:

29 1. Licensure without examination. The board may,
30 at its discretion, grant licensure without examina-
31 tion to a physician in good standing who otherwise
32 meets the requirements of section 3271 and who has
33 been:

34 A. Examined and certified by the National Board
35 of Medical Examiners;

36 B. Examined and licensed by a board of another
37 state, provided that the examination passed by

1 the applicant is deemed by the board to have been
2 equivalent to its own examination; or

3 C. Graduated from a nationally accredited medi-
4 cal school located in the United States, Canada
5 or the British Isles, and

6 (1) Has been examined and certified by the
7 Medical Council of Canada, or

8 (2) Has been examined and certified by the
9 Board of a Canadian province or any country
10 in the British Isles, provided that the ex-
11 amination passed by the applicant is deemed
12 by the board to have been equivalent in all
13 essentials to its own examination;

14 and a majority of the members of the board finds
15 that there exists no cause, as set forth in sec-
16 tion 3282, which may be considered grounds for
17 suspension or revocation of a license;

18 D. No applicant may be registered pursuant to
19 this section, unless the board finds that there
20 exists no cause, as set forth in section 3282-A,
21 which would be considered grounds for disciplin-
22 ary action against a licensed physician or sur-
23 geon.

24 Sec. 5. 32 MRSA §3276, as reenacted by PL 1975,
25 c. 770, §186, is amended to read:

26 §3276. Temporary licensure

27 Any physician who is qualified under ~~section 3271~~
28 section 3275 may, without examination, may be granted
29 a temporary license for a period not to exceed one
30 year, when the board deems it necessary to provide
31 relief for local or national emergencies or for situ-
32 ations in which there are insufficient physicians to
33 supply adequate medical services. The fee for this
34 temporary license shall be \$50 payable at the time of
35 application.

36 Sec. 6. 32 MRSA §3277, as amended by PL 1977, c.
37 388, §5, is further amended to read:

1 §3277. Camp physicians

2 Any physician who is qualified under ~~section 3271~~
3 ~~or~~ section 3275 may, at the discretion of the board,
4 be temporarily licensed as camp physician so that he
5 may care for the campers in that particular camp for
6 which he was hired and obtained as a camp physician.
7 He shall be entitled to practice only on patients in
8 ~~said~~ the camp. The certificate of licensure shall be
9 obtained each year. Application for this temporary
10 certificate shall be made in the same form and manner
11 as for regular licensure. No examination ~~shall~~ may be
12 exacted from applicants for these temporary licenses.
13 The fee shall be \$25 annually, which shall include
14 registration and certificate.

15 Sec. 7. 32 MRSA §3278, as repealed and replaced
16 by PL 1977, c. 388, §6, is repealed.

17 Sec. 8. 32 MRSA §3279, as amended by PL 1983, c.
18 378, §49, is repealed and the following enacted in
19 its place:

20 §3279. Interns; residents; visiting instructors

21 1. Interns. Any applicant who is qualified un-
22 der section 3271, subsection 1, may receive a tempo-
23 rary educational certificate from the board to act as
24 an intern for a period of no longer than 24 months.
25 The annual registration fee for an intern shall be
26 \$10.

27 2. Residents. Any applicant who is qualified
28 under section 3271, subsection 1, may receive a tem-
29 porary educational certificate from the board to act
30 as a hospital resident. A certificate to a hospital
31 resident may be renewed annually at the discretion of
32 the board for not more than 5 years. The annual reg-
33 istration fee for a hospital resident shall be \$10.

34 3. Conditions of registration. No applicant for
35 a temporary educational certificate may be registered
36 unless the board finds that the applicant is quali-
37 fied and that there exists no cause, as set forth in
38 section 3283-A, which would be considered grounds for
39 disciplinary action against a licensed physician or
40 surgeon. The board, in its discretion, may provide

1 that no examination will be required for applicants
2 for temporary educational certificates. Recipients
3 of these certificates shall have all the rights
4 granted to physicians who have been licensed to prac-
5 tice medicine and surgery, except that their practice
6 shall be limited to the training programs in which
7 they are enrolled. A temporary educational certifi-
8 cate may be suspended or revoked, or the board may
9 refuse to renew any such certificate, for any of the
10 reasons stated in section 3282-A, or if the intern or
11 hospital resident has violated the limitations placed
12 upon his temporary educational certificate.

13 4. Visiting instructors. A physician who has an
14 unrestricted license to practice medicine or surgery
15 in another state may practice medicine or surgery in
16 this State when he is performing medical procedures
17 as part of a course of instruction in medical educa-
18 tion in a hospital located in this State. The right
19 of a visiting medical instructor to practice medicine
20 in this State may be suspended or revoked for any of
21 the reasons stated in section 3282-A, or if the vis-
22 iting medical instructor has performed medical proce-
23 dures which are not a part of a course of instruc-
24 tion.

25 Sec. 9. 32 MRSA §3290, as enacted by PL 1971, c.
26 591, §1, is repealed.

27 STATEMENT OF FACT

28 The Medical Practice Act empowers the Board of
29 Registration in Medicine to set standards of eligi-
30 bility and to apply these standards to persons desir-
31 ing to practice medicine in this State. The board
32 has attempted to exercise this power in order to in-
33 sure that applicants have undergone comprehensive
34 medical education and training. However, a recent
35 opinion of the Attorney General concluded that the
36 current statutory language severely curtails the
37 board's ability to exclude from licensure applicants
38 whose medical education may be inadequate.

39 Therefore, the primary purpose of this bill is to
40 clarify the statutory prerequisites for licensure as
41 a physician so that the public health and welfare can

1 be protected. Under section 1 of the bill, appli-
2 cants for licensure shall either graduate from an ac-
3 credited medical school in the United States or Cana-
4 da, or graduate from a foreign medical school which
5 provides medical education equivalent to that pro-
6 vided by accredited schools. Graduates of approved
7 foreign medical schools also will be required to pass
8 one of the examinations required for entry into post-
9 graduate training in this country. Graduates of both
10 domestic and foreign medical schools shall then com-
11 plete 12 months in an accredited program of graduate
12 medical education. Finally, applicants for licensure
13 shall receive passing scores on a comprehensive exam-
14 ination or examinations designed to test their compe-
15 tence to practice medicine.

16 Other sections of the bill conform statutory lan-
17 guage to the altered standards for licensure set
18 forth in section 1. In addition, provisions concern-
19 ing the temporary licensure of physicians licensed in
20 other states and the temporary certification of hos-
21 pital interns and residents are clarified. The bill
22 also repeals certain statutory language deemed repet-
23 itive of other statutes or no longer necessary.

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