

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1491, L.D. 1966)

2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2197

7
8 H.P. 1665

House of Representatives, March 9, 1984

9 Reported by Representative Maybury from the Committee on Health and
10 Institutional Services and printed under Joint Rule 2.

Original bill presented by Representative Nelson of Portland.

11 EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Clarify the Licensing Authority
19 of the Board of Registration 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24 378, §47, is repealed and the following enacted in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;

4 B. Graduate from an unaccredited medical school,
5 be evaluated by the Educational Commission for
6 Foreign Medical Graduates subsequent to July 1,
7 1984, and receive a permanent certificate from
8 the Educational Commission for Foreign Graduates
9 subsequent to July 1, 1984; or

10 C. Graduate from an unaccredited medical school
11 and achieve a passing score on the Visa Qualify-
12 ing Examination or another comprehensive examina-
13 tion deemed by the board to be substantially
14 equivalent thereto.

15 2. Postgraduate training. Each applicant who
16 has graduated from an accredited medical school is
17 required to have satisfactorily completed at least 24
18 months in a graduate educational program approved by
19 the Accreditation Council on Graduate Medical Educa-
20 tion, the Canadian Medical Association or the Royal
21 College of Physicians and Surgeons of Canada. Each
22 applicant who has graduated from an unaccredited med-
23 ical school is required to have satisfactorily com-
24 pleted as least 36 months in a graduate educational
25 program approved by the Accreditation Council on
26 Graduate Medical Education, the Canadian Medical As-
27 sociation or the Royal College of Physicians and Sur-
28 geons of Canada.

29 3. Examination. Each applicant shall achieve a
30 passing score on the uniform examination of the Na-
31 tional Board of Medical Examiners or such examina-
32 tions designated by the board as the qualifying exam-
33 ination or examinations for licensure. Each appli-
34 cant shall additionally be required to achieve a
35 passing score on a State of Maine examination admin-
36 istered by the board.

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.

40 5. Board action. No applicant may be registered
41 unless the board finds that the applicant is quali-

1 fied and that there exists no cause, as set forth in
2 section 3282-A, which would be considered grounds for
3 disciplinary action against a licensed physician or
4 surgeon.

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

8 §3272. Examinations

9 Each applicant for licensure as a physician or
10 surgeon shall, at least 60 days before the date of
11 his qualifying examination, present to the secretary
12 of the board an application under oath or affirmation
13 containing satisfactory proof that the applicant has
14 met the requirements for medical education and post-
15 graduate medical training set forth in section 3271,
16 subsections 1 and 2. Applicants shall be examined in
17 writing and may be examined orally on such subjects
18 as the board may deem necessary.

19 Sec. 3. 32 MRSA §3273, as amended by PL 1983, c.
20 378, §48, is further amended to read:

21 §3273. Reexamination

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

25 Sec. 4. 32 MRSA §3275, sub-§1, as amended by PL
26 1979, c. 345, §4, is further amended to read:

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

32 A. Examined and certified by the National Board
33 of Medical Examiners;

34 B. Examined and licensed by a board of another
35 state, provided that the examination passed by
36 the applicant is deemed by the board to have been
37 equivalent to its own examination; or

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

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

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

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

16 No applicant may be registered pursuant to this sec-
17 tion, unless the board finds that there exists no
18 cause, as set forth in section 3282-A, which would be
19 considered grounds for disciplinary action against a
20 licensed physician or surgeon.

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

23 §3276. Temporary licensure

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

33 Sec. 6. 32 MRSA §3277, as amended by PL 1977, c.
34 388, §5, is further amended to read:

35 §3277. Camp physicians

36 Any physician who is qualified under ~~section 3271~~
37 ~~or~~ section 3275 may, at the discretion of the board,

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

12 Sec. 7. 32 MRSA §3278, as repealed and replaced
13 by PL 1977, c. 388, §6, is amended to read:

14 §3278. Locum tenens

15 Any physician who is qualified under ~~section 3271~~
16 ~~or~~ section 3275 may, at the discretion of the board,
17 be given a temporary license to be effective for not
18 more than 6 months after issuance for the purpose of
19 permitting the physician to serve as "locum tenens"
20 for some other physician who is then licensed to
21 practice medicine in this State and whose own license
22 is not temporary or limited under any of the provi-
23 sions of this chapter, provided that such Maine phy-
24 sician is either unable because of illness to main-
25 tain his practice or because of his absence from the
26 general locus of such practice or for other reasons
27 deemed sufficient by the board. The fee for this tem-
28 porary license shall be \$50, payable at the time of
29 application.

30 Sec. 8. 32 MRSA §3279, as amended by PL 1983, c.
31 378, §49, is repealed and the following enacted in
32 its place:

33 §3279. Interns; residents; visiting instructors

34 1. Interns. Any applicant who is qualified un-
35 der section 3271, subsection 1, may receive a tempo-
36 rary educational certificate from the board to act as
37 an intern for a period of no longer than 24 months.
38 The annual registration fee for an intern shall be
39 \$10.

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

8 3. Conditions of registration. No applicant for
9 a temporary educational certificate may be registered
10 unless the board finds that the applicant is quali-
11 fied and that there exists no cause, as set forth in
12 section 3282-A, which would be considered grounds for
13 disciplinary action against a licensed physician or
14 surgeon. The board, in its discretion, may provide
15 that an examination will be required for applicants
16 for temporary educational certificates. Recipients
17 of these certificates shall have all the rights
18 granted to physicians who have been licensed to prac-
19 tice medicine and surgery, except that their practice
20 shall be limited to the training programs in which
21 they are enrolled. A temporary educational certifi-
22 cate may be suspended or revoked, or the board may
23 refuse to renew any such certificate, for any of the
24 reasons stated in section 3282-A, or if the intern or
25 hospital resident has violated the limitations placed
26 upon his temporary educational certificate.

27 4. Visiting instructors. A physician who has an
28 unrestricted license to practice medicine or surgery
29 in another state may practice medicine or surgery in
30 this State when he is performing medical procedures
31 as part of a course of instruction in graduate medi-
32 cal education in a hospital located in this State.
33 The right of a visiting medical instructor to prac-
34 tice medicine in this State may be suspended or re-
35 voked for any of the reasons stated in section
36 3282-A, or if the visiting medical instructor has
37 performed medical procedures which are not a part of
38 a course of instruction.

39 Sec. 9. 32 MRSa §3290, as enacted by PL 1971, c.
40 591, §1, is repealed.

1 STATEMENT OF FACT

2 The medical practice laws empower the Board of
3 Registration in Medicine to set standards of eligi-
4 bility and to apply these standards to persons desir-
5 ing to practice medicine in this State. The board
6 has attempted to exercise this power in order to in-
7 sure that applicants have undergone comprehensive
8 medical education and training.

9 Therefore, the primary purpose of this new draft
10 is to clarify the statutory prerequisites for licensure
11 as a physician so that the public health and
12 welfare can be protected. Under section 1 of this
13 new draft applicants for licensure shall either grad-
14 uate from an accredited medical school, or graduate
15 from an unaccredited medical school and achieve a
16 passing score on one of the examinations required for
17 entry into postgraduate training in this country.
18 Graduates of approved foreign medical schools also
19 will be required to pass one of the examinations re-
20 quired for entry into postgraduate training in this
21 country. Graduates of accredited medical schools
22 shall then complete 24 months in an accredited pro-
23 gram of graduate medical education. Graduates of
24 unaccredited medical schools shall complete 36 months
25 in an accredited program of graduate medical educa-
26 tion. Finally, all applicants for licensure shall
27 achieve passing scores on a comprehensive examination
28 or examinations designed to test their competence to
29 practice medicine.

30 Other sections of the new draft conform statutory
31 language to the altered standards for licensure set
32 forth in section 1. In addition, provisions concern-
33 ing the temporary licensure of physicians licensed in
34 other states and the temporary certification of hos-
35 pital interns and residents are clarified. The new
36 draft also repeals certain statutory language deemed
37 repetitive of other statutes or no longer necessary.

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