

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
7
;

L.D. 845

(Filing No. H-383)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 574, L.D. 845,
Bill, "AN ACT to Require Prior Consent of a Patient
before a Medical Consultant can Provide a Billable
Service."

Amend the bill by striking out everything after
the enacting clause and inserting in its place the
following:

'22 MRSA §1714 is enacted to read:

§1714. Disclosure of rights concerning consultants

Prior to, or at the time of, admitting an indi-
vidual as an inpatient of a hospital licensed by the
State under chapter 405, each hospital shall inform
the patient or his legal guardian, in writing, of the
patient's right to refuse medical treatment, includ-
ing any consultations by physicians or other health
professionals other than his attending physician and
that if a consultation is provided to him without his
implied or express consent, that he is not obligated
to pay for the consultation. Consultation in this
paragraph refers only to instances where a bill sepa-
rate from that of the attending physician is gener-
ated and does not include professional services ren-
dered in connection with diagnostic tests, including,
but not limited to, x rays and lab tests. The ser-
vices of an anesthesiologist or nurse anesthetist
shall not be considered consultations within the
meaning of this paragraph.

If the patient is unable or incompetent to give
consent or if the patient is a minor, consent may be
given for consultation or services pursuant to this
section by the patient's legal representative, guard-
ian or parent.

COMMITTEE AMENDMENT "A" to H.P. 574, L.D. 845

1 Consent for consultation pursuant to this section
2 is not required in cases of emergency when obtaining
3 consent would be detrimental to the health of the pa-
4 tient.'

5

STATEMENT OF FACT

6 This amendment eliminates the necessity of a
7 written consent form in every consultation and re-
8 quires a written disclosure to patients of their le-
9 gal rights concerning medical consultations. It also
10 defines consultations to exclude routine lab tests, x
11 rays and anesthesiology.

12 This amendment also provides for emergency situa-
13 tions or situations when the patient is unable or in-
14 competent to consent to a consultation.

15

4281061185

Reported by the Minority of the Committee on Human Resources
Reproduced and distributed under the direction of the
Clerk of the House

6/11/85

(Filing No. H-383)