

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 30

H.P. 30

House of Representatives, January 27, 1989

Reference to the Committee on Business Legislation suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative LISNIK of Presque Isle.

Cosponsored by Representative MACBRIDE of Presque Isle, Senator COLLINS of Aroostook and Speaker MARTIN of Eagle Lake.

STATE OF MAINE

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

AN ACT to Amend the Medical Practice Laws.

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 **Whereas,** certain provisions in the medical practice laws
6 have created barriers to the recruitment of well-qualified
7 physicians; and

9 **Whereas,** an acute shortage of some specialists exists in
10 some parts of the State; and

11 **Whereas,** in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
13 Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
15 safety; now, therefore,

16
17 **Be it enacted by the People of the State of Maine as follows:**

18
19 **Sec. 1. 32 MRSA §3271, sub-§1, ¶B,** as enacted by PL 1983, c.
20 741, §1, is amended to read:

21
22 B. Graduate from an unaccredited medical school, be
23 evaluated by the Educational Commission for Foreign Medical
24 Graduates subsequent ~~to July 1, 1984,~~ and receive a
25 permanent certificate from the Educational Commission for
26 Foreign Graduates ~~subsequent to July 1, 1984;~~ or

27
28 **Sec. 2. 32 MRSA §3271, sub-§2,** as amended by PL 1985, c. 542,
29 is further amended to read:

30
31 **2. Postgraduate training.** Each applicant who has graduated
32 from an accredited medical school on or after January 1, 1970 is
33 required to have satisfactorily completed at least 24 months in a
34 graduate educational program approved by the Accreditation
35 Council on Graduate Medical Education, the Canadian Medical
36 Association or the Royal College of Physicians and Surgeons of
37 Canada. Each applicant who has graduated from an accredited
38 medical school prior to January 1, 1970, is required to have
39 satisfactorily completed at least 12 months in a graduate
40 educational program approved by the Accreditation Council on
41 Graduate Medical Education, the Canadian Medical Association or
42 the Royal College of Physicians and Surgeons of Canada. Each
43 applicant who has graduated from an unaccredited medical school
44 is required to have satisfactorily completed at least 36 months
45 in a graduate educational program approved by the Accreditation
46 Council on Graduate Medical Education, the Canadian Medical
47 Association or the Royal College of Physicians and Surgeons of
48 Canada or approved by an accrediting body which the board
49 considers an equivalent of the accrediting bodies.
50 Notwithstanding this subsection, any applicant who is board
51 certified in family practice and who graduated prior to July 1,

1 1974, is board certifiable, board certified or board eligible in
2 emergency medicine and who graduated prior to July 1, 1982, shall
3 be deemed to meet the postgraduate training requirements of this
4 subsection.

5 **Sec. 3. 32 MRSA §3271. sub-§3,** as enacted by PL 1983, c. 741,
6 §1, is amended to read:

7
8 **3. Examination.** Each applicant shall achieve a passing
9 score on each component of the uniform examination of the
10 Federation of State Medical Boards or such examinations
11 designated by the board as the qualifying examination or
12 examinations for licensure. Each applicant shall additionally be
13 required to achieve a passing score on a State of Maine
14 examination administered by the board.

15
16 **Emergency clause.** In view of the emergency cited in the
17 preamble, this Act shall take effect when approved.
18

19
20
21 **STATEMENT OF FACT**

22
23 This bill makes the following three changes in the medical
24 licensing portion of the medical practice laws.

25
26 1. Section 1 deletes the July 1, 1984, date from the law.
27 When this date was added in 1985, concern existed over the
28 possible compromising of the Educational Commission for Foreign
29 Medical Graduates test given in July 1983. The Educational
30 Commission for Foreign Medical Graduates has now ruled out the
31 possibility of a wide-spread compromise and has determined that
32 only in 2 test sites was the exam compromised. All candidates
33 tested that date at those 2 centers were required to retake and
34 pass a different version of the exam on November 17, 1983 in
35 order to be certified by the Educational Commission for Foreign
36 Medical Graduates. Therefore, the provision of the Maine Revised
37 Statutes, Title 32, section 3271, subsection 1, paragraph B, and
38 which renders any Educational Commission for Foreign Medical
39 Graduates certification prior to July 1, 1984 a nonqualifying
40 licensure credential is no longer required.

41
42 2. The current licensure provision requires that any
43 graduate of a non-American Medical Association or non-Canadian
44 approved medical school must complete 3 years in a graduate
45 educational program approved by the Accreditation Council on
46 Graduate Medical Education, the Canadian Medical Association or
47 the Royal College of Physicians and Surgeons of Canada. This
48 provision makes it impossible to license in Maine foreign medical
49 graduates who may have 3 years post-graduate training in a
50 foreign program. This change allows the Board of Registration in
51 Medicine to approve the post-graduate training of a foreign

1 graduate as long as it was at least 36 months and it was approved
2 by an accrediting body which the board considers an equivalent of
3 those accrediting bodies.

5 3. The current law provides that a passing composite score
6 on the uniform examination of the Federation of State Medical
7 Boards is sufficient for license qualifications. An applicant
8 could fail one component and pass the other to achieve a passing
9 component score yet be deficient in some important aspect of the
10 applicant's preparation for medical practice. This proposal
11 would add a phrase requiring passage of both components
12 individually.

13