

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 487

S.P. 209

In Senate, February 27, 1989

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President PRAY of Penobscot.

Cosponsored by Speaker MARTIN of Eagle Lake, Senator PEARSON of Penobscot and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

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

An Act Related to Medical Liability Insurance.



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

3 Sec. 1. 24 MRSA c. 21, sub-c. IX is enacted to read:

5 SUBCHAPTER IX

7 RURAL OBSTETRICAL CARE INCENTIVE PROGRAM

9 §2971. Rural Obstetrical Care Incentive Program

11 1. Program established. The program established in this
13 section shall be known as the Rural Obstetrical Care Incentive
15 Program. The purpose of the program is to provide assistance to
17 physicians providing obstetrical care under this subchapter.

17 §2972. Rural obstetrical care assistance

19 1. Prenatal and obstetrical services assistance.
21 Physicians providing prenatal and obstetrical services in regions
23 of the State underserved with respect to obstetrical and prenatal
25 care may apply for and receive assistance, paid from the Rural
27 Obstetrical Care Incentive Program administered by the Department
29 of Human Services.

31 A. A physician who provides obstetrical care in a region
33 that is designated under this section by rule as being
35 underserved for prenatal and obstetrical care will be
37 compensated in the amount of either the difference between
39 the physician's medical malpractice insurance premiums with
41 obstetrical care coverage and the physician's premiums
43 without obstetrical care coverage, or \$6,500, whichever is
45 less.

35 B. Physicians providing obstetrical care through an
37 arrangement with a local health department shall have the
39 option of providing the care at their offices or at the
41 facilities of the health department obstetrical clinic.

39 C. No physician shall be required to assume management of
41 the care of any obstetrical patient if the level of care
43 required for that patient is beyond the professional
45 competence of that physician.

45 D. Physicians eligible for payment under this program must
47 be licensed to practice medicine in this State.

47 E. Participating physicians shall provide complete
49 obstetrical care for patients, including prenatal care and
51 delivery, provided physicians in a region without a facility
for obstetrical delivery are still eligible if they provide
only prenatal care.

1 F. The liability insurance rates for obstetrical care to be
2 used to determine compensation under this program shall be
3 based on malpractice liability coverage in the amount of
4 \$1,000,000 per person and \$1,000,000 aggregate per policy
5 term.

6 G. No physician compensated under this program may refuse
7 to provide obstetrical care for any patient based on the
8 patient's economic status or ability to pay.

9 2. Rules. The Commissioner of Human Services shall adopt
10 rules to determine which, if any, regions are underserved with
11 respect to prenatal and obstetrical care, the scope of the
12 prenatal and obstetrical services that must be provided by a
13 physician for that physician to be eligible to receive assistance
14 under the Rural Obstetrical Care Incentive Program and the amount
15 and nature of the assistance to be provided to eligible
16 physicians. The commissioner may adopt any other rules necessary
17 to carry out the purposes of this subchapter under Title 5,
18 chapter 375.

19 3. Pilot program. The Department of Human Services shall
20 establish a pilot program to implement the Rural Obstetrical Care
21 Incentive Program in selected regions as designated by rule. The
22 Commissioner of Human Services shall report by March 1, 1991, to
23 the Legislature on the progress in implementing and operating the
24 pilot program established by this subchapter.

25 Sec. 2. Appropriation. The following funds are appropriated
26 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
HUMAN SERVICES, DEPARTMENT OF		
Rural Obstetrical Care Incentive		
Program		
All other	\$240,000	\$240,000
Provides funds for a pilot		
program to compensate		
physicians providing prenatal		
and obstetrical services in		
underserved regions of the		
State for the difference in		
costs of medical malpractice		
insurance premiums with		
obstetrical care coverage.		

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STATEMENT OF FACT

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5 The purpose of this bill is to help ensure that prenatal and
7 obstetrical services are available throughout the State. Many
9 family physicians have given up obstetrics practice because of
11 the large malpractice insurance premiums. This bill requires the
13 Commissioner of Human Services to set up a pilot program where
15 eligible physicians would receive direct monetary assistance to
17 pay the difference in insurance premiums, up to \$6,500. The
 program will start out with \$240,000 from the General Fund to
 provide the assistance contemplated.

 The Commissioner of Human Services will determine through
 rulemaking where the prenatal and obstetrical care are needed the
 most.