

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1407

H.P. 1009

House of Representatives, May 1, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GWADOSKY of Fairfield.

Cosponsored by Representative FARNSWORTH of Hallowell and Representative RYDELL of Brunswick.

STATE OF MAINE

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

An Act to Reduce Medical Malpractice.



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

3 Sec. 1. 32 MRSA §3263, first ¶, as amended by PL 1983, c. 812,
5 §228, is further amended to read:

7 The Board of Registration in Medicine, as established by
9 Title 5, section 12004, subsection 1, and in this chapter called
11 the "board," shall consist of 9 12 persons who are residents of
13 this State, appointed by the Governor. ~~Two~~ Five persons shall be
15 representatives of the public. Seven persons shall be graduates
17 of a legally chartered medical college or university having
19 authority to confer degrees in medicine and shall have been
21 actively engaged in the practice of their profession in this
23 State for a continuous period of 5 years preceding their
25 appointments to the board. ~~Three--persons~~ One third of the
members, qualified as aforesaid, including--at--most--one--public
representative, shall be appointed members of the board on or
before July 1st of every uneven-numbered year, each to hold
office for 6 years from July 1st following ~~his~~ that member's
appointment. Any vacancy in the board shall be filled by the
appointment of a person, qualified as was the member whose place
he the person fills, to hold office during the unexpired term of
that member. Any member of the board may be removed from office
for cause by the Governor.

27 Sec. 2. 32 MRSA §3269, sub-§8, as enacted by PL 1971, c. 591,
§1, is amended to read:

29 8. Complaints. The duty to investigate complaints in a
31 timely fashion on its own motion and those lodged with the board
33 or its representatives regarding the violation of any section of
this chapter and the violation of any rules or regulations
adopted by the board pursuant to its authority;

35 Sec. 3. 32 MRSA §3269, sub-§8-A is enacted to read:

37 8-A. Report. By January 1st of each year, the board shall
39 submit to the Legislature a report containing the following:

41 A. The number and types of complaints filed, the number
pending and the average time from filing to settlement;

43 B. The number and types of administrative procedures held;
45 and

47 C. The number and types of disciplinary actions taken and
the reason for the actions.

49 The definitions used in preparing this report shall be those that
51 are used in the board's report to the Federation of State Medical
Boards.

1 **Sec. 4. 32 MRSA §3269, sub-§15**, as enacted by PL 1985, c. 804,
2 §§19 and 22, is repealed and the following enacted in its place:

3
4 **15. Adequacy of budget.** The budget submitted by the board
5 to the Commissioner of Professional and Financial Regulation
6 shall be sufficient to enable the board to comply with this
7 subchapter. In particular, the budget should provide for
8 adequate staff for the board and for legal and investigative
9 staff in the Department of the Attorney General to assure that
10 professional liability complaints described in Title 24, section
11 2607 and complaints regarding violations of any section of this
12 chapter can be resolved in a timely fashion. The bureau shall
13 explore the possibility of sharing staff resources with the Board
14 of Osteopathic Examination and Registration. The Department of
15 the Attorney General shall make sufficient investigative hours
16 available to the board to result in the equivalent of one
17 full-time investigator for every 1,000 medical doctors in the
18 State.

19 **Sec. 5. 32 MRSA §3280, first ¶**, as amended by PL 1985, c. 804,
20 §20, is further amended to read:

21
22 On or before the first day of July, 1966, and on or before
23 the first day of July of every even-numbered year thereafter,
24 every physician licensed under this chapter shall apply to the
25 Board of Registration in Medicine for a certificate of biennial
26 registration on forms provided by the board. On or before the
27 first day of July, 1982, and on or before the first day of July
28 of every even-numbered year thereafter, any applicant actively
29 practicing medicine in the State shall include satisfactory
30 evidence to the board that, in the preceding 2 years, the
31 applicant has completed a course of continuing medical education
32 as prescribed in the rules and regulations of the board. The
33 registration fee for residents of this State and for nonresidents
34 shall in no event exceed the sum of \$250 ~~\$500~~. At least 1/2 of
35 this fee shall be utilized in attaining more timely response to
36 complaints against doctors that are filed with the board. This
37 section shall not apply to interns or residents registered under
38 section 3279 nor shall it apply to those holding temporary
39 certificates for practice in hospitals or camps as provided in
40 section 3277. The registration fees provided for under this
41 section shall not be required of any physician who is 70 years of
42 age on the first day of July of the year for which reregistration
43 is made, although the requirement of reregistration as provided
44 for shall apply without regard to age.

45
46 **Sec. 6. 32 MRSA §3299** is enacted to read:

47
48 **§3299. Promulgation of complaint procedures**

49
50 The Board of Registration in Medicine shall prepare posters
51 and pamphlets that will indicate that consumers may bring

1 complaints concerning medical doctors to the attention of the
3 board and give an address and phone number. These materials
5 shall be provided to all licensed physicians and to all hospitals
7 in the State. Licensed physicians shall put one of these notices
9 in reception rooms and waiting areas. Hospitals shall offer a
11 brochure to each patient at the time of admission and discharge.

13 **Sec. 7. Transition.** Notwithstanding the Maine Revised
15 Statutes, Title 32, section 3263, the 3 new public members of the
17 Board of Registration in Medicine shall be appointed for terms
19 beginning July 1, 1991. One of the 3 new public member positions
21 shall be for a term of 2 years, one for a term of 4 years and one
23 for a term of 6 years.

25 STATEMENT OF FACT

27 This bill accomplishes the following.

29 Section 1 adds 3 members of the public to the Board of
31 Registration in Medicine.

33 Section 2 requires investigation of consumer complaints by
35 the board to be done in a timely fashion.

37 Section 3 requires a report by the board to the Legislature
39 concerning the disposition of complaints received by it.

41 Section 4 requires the board to budget for adequate
personnel to handle consumer complaints in a timely fashion.

Section 5 increases the biannual registration fee for
physicians from \$250 to \$500 in order to fund the additional
board activities required by this bill.

Section 6 requires physicians and hospitals to post material
prepared by the board which will indicate to consumers the
procedure for filing complaints against physicians.

Section 7 provides for staggered terms for the initially
appointed additional public members.