

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 181

S.P. 96

Received by the Secretary, January 24, 1991

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 Senator BUSTIN of Kennebec.  
Cosponsored by Representative MITCHELL of Vassalboro.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act to Increase Access to Dental Services.**

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

2  
4       **Sec. 1. 24-A MRSA §6302**, as enacted by PL 1989, c. 931, §5,  
is amended to read:

6       **§6302. Purpose**

8       The purpose of this chapter is to promote, through financial  
10       incentives to physicians and dentists who practice in underserved  
areas of the State, the availability of physicians who deliver  
babies in those areas and the availability of dental services.

12       **Sec. 2. 24-A MRSA §6303, sub-§§2 and 3**, as enacted by PL 1989,  
14       c. 931, §5, are amended to read:

16       **2. Physician's or dentist's employer.** "Physician's or  
18       dentist's employer" means any hospital, health care facility,  
clinic or other entity that employs a physician or dentist and  
20       pays for or otherwise provides professional liability insurance  
for the physician or dentist.

22       **3. Self-insured.** "Self-insured" means any physician,  
24       hospital, dentist or physician's or dentist's employer insured  
against the physician's or dentist's professional negligence or  
26       the hospital's professional liability through any entity other  
than an insurer as defined in subsection 1.

28       **Sec. 3. 24-A MRSA §6304**, as enacted by PL 1989, c. 931, §5,  
is amended to read:

30       **§6304. Assessments authorized**

32       To provide funds for the Rural Medical Access Program,  
34       insurers may collect pursuant to this chapter assessments from  
physicians, hospitals, dentists and physician's or dentist's  
36       employers located in the State.

38       **1. Assessment from policyholders and self-insureds.** With  
respect to professional liability insurance policies for  
40       physicians, dentists and hospitals issued on or after July 1,  
1990, each insurer shall collect an assessment from each  
42       policyholder. With respect to professional liability insurance  
for self-insureds issued on or after July 1, 1990, each  
44       self-insured shall pay an assessment as directed by the  
superintendent. The superintendent shall determine the amount of  
46       the assessment in accordance with this chapter. Notwithstanding  
any provision of law, assessments made and collected pursuant to  
48       this chapter do not constitute premium, as defined in section  
2403, for purposes of any laws of this State relating to  
50       taxation, filing of insurance rates or assessment purposes other  
than as expressly provided under this chapter. The assessments  
52       are considered as premium only for purposes of any laws of this

2 State relating to cancellation or nonrenewal of insurance  
coverage and the determination of hospital financial requirements  
4 under Title 22, chapter 107.

6 **2. Required support.** Every insured and self-insured  
physician, dentist, hospital, and physician's or dentist's  
8 employer shall support the Rural Medical Access Program as  
provided in this chapter. Any physician, dentist, hospital or  
10 physician's or dentist's employer that fails to pay the  
assessment required by this chapter is subject to a civil penalty  
12 not to exceed \$2,000, payable to the bureau, to be recovered in a  
civil action.

14 **3. Assistance from boards and Department of Human Services;**  
**insure through other means.** The Board of Registration in  
16 Medicine, the Board of Dental Examiners and the Board of  
Osteopathic Examination and Registration shall assist the  
18 superintendent in identifying those physicians or dentists who  
insure against professional negligence by means other than  
20 through insurers defined in section 6303. The Department of  
Human Services, Division of Licensure and Certification, shall  
22 assist the superintendent in determining the insuring entity for  
any licensed hospital or physician's or dentist's employer and in  
24 identifying those hospitals and physician's or dentist's  
employers that insure against professional negligence by means  
26 other than through insurers defined in section 6303.

28 **4. Certification of assessments paid.** After review of the  
records provided by the Board of Registration in Medicine, the  
30 Board of Osteopathic Examination and Registration, the Board of  
Dental Examiners and the Department of Human Services, Division  
32 of Licensure and Certification, and the assessment receipts of  
the malpractice insurers, the superintendent shall certify those  
34 physicians, dentists, hospitals and ~~physicians'~~ physician's or  
dentist's employers that have paid the required assessments.

36 **Sec. 4. 24-A MRSA §6305, sub-§1, ¶¶D and F,** as enacted by PL  
38 1989, c. 931, §5, are amended to read:

40 D. The superintendent shall order each insurer to assess  
its policyholders the percentage of the total assessment  
42 ordered that the insurer's Maine premium volume for  
professional liability insurance for physicians, dentists  
44 and hospitals bears to the total Maine premium volume of all  
insurers and self-insureds for that coverage.

46 F. Every self-insured physician, dentist or physician's or  
48 dentist's employer and every self-insured hospital shall  
remit the assessment required by this section to the  
50 principal writer of physicians or dentists malpractice  
insurance in this State. Remittance by self-insured  
52 physicians, dentists or hospitals may be made on their

2           behalf by a self-insurer. The superintendent shall  
3           prescribe by rule a method to calculate and collect the  
4           assessment from self-insured physicians, dentists, hospitals  
5           and physicians' physician's or dentist's employers.

6           **Sec. 5. 24-A MRSA §6307**, as enacted by PL 1989, c. 931, §5,  
7           is amended to read:

8  
9           **§6307. Qualifications for premium assistance**

10           **1. Physician eligibility qualifications.** A physician is a  
11           qualified physician eligible to receive professional liability  
12           premium assistance if that physician:

13           A. Is licensed to practice medicine in the State;

14           B. Accepts and serves Medicaid patients;

15           C. Provides complete obstetrical care for patients,  
16           including prenatal care and delivery, provided that  
17           physicians in an underserved area without a facility for  
18           obstetrical delivery are still eligible if they provide only  
19           prenatal care and have referral agreements for delivery with  
20           a physician meeting the requirements of paragraphs A and B;  
21           and

22           D. Practices at least 50% of the time in areas of the State  
23           that are underserved areas for obstetrical and prenatal  
24           medical services as determined by the Department of Human  
25           Services.

26  
27           The Commissioner of Human Services shall determine those  
28           physicians who meet the requirements of this subsection. The  
29           commissioner shall adopt rules, pursuant to the Maine  
30           Administrative Procedure Act, determining underserved areas with  
31           respect to obstetrical and prenatal care. "Underserved areas"  
32           includes Medically Underserved Areas, Health Manpower Shortage  
33           Areas and other priority areas determined by the commissioner.  
34           The commissioner may adopt rules pursuant to the Maine  
35           Administrative Procedure Act defining the scope of services that  
36           must be provided to meet the requirements of paragraphs B and C  
37           and the method of prioritizing underserved areas for purposes of  
38           distribution of the assistance authorized by this section.

39           **1-A. Dentist eligibility qualifications.** A dentist is a  
40           qualified dentist eligible to receive professional liability  
41           premium assistance if that dentist:

42           A. Is licensed to practice dentistry in the State;

43           B. Accepts and serves Medicaid patients; and

