

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1229

S.P. 453

In Senate, March 21, 1991

Reference to the Committee on Business Legislation 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 BALDACCI of Penobscot

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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 the Fees for Licensure and Registration of Physicians  
and Physician Assistants and to Extend the Registration Period of  
Osteopathic Physicians to 2 Years.**

---

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

2  
3 Sec. 1. 32 MRSA §2562, as amended by PL 1983, c. 812, §223,  
4 is further amended by adding at the end a new paragraph to read:

5 The board may set reasonable fees for services, such as  
6 providing license certifications and verifications, providing  
7 copies of law and rules and providing copies of documents.

8  
9  
10 Sec. 2. 32 MRSA §2571, as amended by PL 1989, c. 462, §5, is  
11 further amended to read:

12 **§2571. Registration; qualifications; fees**

13  
14 Any person, before engaging in the practice of osteopathic  
15 medicine in this State, shall make application for a certificate  
16 to the board, on a form prescribed by it. The application shall  
17 must be filed with the secretary of the board at least 60 days  
18 before the date of examination together with a fee of not more  
19 than \$200 ~~\$500~~. The applicant shall present a diploma granted by  
20 an osteopathic college or university accredited by the American  
21 Osteopathic Association having the power to grant a D.O. degree.  
22 Applicants graduating from an osteopathic college or university  
23 having the power to grant a D.O. degree shall present evidence of  
24 having completed an internship of at least 12 months in a  
25 hospital conforming to the minimal standards for accreditation by  
26 the American Osteopathic Association, or the equivalency, as  
27 determined by the board. All applicants shall provide such  
28 reasonable and proper facts as the board in its application may  
29 require. The board at its discretion may permit an applicant who  
30 is otherwise qualified to be examined during internship, a  
31 certificate of licensure to be withheld until successful  
32 completion of internship.

33  
34 All fees set in this chapter are nonrefundable application  
35 fees or administrative processing fees payable to the board at  
36 the time of application or at the time board action is  
37 requested. Unless otherwise specified, the board shall set the  
38 fees.

39  
40 Sec. 3. 32 MRSA §2572, as amended by PL 1983, c. 378, §36, is  
41 further amended to read:

42 **§2572. Examination, reexamination; endorsement; temporary**  
43 **registration**

44  
45 Applicants shall must be examined in whole or in part in  
46 writing and shall must be thorough in such subjects as the board  
47 may ~~deem~~ determines necessary, including osteopathic theories and  
48 methods, to determine the competency of the candidate to practice  
49 osteopathic medicine and surgery in the State. If the examination  
50 is passed in a manner satisfactory to the board, the board shall  
51

2 issue to the applicant a certificate granting him the applicant  
the right to practice osteopathic medicine in this State. If the  
4 applicant fails to pass the examination, ~~he shall be~~ the  
applicant is entitled to one reexamination within one year  
6 thereafter upon payment of a fee of \$100 not more than \$500 plus  
the costs of the examination. Osteopathic physicians who have  
8 been certified by the National Board of Osteopathic Examiners or  
have been strictly examined and thereafter licensed to practice  
10 osteopathic medicine in another state, which has equivalent  
licensing requirements as Maine, may be licensed to practice  
12 osteopathic medicine in this State upon the payment of \$100 not  
more than \$500 and the substantiation to the board of an earned  
14 D.O. degree and the license obtained in such other state. The  
board may at its discretion require an examination of any such  
16 applicant.

18 **Sec. 4. 32 MRSA §2573**, as enacted by PL 1973, c. 374, §1, is  
amended to read:

20 **§2573. Temporary registration**

22 An osteopathic physician in good repute who is a graduate of  
an accredited osteopathic college or university having the power  
24 to grant a D.O. degree, serving as a fellow, intern or resident  
physician or surgeon in a hospital in this State, shall register  
26 with the board and be issued a certificate by the board  
evidencing the right of such person to hold a temporary  
28 registration to practice only under hospital control. Such a  
certificate may not be issued for a period in excess of one year  
30 but may be renewed from time to time, not to exceed an aggregate  
of 5 years. The certificate shall must be in a form prescribed by  
32 the board and may be revoked or suspended by the board with such  
suspension or revocation effective immediately when written  
34 notification from the board is received by the hospital. No  
examination shall may be required for applicants for this  
36 temporary certificate. The fee for such a certificate shall ~~be~~  
~~the same as a re-registration fee for licensure for that year~~ may  
38 not be more than \$300.

40 **Sec. 5. 32 MRSA §2574**, as enacted by PL 1973, c. 374, §1, is  
amended to read:

42 **§2574. Locum tenens**

44 An osteopathic physician having a D.O. degree from an  
46 American Osteopathic Association, accredited osteopathic college  
or university and of good repute may, at the discretion of the  
48 board, be given a temporary certificate to be effective for not  
more than 6 months after issuance, for the purpose of permitting  
50 such physician to serve as "locum tenens" for another osteopathic  
physician who is unable, because of illness or some other  
52 substantiated reason, to maintain his the practice, thus

2 fulfilling a need in that area for providing health services.  
3 The fee for such a certificate may be not more than \$500.

4 Sec. 6. 32 MRSA §2575, as enacted by PL 1973, c. 374, §1, is  
5 amended to read:

6 **§2575. Camp physicians**

7  
8 Any osteopathic physician being a graduate of an accredited  
9 osteopathic college or university having the power to grant a  
10 D.O. degree, and who is of good repute may, at the discretion of  
11 the board, make application for a temporary certificate to  
12 practice as a camp physician at a specified camp. ~~He shall be~~  
13 Such an osteopathic physician is entitled to practice only on the  
14 patients at said camp. The certificate shall must be obtained  
15 each year. Applications for such a temporary certificate shall  
16 must be made in the same manner as for regular certificates. No  
17 examination shall may be exacted from applicants for such  
18 temporary certificates. ~~The fee shall be the same as the~~  
19 ~~reregistration fee for licensure for that year~~ may not be more  
20 than \$500.

21  
22 Sec. 7. 32 MRSA §2576, as enacted by PL 1973, c. 374, §1, is  
23 amended to read:

24 **§2576. Visiting instructors**

25  
26 A temporary visiting instructor's certificate may be granted  
27 an osteopathic physician who holds a current and valid license to  
28 practice osteopathic medicine or surgery in another state. This  
29 certificate entitles the osteopathic physician ~~the right~~ to  
30 practice in this State where he that physician is performing  
31 osteopathic medical procedures as a part of a course or courses  
32 of instruction in continuing medical education in a hospital in  
33 this State. The annual fee for such a temporary certificate shall  
34 ~~be the same as the reregistration fee for licensure for that year~~  
35 may not be more than \$100. The license issued pursuant to this  
36 section is of a duration set by the board. Such a temporary  
37 certificate may be revoked for any one of the reasons in section  
38 ~~2591~~ 2591-A.

39  
40 Sec. 8. 32 MRSA §2581, 2nd ¶, as amended by PL 1989, c. 462,  
41 §6, is further amended to read:

42  
43 Every osteopathic physician legally licensed to practice in  
44 this State, shall, on or before the first day of January of each  
45 even-numbered year, pay to the secretary of the board a fee as  
46 stipulated by the board not to exceed \$200 \$500 for the renewal  
47 of the osteopathic physician's certificate to practice. In  
48 addition to the payment of such renewal fee, each licensee so  
49 applying for the renewal of the osteopathic physician's  
50 certificate shall, commencing for the year 1975 and thereafter,  
51  
52

2 furnish to the board satisfactory evidence that the osteopathic  
3 physician has attended in the year preceding at least 50 hours of  
4 educational programs devoted to continuing medical education  
5 approved by the board. The required education must be obtained  
6 from formalized programs of continuing medical education  
7 sponsored by recognized associations, colleges or universities,  
8 hospitals, institutes or groups approved by the board. A copy of  
9 the current approved list shall must be available in the office  
10 of the secretary of the board. At least 40% of these credit hours  
11 must be osteopathic medical education approved in the rules and  
12 regulations established by the board. The board ~~shall have the~~  
13 ~~authority--to~~ may adjudicate continuing medical education  
14 performance in situations of illness, hardship or military  
15 service upon written petition by the applicant. The secretary of  
16 the board shall send a written notice of the foregoing  
17 requirements to each such osteopathic physician, at least 60 days  
18 prior to each January 1st, directed to the last known address of  
19 the licensee enclosing therewith proper blank forms for  
20 application for renewal. If any licensee shall ~~fail~~ fails to  
21 furnish the board evidence of attendance at continuing medical  
22 educational programs, as approved by the board, and fails to pay  
23 the said renewal fee, or fails to submit a completed application  
24 for renewal the osteopathic physician shall automatically ~~forfeit~~  
25 forfeits the right to practice osteopathic medicine in this State  
26 and the license, therefore, shall be cancelled. After January  
27 1st of each even-numbered year, the board shall send notice by  
28 first class mail to each licensee who has failed to meet any of  
29 the requirements for renewal. If the failure is not corrected  
30 within 30 days, then the osteopathic physician's license may be  
31 deemed lapsed by the board. The secretary of the board may  
32 reinstate the osteopathic physician upon the presentation of  
33 satisfactory evidence of continuing medical education as outlined  
34 and approved by the board and upon payment of the renewal fee.

35 **Sec. 9. 32 MRSA §2594-C, sub-§2, ¶¶H to K, as enacted by PL**  
36 **1977, c. 391, are amended to read:**

37 H. Requirements for initial registration, including fees  
38 which shall in no event may exceed \$25 \$150;

39 I. Requirements for annual biennial registration, including  
40 fees which shall in no event may exceed \$25 \$100;

41 J. Provisions relating to physician assistant trainees; and

42 K. Continuing education requirements, as a precondition to  
43 annual registration; and

44 **Sec. 10. 32 MRSA §2594-C, sub-§2, ¶¶L and M are enacted to**  
45 **read:**

2 L. Requirements for physician supervision of physician  
3 extenders, including fees which in no event may exceed \$150;  
4 and

5 M. Requirements for transfer of registration by a physician  
6 extender to another physician, including fees which in no  
7 event may exceed \$50.

8  
9  
10 **Sec. 11. 32 MRSA §3269, sub-§12, as enacted by PL 1977, c.**  
11 **388, §2, is amended to read:**

12 **12. Other services and functions.** The power to provide  
13 services and carry out functions which are necessary to fulfill  
14 the board's statutory responsibilities. The board may set  
15 reasonable fees for services such as providing license  
16 certification and verifications, providing copies of board law  
17 and rules, and providing copies of documents;

18  
19 **Sec. 12. 32 MRSA §3270, as amended by PL 1973, c. 788, §161,**  
20 **is further amended by adding at the end a new paragraph to read:**

21 All fees set in this chapter are nonrefundable application  
22 fees or administrative processing fees payable to the board at  
23 the time of application or at the time board action is  
24 requested. Unless otherwise specified, the board shall set the  
25 fees.

26  
27 **Sec. 13. 32 MRSA §3270-B, sub-§§8 to 11, as enacted by PL 1975,**  
28 **c. 680, §1, are amended to read:**

29 **8. Fees for original application.** Fees for the original  
30 physician assistant application, which in no event shall ~~may~~  
31 exceed the sum of \$50 \$150;

32  
33 **9. Initial application of supervising physician.** Fee for  
34 the initial application of the supervising physician, which in no  
35 event shall ~~may~~ exceed the sum of \$50 \$150;

36  
37 **10. Fee for transfer of registration.** Fee for transfer of  
38 registration by a physician assistant from one supervising  
39 physician to another, which in no event shall ~~may~~ exceed the sum  
40 of \$25 \$50; and

41  
42 **11. Fees for biennial registration.** Fees for the ~~biannual~~  
43 biennial registration of physician assistants in an amount not to  
44 exceed \$25 \$100.

45  
46  
47 **Sec. 14. 32 MRSA §3271, sub-§4, as enacted by PL 1983, c. 741,**  
48 **§1, is amended to read:**  
49  
50

2           4. **Fees.** Each applicant shall pay a fee ~~in the amount of~~  
3 \$100 up to \$500 plus the cost of the qualifying examination or  
4 examinations.

5           **Sec. 15. 32 MRSA §3273**, as amended by PL 1983, c. 741, §3, is  
6 further amended to read:

7           **§3273. Reexamination**

8           Any applicant who fails the examination may be reexamined by  
9 the board upon payment of a fee of \$50 up to \$150 plus the cost  
10 of the examination.  
11

12           **Sec. 16. 32 MRSA §3275, sub-§2**, as amended by PL 1979, c. 345,  
13 §5, is further amended to read:

14           2. **Fees.** Any physician who applies for a license pursuant  
15 to subsection 1 shall pay a fee of \$125 not more than \$500.

16           **Sec. 17. 32 MRSA §3276**, as amended by PL 1983, c. 741, §5, is  
17 further amended to read:

18           **§3276. Temporary licensure**

19           Any physician who is qualified under section 3275 may,  
20 without examination, be granted a temporary license for a period  
21 not to exceed one year, when the board deems it necessary to  
22 provide relief for local or national emergencies or for  
23 situations in which there are insufficient physicians to supply  
24 adequate medical services. The fee for this temporary license  
25 ~~shall be \$50 payable at the time of application~~ is not more than  
26 \$500.  
27

28           **Sec. 18. 32 MRSA §3277**, as amended by PL 1983, c. 741, §6, is  
29 further amended to read:

30           **§3277. Camp physicians**

31           Any physician who is qualified under section 3275 may, at  
32 the discretion of the board, be temporarily licensed as camp  
33 physician so that he the physician may care for the campers in  
34 that particular camp for which he the physician was hired and  
35 obtained as a camp physician. ~~He shall be~~ That physician is  
36 entitled to practice only on patients in the camp. The  
37 certificate of licensure shall must be obtained each year.  
38 Application for this temporary certificate shall must be made in  
39 the same form and manner as for regular licensure. No examination  
40 may be exacted from applicants for these temporary licenses. The  
41 fee ~~shall be \$50 annually~~ may not be more than \$100 annually,  
42 which ~~shall include~~ includes registration and certificate.  
43  
44  
45  
46  
47  
48  
49  
50



2           **Sec. 19. 32 MRSA §3278**, as amended by PL 1983, c. 741, §7, is  
further amended to read:

4           **§3278. Locum tenens**

6           Any physician who is qualified under section 3275 may, at  
8           the discretion of the board, be given a temporary license to be  
10          effective for not more than 6 months after issuance for the  
12          purpose of permitting the physician to serve as "locum tenens"  
14          for some other physician who is then licensed to practice  
16          medicine in this State and whose own license is not temporary or  
18          limited under any of the provisions of this chapter, provided  
that such Maine physician is either unable because of illness to  
maintain his the practice or because of his absence from the  
general locus of such practice or for other reasons deemed  
sufficient by the board. The fee for this temporary license shall  
~~be \$50, payable at the time of application~~ may not be more than  
\$250.

20          **Sec. 20. 32 MRSA §3279, sub-§§1 and 2**, as enacted by PL 1983,  
c. 741, §8, are amended to read:

22           1. **Interns.** Any applicant who is qualified under section  
24          3271, subsection 1, may receive a temporary educational  
26          certificate from the board to act as an intern for a period of no  
longer than 24 months. ~~The annual registration fee for an intern~~  
~~shall be \$10.~~

28           2. **Residents.** Any applicant who is qualified under section  
30          3271, subsection 1, may receive a temporary educational  
32          certificate from the board to act as a hospital resident. A  
34          certificate to a hospital resident may be renewed annually at the  
discretion of the board for not more than 5 years. ~~The annual~~  
~~registration fee for a hospital resident shall be \$10.~~

36          **Sec. 21. 32 MRSA §3279, sub-§6** is enacted to read:

38           6. Fees. The board shall set fees for physicians and  
40          students licensed or registered pursuant to this section. The  
amounts set for the registrations and licenses issued under this  
section may not be more than \$250.

42          **Sec. 22. 32 MRSA §3280, first ¶**, as amended by PL 1985, c. 804,  
44          §20, is further amended to read:

46          On or before the first day of July, 1966, and on or before  
48          the first day of July of every even-numbered year thereafter,  
every physician licensed under this chapter shall apply to the  
Board of Registration in Medicine for a certificate of biennial  
50          registration on forms provided by the board. On or before the  
first day of July, 1982, and on or before the first day of July  
52          of every even-numbered year thereafter, any applicant actively

