

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1850

H.P. 1367

House of Representatives, February 8, 1994

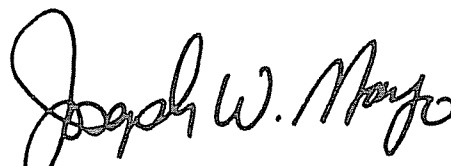
**An Act to Improve the License Renewal Procedure for the Board of  
Registration in Medicine.**

(EMERGENCY)

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Reported by Representative ERWIN for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Reference to the Joint Standing Committee on Audit and Program Review suggested and printing ordered under Joint Rule 18.

  
JOSEPH W. MAYO, Clerk

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

4  
6           **Whereas,** certain provisions of the medical practice laws  
have created a requirement for biennial license renewal  
application by physicians en masse on June 30th of even-numbered  
8 years with the next renewal due June 30, 1994; and

10           **Whereas,** the procedure mandated by current law does not  
provide optimum conditions for orderly and thorough review,  
12 investigation and evaluation of the merits of each license  
renewal application including background data maintained by the  
14 Board of Registration in Medicine and other agencies within the  
State and nationally; and

16           **Whereas,** a lack of orderly, thorough and timely  
18 consideration of each licensed physician's continuing  
qualification for medical practice license renewal, due to the  
20 time constraints and transaction volume mandated by current law,  
creates a potential for risk to the public health and safety; and

22           **Whereas,** the revision of the medical practice law combined  
24 with the use of existing electronic data processing technology  
will enable orderly, timely and thorough review of each  
26 application for medical practice license renewal by spreading  
workload associated with this effort evenly over a 24-month  
28 biennial renewal cycle; and

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

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

38           **Sec. 1.** 32 MRSA §3280, as amended by PL 1991, c. 425, §§22 to  
24, is repealed.

40           **Sec. 2.** 32 MRSA §3280-A is enacted to read:

42           **§3280-A. Biennial renewal of licenses; qualification; fees;**  
44           **reinstatement after lapse**

46           **1. Renewal of licenses.** A physician licensed pursuant to  
48 section 3271 or 3275 shall apply to the board for relicensure  
using application forms and submitting supporting documents  
required by the board. Except as provided in paragraph A for  
50 initial proration of expiration dates, the board shall provide to

2 every physician whose application is approved and accepted a  
proof of license renewal that is valid for no longer than 2 years.

4 A. Beginning with licenses expiring after July 1, 1994,  
regardless of the date of initial licensure or last license  
6 renewal, the license of every physician born in an  
odd-numbered year expires at midnight in 1995 on the last  
8 day of the month of the physician's birth. The license of  
every physician born in an even-numbered year expires at  
10 midnight in 1996 on the last day of the month of the  
physician's birth. Upon expiration, a physician must renew  
12 the license issued pursuant to this section and this license  
must be renewed every 2 years by the last day of the month  
14 of birth of the physician seeking license renewal by means  
of application to the board, on forms prescribed and  
16 supplied by the board.

18 B. At least 60 days prior to expiration of a current  
license, the board shall mail to each licensee at the  
20 licensee's last known address a notice of the requirement to  
renew the license with appropriate application forms for the  
22 renewal. Whenever a licensee fails, prior to the expiration  
of the licensee's current license, to return to the board a  
24 completed application either to renew the license or to  
withdraw from licensure, the board shall notify the licensee  
26 as soon as possible at the licensee's last known address  
that the license renewal is past due. Thirty days after the  
28 notice has been sent, if the application has neither been  
submitted by the licensee nor returned by the United States  
30 Postal Service as undeliverable, the board shall notify the  
licensee by certified mail, return receipt requested, that  
32 the licensee's license has been administratively suspended  
for 30 days. If an administratively complete relicensure  
34 application, pursuant to subsection 3, paragraph B, has not  
been submitted within the 30-day period of administrative  
36 suspension, the license immediately and automatically  
lapses. The board may not restore the license prior to  
38 completion of the reinstatement proceedings pursuant to  
subsection 4.

40 2. Criteria for license renewal. Prior to renewing a  
42 license:

44 A. The board may pose any question to the licensee or other  
sources that the board determines appropriate related to  
46 qualification for relicensure. These matters may include,  
but are not limited to, confirmation of health status,  
48 professional standing and conduct, professional liability  
claims history and license status in other jurisdictions.  
50 The board shall, after affording the licensee due process,

2 deny license renewal if the board finds cause that may be  
3 considered grounds for refusal to renew the license pursuant  
4 to section 3282-A; and

5 B. Every licensee seeking renewal of a license with the  
6 intent of conducting active medical practice in this State  
7 shall submit evidence, satisfactory to the board, of  
8 successful completion of a course of continuing medical  
9 education within the preceding 24 months, as prescribed by  
10 rule. A physician licensed pursuant to section 3271 or 3275  
11 may not engage in the practice of medicine in this State in  
12 any degree, including advising or prescribing medication for  
13 self, friends or family with or without charge, unless the  
14 board has found the licensee qualified by continuing medical  
15 education and has marked the current license with the  
16 designation "active."

17 3. Fees. The following fees apply to licensure.

18 A. The board may charge a license renewal application fee  
19 of not more than \$265 to all applicants for license renewal  
20 who have not attained 70 years of age on the date renewal  
21 becomes due.

22 B. In addition to the application processing fee, the board  
23 may require payment of a late application fee of not more  
24 than \$100 from all licensees, regardless of age, from whom  
25 the board has not received an administratively complete  
26 license renewal application prior to the license expiration  
27 date. An application is not administratively complete if it  
28 is not signed and dated by the licensee or does not provide  
29 full information and responses of sufficient detail to  
30 permit board review, evaluation and decision on renewal  
31 qualification. An application received without the required  
32 license renewal application fee is considered incomplete and  
33 the applicant is subject to a late fee.

34 C. The board may prorate the fee for biennial relicensure  
35 for physicians who have been initially licensed within the  
36 past 12 months. The manner of proration, if done, must be  
37 explained in the board's published schedule of fees. The  
38 board may waive all or a portion of the established license  
39 renewal application fee upon receipt of a request for waiver  
40 based on hardship or other special circumstance. Any waiver  
41 request granted and the basis for the waiver must be  
42 recorded in the minutes of the board's proceedings.

43 D. Unless received and deposited to the board's account in  
44 error and in violation of this section or the board's rules,  
45 a license renewal application fee or late fee paid to the  
46 board shall be refunded to the applicant.

2 board is not refundable if the board or the board's staff  
4 has commenced processing the application, regardless of the  
6 board's action on the application.

8 **4. Reinstatement after lapse.** A physician may be  
10 reinstated after the lapse of a license under the following  
12 conditions.

14 A. A license that has lapsed pursuant to subsection 1,  
16 paragraph B may be reinstated upon application by the  
18 physician on forms provided by the board. A physician whose  
20 license has lapsed for more than 5 years shall apply for a  
22 new license in order to practice medicine in the State.

24 B. When applying for reinstatement, the licensee must state  
26 the reason why the license lapsed and pay all fees in  
28 arrears at the time of lapse plus the current license  
30 renewal application fee and a nonrefundable reinstatement  
32 application processing fee of \$100.

34 C. The board may not reinstate a lapsed license if the  
36 board finds any cause that may be considered a ground for  
38 discipline pursuant to section 3282-A if the license had  
40 been in force. Prior to concluding that no cause exists,  
42 the board shall conduct the inquiries required by subsection  
44 2, paragraph A for applications for renewal. In addition,  
46 the board may not reinstate the license of any physician who  
48 has not provided evidence satisfactory to the board of  
50 having actively engaged in the practice of medicine  
continuously for at least the past 12 months under the  
license of another jurisdiction of the United States or  
Canada unless the applicant has first satisfied the board of  
the applicant's current competency by passage of written  
examinations or practical demonstrations as the board may  
from time to time prescribe for this purpose through  
rulemaking.

38 **Sec. 3. License renewal.** The expiration date of the licenses  
40 for all physicians who renew their licenses on July 1, 1994 is  
42 midnight of the last day of the month of the physician's birth in  
44 1995 for every physician born in an odd-numbered year and is  
46 midnight of the last day of the month of the physician's birth in  
48 1996 for every physician born in an even-numbered year. The fee  
50 for relicensure on July 1, 1994 must be prorated proportionally  
to the period of licensure between July 1, 1994 and the date of  
the next expiration.

**Sec. 4. Effective date.** Sections 1 and 2 of this Act take  
effect September 30, 1994.

