

MAINE STATE LEGISLATURE

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L.D. 1851

DATE: 3/23/94

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STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1368, L.D. 1851, Bill, "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act"

Amend the bill in Part A by inserting after section 16 the following:

Sec. A-17. 24 MRSA §2502, sub-§4-A, as amended by PL 1993, c. 39, §1, is further amended to read:

4-A. Professional review committee. "Professional review committee" means a committee of physicians formed by a professional society for the purpose of identifying and working with physicians and physician assistants who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant to protocols approved by the Board of Registration Licensure in Medicine or the Board of Osteopathic Licensure.

Sec. A-18. 24 MRSA §2505, 2nd ¶, as amended by PL 1985, c. 185, §2, is further amended to read:

Except for specific protocols developed by the a board pursuant to Title 32, section 2596-A or 3298, ne a physician or committee is not responsible for reporting misuse of alcohol or drugs or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol or drugs discovered by the physician or committee as a result of participation or membership in a professional review committee or with respect to any information acquired concerning

SENATE AMENDMENT

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2 misuse of alcohol or drugs or professional incompetence or
malpractice as a result of physical or mental infirmity or by the
4 misuse of alcohol or drugs, as long as that information is
reported to the professional review committee. Nothing in this
6 section may prohibit an impaired physician from seeking
alternative forms of treatment.'

8 Further amend the bill in Part A in section 175 in that part
designated "~~§2581.~~" in the 2nd paragraph in the 10th and 11th
10 lines (page 107, lines 6 and 7 in L.D.) by striking out the words
"year preceding at least 50" and inserting in their place the
12 following: 'year 2 preceding years at least 50 100'

14 Further amend the bill in Part A by inserting after section
184 the following:

16 'Sec. A-185. 32 MRSA §2596-A is enacted to read:

18 §2596-A. Establishment of protocols for operation of a
20 professional review committee

22 The board shall establish a protocol to govern the operation
24 of a professional review committee as defined in Title 24,
section 2502, subsection 4-A. The protocol must require the
26 professional review committee to submit to the board information
specified by the board regarding reports received by the
28 professional review committee, as well as an annotated list of
contacts or investigations made by the professional review
30 committee and the disposition of each report, except that the
committee may not be compelled to disclose information that may
32 serve to identify the subject of a report. The protocol may not
prohibit an impaired physician from seeking alternative forms of
treatment.'

34 Further amend the bill in Part A by renumbering the sections
36 to read consecutively.

38 **STATEMENT OF FACT**

40 This amendment authorizes the Board of Osteopathic Licensure
42 to establish a professional review committee and a protocol to
govern the operation of a professional review committee. The
44 amendment also clarifies that 100 hours of continuing education
is required in the 2 years preceding relicensure of an
46 osteopathic physician.

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50 SPONSORED BY: 
52 (Senator CLEVELAND)

54 COUNTY: Androscoggin

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