

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1472

S.P. 534

In Senate, May 2, 1995

An Act to Require That Physicians Providing Services from Another State to Patients Located in Maine Be Licensed by the State.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland.
Cosponsored by Senators: CARPENTER of York, HARRIMAN of Cumberland,
Representatives: DONNELLY of Presque Isle, REED of Dexter.

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

2 **Sec. 1. 32 MRSA §2571, first ¶**, as amended by PL 1993, c. 600,
4 Pt. A, §173, is further amended to read:

6 An individual, before engaging in the practice of
8 osteopathic medicine in this State or for a patient located in
10 this State, shall make application for a license to the board, on
12 a form prescribed by the board. The application must be filed
14 together with a fee of not more than \$350. The applicant shall
16 present a diploma granted by an osteopathic college or university
18 accredited by the American Osteopathic Association having the
20 power to grant a D.O. degree. Applicants graduating from an
22 osteopathic college or university having the power to grant a
24 D.O. degree shall present evidence of having completed an
internship of at least 12 months in a hospital conforming to the
minimal standards for accreditation by the American Osteopathic
Association, or the equivalency, as determined by the board. All
applicants shall provide reasonable and proper facts as the board
in its application may require. The board at its discretion may
permit an applicant, who is otherwise qualified to be examined
during internship, a license to be withheld until successful
completion of internship.

26 **Sec. 2. 32 MRSA §2571-A** is enacted to read:

28 **§2571-A. License required; exceptions**

30 This chapter does not limit, preclude or interfere with a
32 consultation by a physician licensed in this State with an
34 out-of-state physician as long as the care the out-of-state
36 physician provides is in the form of assistance and does not
constitute the primary provision of care or the primary
interpretation of the diagnostic test.

38 **Sec. 3. 32 MRSA §3270, first ¶**, as amended by PL 1993, c. 600,
Pt. A, §204, is further amended to read:

40 Unless licensed by the board, an individual may not practice
42 medicine or surgery or a branch of medicine or surgery or claim
44 to be legally licensed to practice medicine or surgery or a
46 branch of medicine or surgery within the State or for a patient
48 located in this State by diagnosing, relieving in any degree or
50 curing, or professing or attempting to diagnose, relieve or cure
a human disease, ailment, defect or complaint, whether physical
or mental, or of physical and mental origin, by attendance or by
advice, or by prescribing or furnishing a drug, medicine,
appliance, manipulation, method or a therapeutic agent whatsoever
or in any other manner unless otherwise provided by statutes of

2 this State. An individual licensed under chapter 36 may prefix
the title "Doctor" or the letters "Dr." to that individual's
4 name, as provided in section 2581, or a chiropractor licensed by
this State may prefix the title "Doctor" or the letters "Dr." to
6 that individual's name when accompanied by the word
"Chiropractor," or a dentist duly licensed by this State may
8 prefix the title "Doctor" or the letters "Dr." to that
individual's name or an optometrist duly licensed under the laws
of this State may prefix the title "Doctor" or the letters "Dr."
10 to that individual's name when accompanied by the word
"Optometrist" or a podiatrist licensed under the laws of this
12 State may prefix the title "Doctor" or the letters "Dr." to that
individual's name when accompanied by the word "Podiatrist" or
14 "Chiropodist."

16 **Sec. 4. 32 MRSA §3270-E** is enacted to read:

18 **§3270-E. License required; exceptions**

20 This chapter does not limit, preclude or interfere with a
22 consultation by a physician licensed in this State with an
out-of-state physician as long as the care the out-of-state
24 physician provides is in the form of assistance and does not
constitute the primary provision of care or the primary
26 interpretation of the diagnostic test.

28 **STATEMENT OF FACT**

30 The purpose of this bill is to ensure the quality of medical
services provided to the people of the State. Evolving
32 technology permits increasing use of telecommunication facilities
to provide medical services from remote sites. This bill
34 requires any physician or osteopathic physician providing medical
services to a patient located in Maine to be licensed in Maine.