

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

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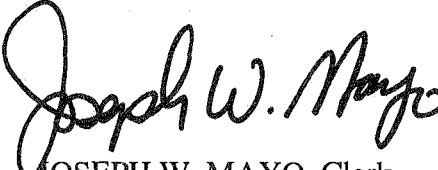
H.P. 394

House of Representatives, January 28, 1997

**An Act to Clarify the Laws Regarding the Board of Licensure in
Medicine and Ensure That Physician Discipline Is Reported to the
Appropriate Licensing Board.**

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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


JOSEPH W. MAYO, Clerk

Presented by Representative VIGUE of Winslow.
Cosponsored by Senator LONGLEY of Waldo and
Representatives: AHEARNE of Madawaska, BARTH of Bethel, MERES of Norridgewock,
USHER of Westbrook.

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

4 **Sec. 1. 24 MRSA §2502, sub-§2-A is enacted to read:**

6 2-A. Health maintenance organization. "Health maintenance organization" means an organization defined by and subject to Title 24-A, chapter 56.

8 **Sec. 2. 24 MRSA §2502, sub-§3-A is enacted to read:**

10 3-A. Preferred provider organization. "Preferred provider organization" means an arrangement between an insurer or administrator and preferred providers that is defined by and subject to Title 24-A, chapter 32.

12 **Sec. 3. 24 MRSA §2506, as amended by PL 1989, c. 462, §1, is further amended to read:**

14 **§2506. Provider reports**

16 A health care provider shall, within 60 days, report in
18 writing to the disciplined practitioner's board or authority the
20 name of any licensed, certified or registered employee or person
22 privileged by the provider whose employment or privileges have
24 been revoked, suspended, limited or, terminated, or who resigned
26 while under investigation or to avoid investigation, together
28 with ~~pertinent information~~ all information and records relating
30 to that action. The report shall ~~shall~~ must include situations in which
32 employment or privileges have been revoked, suspended, limited or
34 otherwise adversely affected by action of the health care
36 practitioner while the health care practitioner was the subject
38 of disciplinary proceedings, and it also shall ~~shall~~ must include
40 situations where employment or privileges have been revoked,
42 suspended, limited or otherwise adversely affected by act of the
health care practitioner in return for the health care provider
terminating such proceeding. Any reversal, modification or
change of action reported pursuant to this section shall ~~shall~~ must be
reported immediately to the practitioner's board or authority,
together with a brief statement of the reasons for that reversal,
modification or change. The failure of any such health care
provider to report as required is a civil violation for which a
fine of not more than \$1,000 may be adjudged.

44 Health maintenance organizations, preferred provider organizations and similar organizations are subject to the reporting requirements of this section when they take adverse action against a physician's privileges, credentials or employment for reasons related to clinical competence or unprofessional conduct.

2 **Sec. 4. 32 MRSA §3270-B**, as amended by PL 1993, c. 600, Pt.
A, §206, is further amended by repealing the headnote and
4 replacing it with the following:

6 **§3270-B. License and regulation**

8 **Sec. 5. 32 MRSA §3270-B, first ¶**, as amended by PL 1993, c.
600, Pt. A, §206, is further amended to read:

10 A physician assistant is not permitted to practice until the
physician assistant has applied for and obtained a ~~certificate of~~
12 qualification license issued by the Board of Licensure in
Medicine, which must be renewed biennially, and a certificate of
14 registration, ~~which must be renewed biannually~~. All applications
for certificate of qualification registration must be accompanied
16 by an application by the proposed supervisory physician, ~~which~~
application that must contain a statement that that physician is
18 responsible for all medical activities of the physician
assistant. The Board of Licensure in Medicine is authorized to
20 adopt rules regarding the training and ~~certification~~ licensure of
physician assistants and the agency relationship between the
22 physician assistant and the supervising physician. Those rules
may pertain, but are not limited, to the following matters:

24 **Sec. 6. 32 MRSA §3270-B, sub-§11**, as amended by PL 1993, c.
26 600, Pt. A, §206, is further amended to read:

28 **11. Fees for biennial license renewal.** Fees for the
biennial ~~registration~~ license renewal of physician assistants in
30 an amount not to exceed \$100.

32 **Sec. 7. 32 MRSA §3286, 2nd ¶**, as amended by PL 1993, c. 600,
Pt. A, §219, is further amended to read:

34 For the purpose of this ~~section~~ chapter, by practicing or by
36 making and filing a biennial license to practice medicine in this
State, every physician licensed under this chapter who accepts
38 the privilege to practice medicine in this State is deemed to
have given consent to a mental or physical examination when
40 directed in writing by the board and to have waived all
objections to the admissibility of the examining physicians'
42 testimony or examination reports on the grounds that the
testimony or reports constitute a privileged communication.

44 **Sec. 8. 32 MRSA §3296**, as amended by PL 1993, c. 600, Pt. A,
46 §223, is further amended by adding at the end a new paragraph to
read:

48 The exemptions from discovery under this section do not
50 apply to the identification of an affected practitioner or the

2 primary source materials utilized in the proceedings, which must
3 be reported to the board pursuant to Title 24, section 2506.

4
5
6 **SUMMARY**

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8 This bill amends the Maine Revised Statutes, Title 24,
9 chapter 21, the Maine Health Security Act, to include health
10 maintenance organizations, preferred provider arrangements and
11 similar organizations as entities that must report practitioner
12 discipline related to clinical competence or unprofessional
13 conduct.

14 The bill also amends Title 32, chapter 48, the laws
15 regarding the Board of Licensure in Medicine, to clarify that
16 physician assistants are licensed to practice and are registered
17 with the board, under a supervisory physician. The bill also
18 clarifies the board's authority to require licensees to submit to
19 mental or physical examination.
20