

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2099

S.P. 772

In Senate, January 20, 1998

**An Act to Prohibit Discrimination against Osteopathic Physicians and
Provide Patient Choice.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Banking and Insurance 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 President LAWRENCE of York.
Cosponsored by Representative DONNELLY of Presque Isle and
Senators: AMERO of Cumberland, LaFOUNTAIN of York, MacKINNON of York, RAND of
Cumberland, Representatives: GAGNE of Buckfield, KONTOS of Windham, VIGUE of
Winslow.

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

4 Sec. 1. 32 MRSA §2587 is enacted to read:

6 §2587. Discrimination against osteopathic physicians prohibited

8 1. Discrimination prohibited. When medical training and
10 specialty board certification are considerations in the
12 credentialing of osteopathic physicians, a state board,
14 commission or department; hospital, health care facility, medical
16 staff, professional service corporation or professional limited
liability corporation; health maintenance organization, preferred
provider organization, independent practice association, managed
care organization, health plan or any other insurance provider
may not discriminate, on the basis of education or training,
against eligible osteopathic physicians who have:

18 A. Graduated from medical school and post-doctoral programs
20 approved by either the American Osteopathic Association or
the Accreditation Council for Graduate Medical Education; or

22 B. Been awarded board eligibility or board certification by
24 either the American Osteopathic Association or the American
Board of Medical Specialties.

26 2. Violations. Any violation of this section may be
28 enjoined in an action brought either in the name of the people of
the State by the district attorney for the county in which the
30 violation occurs, upon receipt of a complaint by the aggrieved
physician, or directly by the aggrieved physician.

32 **SUMMARY**

34 In order to increase access to and choice of physicians,
36 this bill requires hospitals, health maintenance organizations,
38 insurance companies and all health care entities that require a
40 physician to be residency trained, board certified or eligible
42 for certification in a medical specialty to accept residency
training or certification approved by the American Osteopathic
Association, the Accreditation Council for Graduate Medical
Specialties or the American Board of Medical Specialties as
satisfaction of the requirement.