

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2017

H.P. 1514

House of Representatives, December 26, 2001

**An Act to Increase the Licensing Fee Caps of the Board of Osteopathic
Licensure.**

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

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Business and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative RICHARDSON of Brunswick.
Cosponsored by Representatives: CLOUGH of Scarborough, MICHAUD of Fort Kent,
Senator: SHOREY of Washington.

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

2
4 **Sec. 1. 32 MRSA §2571, first ¶**, as amended by PL 1997, c. 50, §3, is further amended to read:

6 An individual, before engaging in the practice of
8 osteopathic medicine in this State, shall make application for a
license to the board, on a form prescribed by the board. The
10 application must be filed with the board at least 60 days before
the date of examination together with a fee of not more than ~~\$350~~
12 \$525. The applicant shall present a diploma granted by a school
or college of osteopathic medicine approved by the American
14 Osteopathic Association. That applicant shall present evidence
of having completed an internship of at least 12 months in a
16 hospital conforming to the minimal standards for accreditation by
the American Osteopathic Association, or the equivalency, as
18 determined by the board. All applicants shall provide reasonable
and proper facts as the board in its application may require. The
20 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.

22 **Sec. 2. 32 MRSA §2573**, as amended by PL 1997, c. 50, §5, is
24 further amended to read:

26 **§2573. Temporary licensure**

28 An osteopathic physician in good repute who is a graduate of
a school or college of osteopathic medicine approved by the
30 American Osteopathic Association, serving as a fellow, intern or
resident physician in a hospital in this State, shall register
32 with the board and must be issued a temporary license by the
board evidencing the right to practice only under hospital
34 control. Such a license may not be issued for a period in excess
of one year but may be renewed from time to time, not to exceed
36 an aggregate of 5 years. The license must be in a form
prescribed by the board and may be revoked or suspended by the
38 board with the suspension or revocation effective immediately
when written notification from the board is received by the
40 hospital. An examination may not be required for applicants for
this temporary license. The fee for such a license may not be
42 more than ~~\$300~~ \$450.

44 **Sec. 3. 32 MRSA §2574**, as amended by PL 1997, c. 50, §6, is
46 further amended to read:

48 **§2574. Locum tenens**

50 An osteopathic physician who is a graduate of a school or
college of osteopathic medicine approved by the American

2 Osteopathic Association and who is of good repute may, at the
4 discretion of the board, be given a temporary license to be
6 effective for not more than 6 months after issuance, for the
8 purpose of permitting the physician to serve as "locum tenens"
for another osteopathic physician who is unable, because of
illness or some other substantiated reason, to maintain the
practice, thus fulfilling a need in that area for providing
health services. The fee for such a license may be not more than
\$500 \$750.

10
12 **Sec. 4. 32 MRSA §2575**, as amended by PL 1997, c. 50, §7, is
further amended to read:

14 **§2575. Camp physicians**

16 An osteopathic physician who is a graduate of a school or
18 college of osteopathic medicine approved by the American
Osteopathic Association and who is of good repute may, at the
discretion of the board, make application for a temporary license
20 to practice as a camp physician at a specified camp. Such an
osteopathic physician is entitled to practice only on the
22 patients at the camp. The license must be obtained each year.
Applications for such a temporary license must be made in the
24 same manner as for regular licenses. An examination may not be
exacted from applicants for temporary licenses. The fee may not
26 be more than \$500 \$750.

28 **Sec. 5. 32 MRSA §2576**, as amended by PL 1993, c. 600, Pt. A,
30 §178, is further amended to read:

32 **§2576. Visiting instructors**

34 A temporary visiting instructor's license may be granted an
osteopathic physician who holds a current and valid license to
practice osteopathic medicine in another state. This license
36 entitles the osteopathic physician to practice in this State when
that physician is performing osteopathic medical procedures as a
38 part of a course or courses of instruction in continuing medical
education in a hospital in this State. The annual fee for such a
40 temporary license may not be more than \$100 \$150. The license
issued pursuant to this section is for a duration set by the
42 board. Such a temporary license may be revoked for any one of
the reasons in section 2591-A.

44
46 **Sec. 6. 32 MRSA §2581, 2nd ¶**, as amended by PL 1993, c. 600,
Pt. A, §180, is further amended to read:

48 Every osteopathic physician legally licensed to practice in
50 this State, shall, on or before the ~~first day of January of each~~
even-numbered-year expiration date of the osteopathic physician's

license, pay to the board a fee set by the board not to exceed
2 \$500 ~~\$750~~ for the renewal of the osteopathic physician's license
to practice. An osteopathic physician's license is issued for a
4 period of 2 years and must be renewed in accordance with a
schedule adopted by the board by rule. Rules adopted pursuant to
6 this section are routine technical rules pursuant to Title 5,
chapter 375, subchapter II-A. In addition to the payment of the
8 renewal fee, each licensee applying for the renewal of the
osteopathic physician's license shall furnish to the board
10 satisfactory evidence that the osteopathic physician has attended
in the 2 preceding years at least 100 hours of educational
12 programs devoted to continuing medical education approved by the
board. The required education must be obtained from formalized
14 programs of continuing medical education sponsored by recognized
associations, colleges or universities, hospitals, institutes or
16 groups approved by the board. A copy of the current approved
list must be available in the office of the secretary-treasurer
18 of the board. At least 40% of these credit hours must be
osteopathic medical education approved in the rules established
20 by the board. The board may adjudicate continuing medical
education performance in situations of illness, hardship or
22 military service upon written petition by the applicant. The
secretary-treasurer of the board shall send a written notice of
24 the foregoing requirements to each osteopathic physician, at
least 60 days prior to ~~January-1st~~ each osteopathic physician's
26 license expiration date, directed to the last known address of
the licensee and enclosing with the notice proper blank forms for
28 application for renewal. If a licensee fails to furnish the
board evidence of attendance at continuing medical educational
30 programs, as approved by the board, fails to pay the renewal fee
or fails to submit a completed application for renewal, the
32 osteopathic physician automatically forfeits the right to
practice osteopathic medicine in this State. After ~~January-1st~~
34 ~~of each even-numbered year~~ the expiration of a license, the board
shall send notice by first class mail to each licensee who has
36 failed to meet the requirements for renewal. If the failure is
not corrected within 30 days, then the osteopathic physician's
38 license may be considered lapsed by the board. The
secretary-treasurer of the board may reinstate the osteopathic
40 physician upon the presentation of satisfactory evidence of
continuing medical education as outlined and approved by the
42 board and upon payment of the renewal fee.

44 **Sec. 7. 32 MRSA §2594-C, sub-§2, ¶¶H and I**, as amended by PL
1993, c. 600, Pt. A, §186, are further amended to read:

46 H. Requirements for initial licensure, including fees,
48 which may not exceed ~~\$100~~ \$150;

50 I. Requirements for annual licensure, including fees, which
52 may not exceed ~~\$75~~ \$125;

2 **Sec. 8. 32 MRSA §2594-C, sub-§2, ¶¶L and M,** as amended by PL
1993, c. 600, Pt. A, §186, are further amended to read:

4 L. Requirements for physician supervision of physician
6 extenders, including fees, which may not exceed ~~\$100~~ \$150;
and

8 M. Requirements for transfer of licensure by a physician
10 extender to another physician, including fees, which may not
exceed ~~\$25~~ \$50.

12 **Sec. 9. Authority to assess osteopathic physicians.** The Board of
14 Osteopathic Licensure may assess, by rule, each osteopathic
physician licensed in this State a one-time fee established by
16 the board not to exceed \$100 if the board's revenues are
insufficient to enable it to comply with the Maine Revised
18 Statutes, Title 32, chapter 36. The authority to assess a
one-time special assessment expires on December 31, 2003. Rules
20 adopted pursuant to this section are routine technical rules
pursuant to the Maine Revised Statutes, Title 5, chapter 375,
subchapter II-A.

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SUMMARY

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 This bill increases the fee caps for the Board of
28 Osteopathic Licensure and provides the board with the authority
to adopt a renewal schedule by rule. The bill also authorizes
30 the board to adopt, by rule, a one-time special assessment not to
exceed \$100 if the board's revenues are insufficient to meet its
32 obligations. The authority for the special assessment will
expire on December 31, 2003.