

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)



121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1933

H.P. 1432

House of Representatives, March 17, 2004

**An Act To Implement the Recommendations of the Joint Standing
Committee on Business, Research and Economic Development
Regarding the Board of Licensure in Medicine Pursuant to Reviews
Conducted under the State Government Evaluation Act**

Reported by Representative SULLIVAN of Biddeford for the Joint Standing Committee on Business, Research and Economic Development pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and Resolve 2003, chapter 101, section 1.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

2
4
6
8
10
12
14
16
18
20
22
24

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

Sec. 1. 24 MRSA §2505, first ¶, as enacted by PL 1977, c. 492, §3, is amended to read:

Any professional competence committee within this State and any physician licensed to practice or otherwise lawfully practicing within this State shall, and any other person may, report the relevant facts to the appropriate board relating to the acts of any physician in this State if, in the opinion of the committee, physician or other person, the committee or individual has reasonable knowledge of acts of the physician amounting to gross or repeated medical malpractice, habitual drunkenness, addiction to the use of drugs ~~or~~, professional incompetence or sexual misconduct identified by board rule. The failure of any such professional competence committee or any such physician to report as required is a civil violation for which a fine of not more than \$1,000 may be adjudged.

Sec. 2. 32 MRSA §3266, as amended by PL 1993, c. 600, Pt. A, §201, is further amended to read:

§3266. Elections; meetings; seal; expenses

The members of the board shall meet on the 2nd Tuesday of July of the uneven-numbered years at the time and place the board may determine and shall elect a chair and a secretary who shall hold their respective offices for the term of 2 years. The secretary of the board ~~is the treasurer and~~ shall perform such duties as delegated by the board, including license application review functions. The board through its executive director shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law. The board shall hold regular meetings, one in March, one in July and one in November of each year, and any additional meetings at other times and places as it may determine. The board shall cause a seal to be engraved and shall keep a record of all their proceedings.

Sec. 3. 32 MRSA §3270-C, sub-§1, as amended by PL 1993, c. 600, Pt. A, §207, is further amended to read:

1. Grounds. The sanctions of section ~~3283-A~~ 3282-A apply to a physician assistant who has:

A-1. Claimed to be legally licensed or allowed another to represent that physician assistant as holding a valid license;

B. Performed otherwise than at the direction and under the supervision of a physician licensed by this board;

2 C. Been delegated and performed a task or tasks beyond the
physician assistant's competence; and

4

6 D. Administered, dispensed or prescribed a controlled
substance otherwise than as authorized by law.

8 **Sec. 4. 32 MRSA §3271, sub-§2**, as repealed and replaced by PL
1995, c. 462, Pt. A, §60, is amended to read:

10

12 **2. Postgraduate training.** Each applicant who has graduated
14 from an accredited medical school on or after January 1, 1970
must have satisfactorily completed at least 24 months in a
graduate educational program ~~approved~~ accredited by the
16 Accreditation Council on Graduate Medical Education, the Canadian
Medical Association or the Royal College of Physicians and
18 Surgeons of Canada. Notwithstanding other requirements of
postgraduate training, an applicant is eligible for licensure
when the candidate has satisfactorily graduated from a combined
postgraduate training program in which each of the contributing
programs is accredited by the Accreditation Council on Graduate
Medical Education and the applicant is eligible for accreditation
by the American Board of Medical Specialties in both
specialties. Each applicant who has graduated from an accredited
24 medical school prior to January 1, 1970, must have satisfactorily
completed at least 12 months in a graduate educational program
26 ~~approved~~ accredited by the Accreditation Council on Graduate
Medical Education, the Canadian Medical Association or the Royal
28 College of Physicians and Surgeons of Canada. Each applicant who
has graduated from an unaccredited medical school must have
30 satisfactorily completed at least 36 months in a graduate
educational program ~~approved~~ accredited by the Accreditation
32 Council on Graduate Medical Education, the Canadian Medical
Association, the Royal College of Physicians and Surgeons of
34 Canada or the Royal Colleges of Physicians of England, Ireland or
Scotland. Notwithstanding this subsection, an applicant who is
36 board certified in family practice and who graduated prior to
38 July 1, 1974, ~~is board certifiable, board certified or board
eligible in emergency medicine and who graduated prior to July 1,
1982,~~ by the American Board of Medical Specialties is deemed to
40 meet the postgraduate training requirements of this subsection.

42

44 **Sec. 5. 32 MRSA §3276**, as amended by PL 1999, c. 685, §9, is
further amended to read:

46 **§3276. Temporary licensure**

48 A physician who is qualified under section 3275 may, without
examination, be granted a temporary license for a period not to

2 exceed one year, when the board determines that this action is
3 necessary in order to provide relief for local or national
4 emergencies or for situations in which the number of physicians
5 is insufficient to supply adequate medical services or for the
6 purpose of permitting the physician to serve as locum tenens for
7 another physician who is licensed to practice medicine in this
8 State. The fee for this temporary license may not be more than
\$400.

10 **Sec. 6. 32 MRSA §3278**, as amended by PL 1999, c. 685, §10, is
11 further amended to read:

12 **§3278. Locum tenens**

13 A physician who ~~is qualified under section 3275 may, at the~~
14 ~~discretion of the board, be given a temporary license to be~~
15 ~~effective for not more than 6 months after issuance for the~~
16 ~~purpose of permitting the physician to serve as "locum tenens"~~
17 ~~for some other physician who is then licensed to practice~~
18 ~~medicine in this State and whose own license is not temporary or~~
19 ~~limited under the provisions of this chapter, if the Maine~~
20 ~~physician is unable to maintain the practice because of illness~~
21 ~~or because of absence from the general locus of this physician's~~
22 ~~practice or for other reasons determined sufficient by the board.~~
23 ~~The fee for this temporary license may not be more than~~ presents
24 a current active unconditioned license from another United States
25 licensing jurisdiction and who can provide reasonable proof of
26 meeting qualifications for licensure in this State must be issued
27 a license to serve as locum tenens for declared emergencies in
28 the State or for other appropriate reasons as determined by the
29 board. The locum tenens license is effective for not more than
30 100 days. The fee for this locum tenens license may be not more
31 than \$400.

32 **Sec. 7. 32 MRSA §3279, sub-§1**, as amended by PL 1993, c. 600,
33 Pt. A, §215, is repealed.

34 **Sec. 8. 32 MRSA §3279, sub-§§2 and 6**, as amended by PL 1993, c.
35 600, Pt. A, §215, are further amended to read:

36 **2. Residents.** An applicant who is qualified under section
37 3271, subsection 1, may receive a temporary educational
38 certificate from the board to act as a hospital resident. A
39 certificate to a hospital resident may be renewed annually every
40 3 years at the discretion of the board for not more than 5
41 7 years.

42 **6. Fees.** The board shall set fees for physicians and
43 students licensed pursuant to this section. The amounts set for
44 licenses issued under this section may not be more than \$100 \$300.

