

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 398

H.P. 301

House of Representatives, January 25, 2005

An Act To Make Technical Changes to the Medical Licensure Laws

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Monmouth.
Cosponsored by Representatives: DUDLEY of Portland, MARRACHÉ of Waterville,
RECTOR of Thomaston, Senators: MARTIN of Aroostook, PERRY of Penobscot,
SULLIVAN of York.

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

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4 **Sec. 1. 32 MRSA §3270-C, sub-§1**, as amended by PL 2003, c. 601, §3, is further amended to read:

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

8
10 ~~A.1. Claimed to be legally licensed or allowed another to represent that physician assistant as holding a valid license;~~

12
14 ~~B. Performed otherwise than at the direction and under the supervision of a physician licensed by this board;~~

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

18
20 ~~D. Administered, dispensed or prescribed a controlled substance otherwise than as authorized by law.~~

22 **Sec. 2. 32 MRSA §3271, sub-§2**, as amended by PL 2003, c. 601, §4, is further amended to read:

24
26 **2. Postgraduate training.** Each applicant who has graduated from an accredited medical school on or after January 1, 1970 but before July 1, 2004 must have satisfactorily completed at least 24 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and 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 medical school prior to January 1, 1970 must have satisfactorily completed at least 12 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an accredited medical school on or after July 1, 2004 or an unaccredited medical school must have satisfactorily completed at least 36 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, the Royal College of Physicians and Surgeons of Canada or the Royal Colleges of England, Ireland or Scotland. Notwithstanding this subsection,

2 an applicant who is board certified by the American Board of
Medical Specialties is deemed to meet the postgraduate training
4 requirements of this subsection.

6 **Sec. 3. 32 MRSA §3272**, as amended by PL 1993, c. 600, Pt. A,
§209, is repealed.

8 **Sec. 4. 32 MRSA §3273**, as amended by PL 1991, c. 425, §15, is
repealed.

10 **Sec. 5. 32 MRSA §3277**, as amended by PL 1993, c. 600, Pt. A,
12 §213, is further amended to read:

14 **§3277. Camp physicians**

16 A physician who is qualified under section 3275 may, at the
discretion of the board, be temporarily licensed as a camp
18 physician so that the physician may care for the campers in that
particular camp for which the physician was hired and retained as
20 a camp physician. That physician is entitled to practice only on
patients in the camp. The temporary license must be obtained each
22 year. Application for this temporary license must be made in the
same form and manner as for regular licensure. An examination may
24 not be exacted from applicants for these temporary licenses. The
fee for temporary licensure may not be more than ~~\$100~~ \$400
26 annually.

28 **Sec. 6. 32 MRSA §3278**, as amended by PL 2003, c. 601, §6, is
further amended to read:

30 **§3278. Emergency 100-day license**

32 A physician who presents a current active unconditioned
34 license from another United States licensing jurisdiction and who
can provide reasonable proof of meeting qualifications for
36 licensure in this State must be issued a license to serve as
~~license~~ temporarily for declared emergencies in the State or
38 for other appropriate reasons as determined by the board. The
~~license~~ license is effective for not more than 100 days.
40 The fee for this ~~license~~ license may be not more than \$400.

42 **Sec. 7. 32 MRSA §3280-A, sub-§3, ¶A**, as amended by PL 1999, c.
685, §11, is further amended to read:

44 A. The board may charge a license renewal application fee
46 of not more than \$500 to all applicants for license renewal
~~who have not attained 70 years of age on the date renewal~~
48 ~~becomes due.~~
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SUMMARY

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4 This bill makes a number of technical changes to the law
concerning the Board of Licensure in Medicine.

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1. It clarifies and provides specific grounds for
disciplining physician assistants.

8

10 2. It changes the postgraduate training requirements for
licensure to require the completion of a postgraduate residency
12 training program by persons graduating from an accredited or
nonaccredited medical school on or after July 1, 2004.

14

3. It repeals sections of law referring to a state
examination and reexamination of physician licensure applicants
16 since the board now uses the national standardized examination
set.

18

20 4. It changes the nomenclature of the "locum tenens"
license.

22

5. It requires physicians 70 years of age or older who
continue active practice to pay license registration fees.