

# MAINE STATE LEGISLATURE

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BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 234, L.D. 697, Bill, "An Act To Clarify Reporting Responsibilities to Licensing Boards"

Amend the bill in section 1 by striking out all of that part designated "§2506." and inserting in its place the following:

§2506. Provider, entity and carrier reports

A health care provider or health care entity shall, within 60 days, report in writing to the disciplined practitioner's board or authority the name of any licensed, certified or registered employee or person privileged by the provider or entity whose employment or privileges have been revoked, suspended, limited or terminated or who resigned while under investigation or to avoid investigation for reasons related to clinical competence or unprofessional conduct, together with pertinent information relating to that action. Pertinent information includes: a description of the adverse action; the name of the practitioner involved; the date, the location and a description of the event or events giving rise to the adverse action; and identification of the complainant involved in the adverse action. Upon written request, the following information must be released to the board or authority: within 20 days of receipt of the request: the names of the patients whose care by the disciplined practitioner gave rise to the adverse action; medical records relating to the event or events giving rise to the adverse action; written statements signed or prepared by any witness or complainant to the event; and related correspondence between the practitioner and the provider or entity. The report

2 must include situations in which employment or privileges have  
3 been revoked, suspended, limited or otherwise adversely affected  
4 by action of the health care practitioner while the health care  
5 practitioner was the subject of disciplinary proceedings, and it  
6 also must include situations where employment or privileges have  
7 been revoked, suspended, limited or otherwise adversely affected  
8 by act of the health care practitioner in return for the health  
9 care ~~provider~~ provider's or health care ~~entity~~ entity's  
10 terminating such proceeding. Any reversal, modification or  
11 change of action reported pursuant to this section must be  
12 reported immediately to the practitioner's board or authority,  
13 together with a brief statement of the reasons for that reversal,  
14 modification or change. If the adverse action requiring a report  
15 as a result of a reversal, modification or change of action  
16 consists of the revocation, suspension or limitation of clinical  
17 privileges of a physician, physician assistant or advanced  
18 practice registered nurse by a health care provider or health  
19 care entity for reasons relating to clinical competence or  
20 unprofessional conduct and is taken pursuant to medical staff  
21 bylaws or other credentialing and privileging policies, whether  
22 or not the practitioner is employed by that health care provider  
23 or entity, then the provider or entity shall include in its  
24 initial report to the disciplined practitioner's licensing board  
25 or authority the names of all patients whose care by the  
26 disciplined practitioner gave rise to the adverse action. The  
27 failure of any health care provider or health care entity to  
28 report as required is a civil violation for which a fine of not  
more than ~~\$1,000~~ \$5,000 may be adjudged.

30 Carriers providing managed care plans are subject to the  
31 reporting requirements of this section when they take adverse  
32 actions against a practitioner's credentials or employment for  
33 reasons related to clinical competence or unprofessional conduct  
34 that may adversely affect the health or welfare of the patient.'

### 36 SUMMARY

38 This amendment broadens the scope of information that must  
39 be provided by a health care provider or health care entity to  
40 the relevant board or authority following an adverse action  
41 against a practitioner. It also increases the fine for a civil  
42 violation of the provision of law from \$1,000 to \$5,000.  
43

44  
45 **FISCAL NOTE REQUIRED**  
(See attached)



# 122nd MAINE LEGISLATURE

LD 697

LR 0651(02)

**An Act To Clarify Reporting Responsibilities to Licensing Boards**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**  
**Committee: Business, Research and Economic Development**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

Minor revenue increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Office of Licensing and Registration within the Department of Professional and Financial Regulation can be absorbed utilizing existing budgeted resources.

Increasing the amount that may be assessed in fines as a result of a civil violation may increase General Fund revenue beginning in fiscal year 2005-06. The amount can not be determined at this time but is not expected to be significant.