

MAINE STATE LEGISLATURE

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ROS

L.D. 1261

DATE: 5.23.05

(Filing No. S-239)

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Reported by:

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**STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 441, L.D. 1261, Bill, "An Act To Allow Physicians Licensed in Other States but Trained outside the United States To Practice Medicine in Maine"

Amend the bill in section 1 by striking out all of subsection 6 (page 1, lines 5 to 37 in L.D.) and inserting in its place the following:

'6. Waiver for exceptional circumstances. The board may waive the requirements of subsection 2 for a physician who does not meet the postgraduate training requirements but who meets the requirements of this subsection.

A. To be considered for a waiver under this subsection, the physician must:

(1) Be a graduate of a foreign medical school, not including a medical school in Canada or Great Britain;

(2) Be licensed in another state; and

(3) Have at least 3 years of clinical experience in the area of expertise.

B. If the physician meets the requirements of paragraph A, the board shall use the following qualifications of the physician to determine whether to grant a waiver:

(1) Completion of a 3-year clinical fellowship in the United States in the area of expertise. The burden of proof as to the quality and content of the fellowship is placed on the applicant;

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "A" to S.P. 441, L.D. 1261

- 2 (2) Appointment to a clinical academic position at a
3 licensed medical school in the United States;
- 4 (3) Publication in peer-reviewed clinical medical
5 journals recognized by the board;
- 6 (4) The number of years in clinical practice; and
- 7 (5) Other criteria demonstrating expertise, such as
8 awards or other recognition.

9 C. The costs associated with the board's determination of
10 licensing eligibility in regard to paragraph B must be paid
11 by the applicant upon completion of the determination under
12 paragraph A. The application cost must reflect and not
13 exceed the actual cost of the final determination.'

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SUMMARY

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This amendment increases the requirements for consideration for a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the area of expertise. It also provides that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The burden of proof is placed on the applicant to prove the quality and content of the fellowship. It also requires the board to consider publication in a peer-reviewed clinical medical journal that is recognized by the board and the number of years in clinical practice. The costs associated with the board's determination of licensing eligibility must be borne by the applicant.

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FISCAL NOTE REQUIRED
(See attached)

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122nd MAINE LEGISLATURE

LD 1261

LR 1837(02)

An Act To Allow Physicians Licensed in Other States but Trained outside the United States To Practice Medicine in Maine

Fiscal Note for Bill as Amended by Committee Amendment **A**

Committee: Business, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Board of Licensure in Medicine, affiliated with the Department of Professional and Financial Regulation, to waive the postgraduate training requirements for licensure in the State can be absorbed within existing budgeted resources. Requiring that the costs associated with the Board's determination of licensing eligibility be borne by the applicant will increase dedicated revenues to the Board. The amount can not be determined at this time.