

MAINE STATE LEGISLATURE

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M.S.

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L.D. 2036

Date: 4-13-06

(Filing No. S-615)

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Judiciary

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Reproduced and distributed under the direction of the Secretary of the Senate.

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STATE OF MAINE

6

SENATE

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122ND LEGISLATURE

8

SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 783, L.D. 2036, Bill, "An Act To Facilitate the Hiring of Healthcare Personnel during Emergency Circumstances"

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Amend the bill by striking out the title and substituting the following:

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'An Act To Facilitate the Hiring of Health Care Personnel during Emergency Circumstances'

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Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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'Sec. 1. 22 MRSA §816, sub-§1-A is enacted to read:

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1-A. Health care workforce. A private institution is immune from civil penalties and liability for any actions arising from allegations of inadequate investigation prior to that institution's hiring or engagement of a licensed health care worker, including but not limited to allegations of negligent hiring, credentialing or privileging, for services provided within the scope of that health care worker's licensure in response to an extreme public health emergency as defined in section 801, subsection 4-A or a disaster as defined in Title 37-B, section 703, subsection 2 as long as the private institution hires or engages the services of the licensed health care worker in accordance with this subsection. When hiring or engaging the services of a health care worker:

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A. The private institution shall first make a reasonable attempt to contact the appropriate occupational or professional licensing board within or affiliated with the Department of Professional and Financial Regulation for any available information about that health care worker; and

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B. A private institution may rely on:

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(1) Information available from the occupational and professional licensing boards within or affiliated with the Department of Professional and Financial Regulation regarding appropriate screening of the worker, such as background investigation, primary source verification or credentialing;

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COMMITTEE AMENDMENT "A" to S.P. 783, L.D. 2036

1 the immunity provided in the bill to private institutions that rely on the information
2 provided by occupational and professional licensing boards that are within or affiliated
3 with the Department of Professional and Financial Regulation.

4 This amendment extends immunity provided in the bill to private institutions that rely
5 on a registry that is operated or certified in accordance with federal requirements.

6 This amendment deletes from the bill the private institution's immunity when relying
7 on an individual's own representation of status, preemployment screening or privileging
8 review.

9 This amendment requires that the licensing credentials confirmation process start
10 within 48 hours of the end of the declared emergency or disaster.

11 This amendment provides that a person licensed as a health care worker in the State is
12 eligible for civil immunity and workers' compensation insurance coverage during the
13 period the person engages in either an in-state or out-of-state emergency management
14 response under the direction of the Maine Emergency Management Agency. The
15 immunity and workers' compensation insurance provided are effective only during the
16 period in which either a disaster or civil emergency declaration as declared pursuant to
17 the Maine Revised Statutes, Title 37-B, section 742 or an emergency response pursuant to
18 the Emergency Management Assistance Compact is in effect. In the event the volunteer
19 health care worker participates in an emergency response within this State, the immunity
20 provided is the same as that provided to public employees under the Maine Tort Claims
21 Act. In the event the volunteer health care worker participates in an out-of-state
22 emergency response by this State pursuant to the Emergency Management Assistance
23 Compact, the volunteer is considered an agent of this State for purposes of civil liability.
24 In the event of either an in-state or out-of-state emergency response, the volunteer health
25 care worker is considered an employee of this State for purposes of workers'
26 compensation insurance coverage.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



Approved: 04/07/06 *MAC*

122nd MAINE LEGISLATURE

LD 2036

LR 3141(02)

An Act To Facilitate the Hiring of Healthcare Personnel during Emergency Circumstances

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

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

This bill may decrease the number of civil suits filed in the court system.

Reductions in the collection of filing fees may decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the occupational and professional licensing boards within or affiliated with the Department of Professional and Financial Regulation associated with providing the available information can be absorbed within existing budgeted resources.