

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1466

S.P. 514

March 16, 2007

An Act To Address Issues Related to Chiropractic Licensure

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative SILSBY of Augusta and
Senator: MARRACHÉ of Kennebec, Representatives: BEAUDETTE of Biddeford,
BEAULIEU of Auburn, CLEARY of Houlton, MacDONALD of Boothbay, PRESCOTT of
Topsham, RECTOR of Thomaston, SAMSON of Auburn.

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

2 **Sec. 1. 32 MRSA §503-A, sub-§1**, as amended by PL 1999, c. 547, Pt. B, §59
3 and as affected by §80, is repealed.

4 **Sec. 2. 32 MRSA §503-A, sub-§1-A** is enacted to read:

5 **1-A. Screening panel.** On the board’s own motion or upon receipt of a written
6 complaint filed with the board regarding noncompliance with or violation of this chapter
7 or of a rule adopted by the board, the chair of the board shall appoint a screening panel to
8 review the complaint, referred to in this subsection as “the panel.”

9 A. The chair shall nominate subject to approval by the Governor an attorney with
10 medical malpractice experience as chair of the panel and 2 chiropractors licensed
11 under this chapter and 2 members of the general public to be members of the panel.
12 The chair must receive compensation as determined by the board. Members of the
13 panel must receive payment of expenses incurred for serving on the panel. The board
14 shall provide staff support for the panel.

15 B. The panel shall notify the licensee of the content of a complaint filed against the
16 licensee as soon as possible. The licensee shall respond within 30 days. If the
17 licensee’s response to the complaint satisfies the panel that the complaint does not
18 merit further investigation or action, the matter may be dismissed.

19 C. If, in the opinion of the panel, the factual basis of the complaint is or may be true,
20 and the complaint is of sufficient gravity to warrant further action, the panel may:

21 (1) With the consent of the licensee, enter into a consent agreement that fixes the
22 period and terms of probation best adapted to protect the public health and safety
23 and to rehabilitate or educate the licensee. A consent agreement may be used to
24 terminate a complaint investigation, if entered into by the panel, the licensee and
25 the Attorney General; or

26 (2) Recommend referral to the board pursuant to subsection 1-B.

27 **Sec. 3. 32 MRSA §503-A, sub-§1-B** is enacted to read:

28 **1-B. Disciplinary proceedings and sanctions.** With respect to a complaint referred
29 from the screening panel pursuant to subsection 1-A, the board may take any of the
30 following actions the board determines appropriate:

31 A. Dismiss the complaint;

32 B. With the consent of the licensee, enter into a consent agreement that fixes the
33 period and terms of probation best adapted to protect the public health and safety and
34 to rehabilitate or educate the licensee. A consent agreement may be used to terminate
35 a complaint investigation, if entered into by the board, the licensee and the Attorney
36 General;

37 C. Request an informal conference with the licensee. The board shall provide the
38 licensee with adequate notice of the conference and of the issues to be discussed. The
39 conference must be conducted in executive session of the board, pursuant to Title 1,

1 section 405, unless otherwise requested by the licensee. Statements made at the
2 conference may not be introduced at a subsequent formal hearing unless all parties
3 consent; or

4 D. In consideration for acceptance of a voluntary surrender of the license, negotiate
5 stipulations, including terms and conditions for reinstatement that ensure protection
6 of the public health and safety and that serve to rehabilitate or educate the licensee.
7 These stipulations may be set forth only in a consent agreement signed by the board,
8 the licensee and the Attorney General;

9 If the board concludes that modification or nonrenewal of the license is in order, the
10 board shall hold an adjudicatory hearing in accordance with the provisions of the Maine
11 Administrative Procedure Act.

12 If the board concludes that suspension or revocation of the license is in order, the board
13 shall file a complaint in the District Court in accordance with Title 4, chapter 5.

14 **SUMMARY**

15 This bill creates a screening panel for complaints against chiropractors similar to the
16 screening panel for medical malpractice claims under current law. The screening panel
17 created by this bill reviews complaints against chiropractors and has the power to dismiss
18 the complaint, enter into a consent agreement with the licensee who is the subject of the
19 complaint or refer the complaint to the Board of Chiropractic Licensure for further action.