

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1575

H.P. 1100

House of Representatives, March 20, 2007

### **An Act To Authorize the Maine Board of Pharmacy To Establish a Pharmacist Health Program**

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PERRY of Calais.  
Cosponsored by Representatives: GROSE of Woolwich, WEBSTER of Freeport.

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** pursuant to the Maine Health Security Act and professional licensing  
4 laws, the Maine Medical Association operates a Physician Health Program that provides  
5 treatment, counseling and monitoring of physicians and dentists with substance use  
6 disorders or other mental health diagnoses to permit these professionals to continue  
7 serving the people of Maine while protecting public safety; and

8       **Whereas,** the Maine Board of Pharmacy wishes to have the Maine Medical  
9 Association Physician Health Program as a resource for pharmacists in Maine; and

10       **Whereas,** the Maine Medical Association must immediately convert the position of  
11 Clinical Director of the Physician Health Program from a part-time to a full-time position  
12 in order to accommodate the new group of professionals; and

13       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
14 the meaning of the Constitution of Maine and require the following legislation as  
15 immediately necessary for the preservation of the public peace, health and safety; now,  
16 therefore,

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

18       **Sec. 1. 24 MRSA §2502, sub-§4-A,** as amended by PL 1997, c. 107, §2, is  
19 further amended to read:

20       **4-A. Professional review committee.** "Professional review committee" means a  
21 committee of physicians, dentists, pharmacists or a combination of members of ~~both~~ all 3  
22 professions formed by a professional society for the purpose of identifying and working  
23 with physicians, dentists and other licensees of the Board of Dental Examiners ~~and~~  
24 physician assistants, pharmacists and pharmacy technicians who are disabled or impaired  
25 by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as  
26 the committee operates pursuant to protocols approved by the Board of Licensure in  
27 Medicine, the Board of Dental Examiners ~~or~~, the Board of Osteopathic Licensure and the  
28 Maine Board of Pharmacy.

29       **Sec. 2. 32 MRSA §13721, sub-§3** is enacted to read:

30       **3. Pharmacist health program.** The board may establish protocols for the  
31 operation of a professional review committee as defined in Title 24, section 2502,  
32 subsection 4-A. The protocols must include the committee's reporting information the  
33 board considers appropriate regarding reports received, contracts or investigations made  
34 and the disposition of each report, as long as the committee is not required to disclose any  
35 personally identifiable information. The protocols may not prohibit an impaired  
36 pharmacist or pharmacy technician from seeking alternative forms of treatment.

37       The board has the power to contract with other agencies, individuals, firms or  
38 associations for the conduct and operation of a pharmacist health program operated by a

1 professional review committee as that term is defined in Title 24, section 2502,  
2 subsection 4-A.

3 **Emergency clause.** In view of the emergency cited in the preamble, this  
4 legislation takes effect when approved.

5 **SUMMARY**

6 This bill authorizes the Maine Board of Pharmacy to establish a program promoting  
7 the health and recovery of pharmacists and pharmacy technicians who are diagnosed with  
8 substance use disorders and other mental illnesses.