

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1023

H.P. 759

House of Representatives, March 10, 2011

**An Act To Authorize the Board of Licensure of Podiatric Medicine  
and the State Board of Veterinary Medicine To Establish a  
Podiatrist Health Program and a Veterinarian Health Program**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative STRANG BURGESS of Cumberland.  
Cosponsored by Senator CRAVEN of Androscoggin and  
Representatives: FOSSEL of Alna, MALABY of Hancock, O'CONNOR of Berwick,  
PETERSON of Rumford, SANBORN of Gorham, STUCKEY of Portland, Senators:  
FARNHAM of Penobscot, McCORMICK of Kennebec.

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

2 **Sec. 1. 24 MRSA §2502, sub-§1-A**, as enacted by PL 1985, c. 804, §§3 and 22,  
3 is amended to read:

4 **1-A. Health care practitioner.** "Health care practitioner" means physicians and all  
5 others certified, registered or licensed in the healing arts, including, but not limited to,  
6 nurses, podiatrists, optometrists, chiropractors, physical therapists, dentists, psychologists  
7 ~~and~~ physicians' assistants and veterinarians.

8 **Sec. 2. 24 MRSA §2502, sub-§1-C**, as enacted by PL 1997, c. 697, §1, is  
9 amended to read:

10 **1-C. Adverse professional competence review action.** "Adverse professional  
11 competence review action" means an action based upon professional competence review  
12 activity to reduce, restrict, suspend, deny, revoke or fail to grant or renew a physician's or  
13 veterinarian's:

14 A. Membership, clinical privileges, clinical practice authority or professional  
15 certification in a hospital ~~or~~ other health care entity or veterinary hospital; or

16 B. Participation on a health care entity's provider panel.

17 **Sec. 3. 24 MRSA §2502, sub-§2**, as amended by PL 1985, c. 804, §§4 and 22, is  
18 further amended to read:

19 **2. Health care provider.** "Health care provider" means any hospital, clinic, nursing  
20 home or other facility in which skilled nursing care or medical services are prescribed by  
21 or performed under the general direction of persons licensed to practice medicine,  
22 dentistry, podiatry or surgery in this State and ~~which that~~ is licensed or otherwise  
23 authorized by the laws of this State. "Health care provider" includes a veterinary  
24 hospital.

25 **Sec. 4. 24 MRSA §2502, sub-§3**, as enacted by PL 1977, c. 492, §3, is amended  
26 to read:

27 **3. Physician.** "Physician" means any natural person authorized by law to practice  
28 medicine ~~or~~ osteopathic medicine or veterinary medicine within this State.

29 **Sec. 5. 24 MRSA §2502, sub-§4-A**, as amended by PL 2009, c. 47, §1, is further  
30 amended to read:

31 **4-A. Professional review committee.** "Professional review committee" means a  
32 committee of ~~physicians, dentists, pharmacists, nurses or a combination of members of all~~  
33 ~~4 professions~~ health care practitioners formed by a professional society for the purpose of  
34 identifying and working with ~~physicians, dentists and other licensees of the Board of~~  
35 ~~Dental Examiners, physician assistants, pharmacists and pharmacy technicians and nurses~~  
36 health professionals who are disabled or impaired by virtue of physical or mental  
37 infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant  
38 to protocols approved by the ~~Board of Licensure in Medicine, the Board of Dental~~

1 ~~Examiners, the Board of Osteopathic Licensure, the Maine Board of Pharmacy and the~~  
2 ~~State Board of Nursing~~ various licensing boards that license the health professionals the  
3 committee serves.

4 **Sec. 6. 24 MRSA §2510, sub-§6**, as amended by PL 1993, c. 600, Pt. B, §§21  
5 and 22, is further amended to read:

6 **6. Disciplinary action.** Disciplinary action by the Board of Licensure in Medicine  
7 shall be is in accordance with Title 32, chapter 48; disciplinary action by the Board of  
8 Osteopathic Licensure shall be is in accordance with Title 32, chapter 36; and disciplinary  
9 action by the State Board of Veterinary Medicine is in accordance with Title 32, chapter  
10 71-A.

11 **Sec. 7. 32 MRSA §3605-B, sub-§3**, as enacted by PL 1993, c. 600, Pt. A, §239,  
12 is amended to read:

13 **3. Rules.** Adopt rules in accordance with the Maine Administrative Procedure Act,  
14 as it determines necessary to carry out the purposes of this chapter; and

15 **Sec. 8. 32 MRSA §3605-B, sub-§7** is enacted to read:

16 **7. Podiatrist health program.** The board may establish protocols for the operation  
17 of a professional review committee as defined in Title 24, section 2502, subsection 4-A.  
18 The protocols must include the committee's reporting information the board considers  
19 appropriate regarding reports received, contracts or investigations made and the  
20 disposition of each report, as long as the committee is not required to disclose any  
21 personally identifiable information. The protocol may not prohibit an impaired podiatrist  
22 from seeking alternative forms of treatment.

23 The board has the power to contract with other agencies, individuals, firms or  
24 associations for the conduct and operation of a podiatrist health program operated by a  
25 professional review committee.

26 **Sec. 9. 32 MRSA §4859, sub-§3**, as amended by PL 2007, c. 402, Pt. R, §4, is  
27 further amended to read:

28 **3. After hearing, adopt, amend or repeal rules.** After hearing, adopt, amend or  
29 repeal rules in accordance with Title 5, chapter 375, subchapter 2, necessary to carry into  
30 effect this chapter. These rules must be made in accordance with the purpose and intent of  
31 the law and the standards set forth in this chapter and include, but are not limited to, rules  
32 concerning misconduct, fraud, advertising, standards of competency, personal conduct,  
33 standards of sanitation for the operation of veterinary hospitals, associations with other  
34 veterinarians, unprofessional conduct and qualifications for licensure. Rules adopted  
35 pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375,  
36 subchapter 2-A; ~~and~~

37 **Sec. 10. 32 MRSA §4859, sub-§6**, as amended by PL 2007, c. 402, Pt. R, §4, is  
38 further amended to read:

