

MAINE STATE LEGISLATURE

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5/11/11
ROFS

L.D. 1560

Date: 5/31/11

(Filing No. H-396)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1145, L.D. 1560, Bill, "An Act To Update Professional and Occupational Licensing Statutes"

Amend the bill in Part D by striking out all of section 1 (page 12, line 7 in L.D.) and inserting the following:

'Sec. D-1. 32 MRSA §64-B, as enacted by PL 2007, c. 402, Pt. E, §4, is amended to read:

§64-B. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

1. Habitual substance abuse. Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing assigned services in a manner that endangers the health or safety of patients;

2. Mental or physical condition. A professional diagnosis of a mental or physical condition that has resulted or may result in the licensee performing assigned services in a manner that endangers the health or safety of patients; or

3. False advertising. Engaging in false, misleading or deceptive advertising.

~~If the factual basis of the complaint is or may be true and the complaint is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the licensee with adequate notice of the conference and of the issues to be discussed. The conference must be conducted in executive session of the board, pursuant to Title 1, section 405, unless otherwise requested by the licensee. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent.'~~

Amend the bill by striking out all of Part E and inserting the following:

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PART E

2 Sec. E-1. 32 MRSA §503-B, as enacted by PL 2007, c. 402, Pt. H, §7, is amended
3 to read:

4 §503-B. Denial or refusal to renew license; disciplinary action

5 In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A,
6 paragraph A, the board may deny a license, refuse to renew a license or impose the
7 disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

8 1. Habitual substance abuse. Habitual substance abuse that has resulted or is
9 foreseeably likely to result in the applicant or licensee performing services in a manner
10 that endangers the health or safety of patients;

11 2. Mental or physical condition. A professional diagnosis of a mental or physical
12 condition that has resulted or may result in the applicant or licensee performing services
13 in a manner that endangers the health or safety of patients;

14 3. False advertising. Engaging in false, misleading or deceptive advertising;

15 4. Nonchiropractic practice. Offering health services outside the field of
16 chiropractic; or

17 5. Fee-splitting. Splitting or dividing a fee with an individual who is not an
18 associate licensed as a chiropractor.

19 ~~If the factual basis of a complaint that has been filed is or may be true, and the~~
20 ~~complaint is of sufficient gravity to warrant further action, the board may request an~~
21 ~~informal conference with the licensee. The board shall provide the applicant or licensee~~
22 ~~with adequate notice of the conference and of the issues to be discussed. The conference~~
23 ~~must be conducted in executive session of the board, pursuant to Title 1, section 405,~~
24 ~~unless otherwise requested by the applicant or licensee. Statements made at the~~
25 ~~conference may not be introduced at a subsequent formal hearing unless all parties~~
26 ~~consent.'~~

27 Amend the bill in Part L by inserting after section 1 the following:

28 'Sec. L-2. 32 MRSA §14027, sub-§1, as amended by PL 2009, c. 241, Pt. D, §3,
29 is further amended to read:

30 1. Requirement. As a prerequisite to renewal of a license, an applicant must have
31 completed ~~the minimum hour requirements for continuing education in programs or~~
32 ~~courses approved by the appraiser qualifications board, which must include a 7-hour~~
33 ~~national uniform standards of professional appraisal practice update course completed in~~
34 ~~the even-numbered year as part of license renewal~~ continuing education as set forth by
35 rules adopted by the board.'

SUMMARY

36
37 This amendment makes technical corrections to the bill by repealing only the
38 references to informal conferences for the Nursing Home Administrators Licensing Board
39 and the Maine Board of Pharmacy within the Department of Professional and Financial

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COMMITTEE AMENDMENT "A" to H.P. 1145, L.D. 1560

2 Regulation. The amendment replaces the current minimum hour requirements for
3 continuing education courses for real estate appraisers with continuing education
4 requirements that will be determined by rule by the Department of Professional and
5 Financial Regulations, Board of Real Estate Appraisers.

FISCAL NOTE REQUIRED

(See attached)

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6

COMMITTEE AMENDMENT



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125th MAINE LEGISLATURE

LD 1560

LR 587(02)

An Act To Update Professional and Occupational Licensing Statutes

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Labor, Commerce, 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 Department of Professional and Financial Regulation associated with amending certain provisions in the professional and occupational licensing statutes can be absorbed within existing budgeted resources. Changes in these provisions may result in an increase in dedicated revenue to affected boards within the department. The amount is not expected to be significant.