

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1624

S.P. 534

In Senate, December 20, 2011

**An Act To Lessen the Regulatory Burden on Medical Laboratories
by Removing Outdated Requirements from the Maine Medical
Laboratory Act**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Received by the Secretary of the Senate on December 16, 2011. Referred to the Committee
on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.
Cosponsored by Representative STRANG BURGESS of Cumberland.

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

2 **Sec. 1. 22 MRSA §2016, first ¶**, as amended by PL 1991, c. 528, Pt. J, §1 and
3 affected by Pt. RRR and amended by c. 591, Pt. J, §1, is further amended to read:

4 Application must be made on a form prescribed by the department. Licenses must be
5 issued to perform testing in one or more of the following categories or specialties:
6 ~~Histocompatibility~~ Histocompatibility; microbiology, including subcategories
7 bacteriology, mycology, parasitology, virology; immunology or serology, including
8 subcategories syphilis and nonsyphilis; chemistry, including subcategories routine,
9 clinical microscopy or urinalysis and other, including toxicology; hematology, including
10 coagulation; immunohematology, including subcategories blood group and Rh typing, Rh
11 titers, cross matching, antibody detection and identification; pathology, including
12 subcategories tissue, oral, diagnostic cytology; and radiobioassay. All applications must
13 be accompanied by a license application fee. The application ~~must be notarized and~~
14 must contain the following information:

15 **Sec. 2. 22 MRSA §2032**, as repealed and replaced by PL 1975, c. 218, is amended
16 to read:

17 **§2032. Specimens**

18 ~~No~~ A person other than a licensed physician or one authorized by law ~~shall~~ may not
19 manipulate a person for the collection of specimens or process or submit or act as an
20 agent for the transmittal of specimens, ~~except that technical personnel of a licensed~~
21 ~~medical laboratory may collect blood or remove stomach contents or collect material for~~
22 ~~smears and cultures under the direction or upon the request of a physician or dentist.~~

23 **Sec. 3. 22 MRSA §2033**, as repealed and replaced by PL 1975, c. 218, is amended
24 to read:

25 **§2033. Rebates or fee splitting prohibited**

26 The owner or director of a laboratory licensed under this Act, either personally or
27 through an agent, ~~shall~~ may not practice in any manner ~~which~~ that offers or implies to
28 offer rebates to persons submitting specimens or other fee splitting inducements; or
29 participate in any fee splitting arrangement. This applies to contents of fee schedules,
30 billing methods or personal solicitation. The contractual provision of laboratory services
31 for a fixed fee independent of the number of specimens submitted for such services is
32 declared to be a violation of this section. ~~A copy of the itemized statement shall be sent to~~
33 ~~the patient.~~

34 **SUMMARY**

35 This bill amends the Maine Medical Laboratory Act as follows:

- 36 1. It removes the requirement that an application for a medical laboratory license be
37 notarized. Other licensing laws do not have this requirement;

1 2. It removes a provision that allows the technical personnel of a licensed medical
2 laboratory to collect certain specimens. Eliminating this provision provides that no
3 person other than a licensed physician or a person authorized by law is allowed to
4 manipulate a person for the collection of specimens or process or submit or act as an
5 agent for the transmittal of specimens; and

6 3. It removes the requirement that a licensed medical laboratory send a copy of an
7 itemized statement of laboratory services to the patient. Current practice is to send the
8 itemized statement to the insurance company, the laboratory's client or the patient.