

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 411

H.P. 286

House of Representatives, February 12, 2013

**An Act To Amend the Health Care Practitioner Licensing,
Disciplinary and Reporting Laws Regarding Alcohol and Drug
Abuse**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PRINGLE of Windham.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: CASSIDY of Lubec, GRAHAM of North Yarmouth, KORNFIELD of
Bangor, TYLER of Windham, Senator: WHITTEMORE of Somerset.

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

2 **Sec. 1. 24 MRSA §2504**, as enacted by PL 1977, c. 492, §3, is amended to read:

3 **§2504. Professional societies**

4 Every state professional society shall establish a professional competence committee
5 of its members pursuant to written bylaws approved by the society's governing board. The
6 committee shall receive, investigate and determine the accuracy of any report made to the
7 society of any member physician's acts amounting to gross or repeated medical
8 malpractice, ~~habitual drunkenness, addiction to the use of drugs~~ use of alcohol or drugs
9 that may indicate a substance use disorder or professional incompetence.

10 **Sec. 2. 24 MRSA §2505, first ¶**, as amended by PL 2007, c. 380, §1, is further
11 amended to read:

12 Any professional competence committee within this State and any physician licensed
13 to practice or otherwise lawfully practicing within this State shall, and any other person
14 may, report the relevant facts to the appropriate board relating to the acts of any physician
15 in this State if, in the opinion of the committee, physician or other person, the committee
16 or individual has reasonable knowledge of acts of the physician amounting to gross or
17 repeated medical malpractice, ~~habitual drunkenness, addiction to the use of drugs~~ use of
18 alcohol or drugs that may indicate a substance use disorder, professional incompetence,
19 unprofessional conduct or sexual misconduct identified by board rule. The failure of any
20 such professional competence committee or any such physician to report as required is a
21 civil violation for which a fine of not more than \$1,000 may be adjudged.

22 **Sec. 3. 32 MRSA §1077, sub-§2, ¶B**, as amended by PL 1993, c. 600, Pt. A,
23 §62, is further amended to read:

24 B. ~~Habitual~~ A substance ~~abuse~~ use disorder that has resulted or ~~is foreseeably likely~~
25 ~~to~~ may result in the licensee performing services in a manner that endangers the
26 health or safety of patients;

27 **Sec. 4. 32 MRSA §2105-A, sub-§2, ¶B**, as amended by PL 1993, c. 600, Pt. A,
28 §116, is further amended to read:

29 B. ~~Habitual~~ A substance ~~abuse~~ use disorder that has resulted or ~~is foreseeably likely~~
30 ~~to~~ may result in the licensee performing services in a manner that endangers the
31 health or safety of patients;

32 **Sec. 5. 32 MRSA §2591-A, sub-§2, ¶B**, as amended by PL 1993, c. 600, Pt. A,
33 §181, is further amended to read:

34 B. ~~Habitual~~ A substance ~~abuse~~ use disorder that has resulted or ~~is foreseeably likely~~
35 ~~to~~ may result in the licensee performing services in a manner that endangers the
36 health or safety of the licensee's patients;

37 **Sec. 6. 32 MRSA §3282-A, sub-§2, ¶B**, as amended by PL 1993, c. 600, Pt. A,
38 §218, is further amended to read:

1 B. ~~Habitual~~ A substance abuse use disorder that has resulted or ~~is foreseeably likely~~
2 ~~to~~ may result in the licensee performing services in a manner that endangers the
3 health or safety of patients;

4 **Sec. 7. 32 MRSA §3656, sub-§1**, as enacted by PL 2007, c. 402, Pt. P, §14, is
5 amended to read:

6 **1. Substance use disorder.** ~~Habitual~~ A substance abuse use disorder that has
7 resulted or ~~is foreseeably likely to~~ may result in the applicant or licensee performing
8 services in a manner that endangers the health or safety of the licensee's patients;

9 **Sec. 8. 32 MRSA §13742-A, sub-§1, ¶A**, as enacted by PL 2007, c. 402, Pt. DD,
10 §19, is amended to read:

11 A. ~~Habitual~~ A substance abuse use disorder that has resulted or ~~is foreseeably likely~~
12 ~~to~~ may result in the applicant or licensee performing duties in a manner that
13 endangers the health or safety of patients;

14 **SUMMARY**

15 This bill amends provisions of the Maine Health Security Act regarding the reporting
16 of physicians with possible drug or alcohol problems to licensing authorities and
17 provisions of the health care practitioner licensing laws dealing with grounds for
18 discipline. Currently, substance use by a practitioner that is foreseeably likely to result in
19 endangering patients is grounds for discipline; this bill instead provides that substance use
20 that may result in endangering patients is grounds for discipline. This bill also updates
21 terminology used to reference drug or alcohol problems.