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Legislative Document

No. 13

H.P. 14

House of Representatives, January 5, 2017

An Act To Require Certain Licensing Boards To Report Cases of Sexual Abuse of a Patient or Client by a Licensee to a Law Enforcement Agency or the Department of Health and Human Services

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative ESPLING of New Gloucester. Cosponsored by Senator VOLK of Cumberland and Representative: HANLEY of Pittston, Senator: DIAMOND of Cumberland.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 32 MRSA §2562, as amended by PL 1997, c. 680, Pt. B, §1, is further amended by adding at the end a new paragraph to read:
4 5 6 7 8	The board shall report or cause a report to be made to the Department of Health and Human Services or a law enforcement agency when the board knows or has reasonable cause to suspect sexual abuse of a patient by an individual licensed or registered under this chapter or by an unlicensed person to whom a licensee or registrant has delegated activities pursuant to subchapter 7.
9 10	Sec. 2. 32 MRSA §3269, sub-§16, as amended by PL 2001, c. 260, Pt. H, §2, is further amended to read:
11 12 13 14	16. Executive director. The power to appoint an executive director who serves at the pleasure of the board and who shall assist the board in carrying out its administrative duties and responsibilities under this chapter. The salary range for the executive director must be set by the board within the range established by Title 2, section 6-C; and
15 16	Sec. 3. 32 MRSA §3269, sub-§17, as enacted by PL 2001, c. 260, Pt. H, §3, is amended to read:
17 18 19 20	17. Approval of licenses. The power to direct staff to review and approve applications for licensure or renewal in accordance with criteria established in law or in rules adopted by the board. Licensing decisions made by staff may be appealed to the full board- <u>; and</u>
21	Sec. 4. 32 MRSA §3269, sub-§18 is enacted to read:
22 23 24 25 26 27	18. Duty to report sexual abuse of patient by licensee, registrant or certificate holder. The duty to report or cause a report to be made to the Department of Health and Human Services or a law enforcement agency when the board knows or has reasonable cause to suspect sexual abuse of a patient by an individual licensed, registered or certified under this chapter or by an unlicensed person to whom a licensee, registrant or certificate holder has delegated activities pursuant to subchapter 2.
28	Sec. 5. 32 MRSA §7030, sub-§6 is enacted to read:
29 30 31 32	<u>6. Duty to report sexual abuse of client by licensee or registrant.</u> The board shall report or cause a report to be made to the Department of Health and Human Services or a law enforcement agency when the board knows or has reasonable cause to suspect sexual abuse of a client by an individual licensed or registered under this chapter.
33	Sec. 6. 32 MRSA §13853, sub-§16 is enacted to read:
34 35 36 37	16. Duty to report sexual abuse of client by licensee or registrant. The board shall report or cause a report to be made to the Department of Health and Human Services or a law enforcement agency when the board knows or has reasonable cause to suspect sexual abuse of a client by an individual licensed or registered under this chapter.

Sec. 7. 32 MRSA §18323, sub-§§8 and 9, as enacted by PL 2015, c. 429, §21, are amended to read:

3 Protocols for professional review committee. The authority to establish 8. 4 protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee reporting 5 6 information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not 7 8 required to disclose any personally identifiable information. The protocols may not 9 prohibit an impaired licensee under this chapter from seeking alternative forms of 10 treatment; and

11 9. Authority to order a mental or physical examination. The authority to direct a 12 licensee, who by virtue of an application for and acceptance of a license to practice under this chapter is considered to have given consent, to submit to an examination whenever 13 14 the board determines the licensee may be suffering from a mental illness or physical 15 illness that may be interfering with competent practice under this chapter or from the use of intoxicants or drugs to an extent that prevents the licensee from practicing competently 16 and with safety to patients. A licensee examined pursuant to an order of the board may 17 18 not prevent the testimony of the examining individual or prevent the acceptance into 19 evidence of the report of an examining individual. The board may petition the District 20 Court for immediate suspension of a license if the licensee fails to comply with an order 21 of the board to submit to a mental or physical examination pursuant to this subsection-: 22 and

23 Sec. 8. 32 MRSA §18323, sub-§10 is enacted to read:

24 <u>10. Duty to report sexual abuse of patient by licensee or registrant.</u> The duty to 25 report or cause a report to be made to the Department of Health and Human Services or a 26 law enforcement agency when the board knows or has reasonable cause to suspect sexual 27 abuse of a patient by an individual licensed or registered under this chapter or by an 28 unlicensed person to whom a licensee has delegated activities pursuant to subchapter 4.

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SUMMARY

This bill requires the Board of Osteopathic Licensure, the Board of Licensure in Medicine, the State Board of Social Worker Licensure, the Board of Counseling Professionals Licensure and the Board of Dental Practice to report to a law enforcement agency or the Department of Health and Human Services known or suspected incidents of sexual abuse of a client or patient by a professional regulated by the board or by an assistant to a professional regulated by the board.