

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Sec. 2. 22 MRSA § 3283, 2nd ¶, as enacted by PL 1975, c. 623, § 30, and as amended by PL 1975, c. 293, § 4, is further amended by adding at the end the following new sentence:

In addition to other payments authorized by this section, the Department of Human Services shall, upon receipt of an accounting as authorized under Title 37-A, section 207-A, transfer to the Department of Defense and Veterans Services a sum not to exceed \$10,000 from money appropriated pursuant to this section as reimbursement for costs of rendering emergency medical service, including, but not limited to, the costs of liability insurance.

Sec. 3. 37-A MRSA § 207-A is enacted to read:

§ 207-A. Human health emergencies

1. Governor or designee to order into active service. In the event of illness or injury creating an emergency which requires specialized personnel of the National Guard or specialized equipment of the National Guard to prevent human suffering or loss of life, the Governor or his designated authority, shall have the power to order into the active service of the State or in aid of any civil authority such personnel and equipment of the National Guard or other authorized state military or naval forces as he may deem proper.

2. Immunity from civil liability. Any person ordered into active service of the State for the purposes of this section shall be immune from civil liability for damages to the same extent as any person who voluntarily renders assistance pursuant to Title 14, section 164.

3. Accounting of expenses. Whenever personnel or equipment of the National Guard are ordered into state service pursuant to this section, the Adjutant General shall prepare an accounting of all expenses incurred and shall present the accounting to the Commissioner of Human Services for payment pursuant to Title 22, section 3283.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 24, 1976

CHAPTER 680

AN ACT to Amend the Medical Practices Act.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the present Medical Practices Act is in need of immediate revision in order to allow the enforcement of reasonable standards with respect to the practices of physicians' assistants; and

Whereas, it is vital that this be done at once for the benefit of the people of the State of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §§ 3270-B to 3270-D are enacted to read:

§ 3270-B. Certificates of qualification and registration

No physician assistant shall be permitted to practice until he has applied for and obtained a certificate of qualification issued by the Board of Registration in Medicine and a certificate of registration which must be renewed bi-annually. All applications for certificate of qualification shall be accompanied by an application by the proposed supervisory physician, which application shall contain a statement that that physician shall be responsible for all medical activities of the physician's assistant. The Board of Registration in Medicine is authorized to promulgate rules and regulations regarding the training and certification of physician assistants, the agency relationship between the physician assistant and the supervising physician. Those regulations may pertain, but not by way of limitation, to the following matters:

1. Application information. The information to be contained in the application for a certificate of qualification;
2. Application information required by proposed supervisory physician. The information that shall be required on the application filed by the proposed supervisory physician;
3. Supervising physician's requirements. The training and educational requirements, scope of permissible clinical medical procedures, the manner and methods by which the supervising physician shall supervise the physician assistant's medical services;
4. Methods and conditions. The methods and conditions under which the physician assistant may perform medical services;
5. Temporary eligibility. The issuance of temporary physician assistant certification and equivalency training eligibility for registration of physician assistant trainees;
6. Advisory committee appointment. Appointment of an advisory committee for continuing review of physician assistant program and rules and regulations;
7. Continuing educational requirements. Continuing educational requirements as a precondition to continued licensure or licensure renewal;
8. Fees for original application. Fees for the original physician assistant application, which in no event shall exceed the sum of \$50;

9. Initial application of supervising physician. Fee for the initial application of the supervising physician, which in no event shall exceed the sum of \$50;

10. Fee for transfer of registration. Fee for transfer of registration by a physician assistant from one supervising physician to another, which in no event shall exceed the sum of \$25; and

11. Fees for biannual registration. Fees for the biannual registration of physician assistants in an amount not to exceed \$25.

§ 3270-C. Termination of certificate

1. Termination of certificate provisions. The certificate may be terminated by the board when, after due notice and hearing, it shall find that the physician's assistant:

A. Has held himself out or permitted himself to be represented as a licensed physician;

B. Has performed otherwise than at the direction and under the supervision of a physician licensed by this board;

C. Has been delegated and performed a task or tasks beyond his competence;

D. Is a habitual user of intoxicants or drugs to such an extent that he is unable to perform competently and with safety for the patients in his capacity as an assistant to the physician;

E. Has been convicted in any court, state or federal, of any felony or other criminal offense involving moral turpitude;

F. Has a mental illness interfering with his competent practice as a physician's assistant;

G. Has failed to comply with any rule or regulation of the Board of Registration in Medicine pertaining to the practice of physician assistant.

H. Is guilty of administering, dispensing or prescribing any controlled substance otherwise than as authorized by law; or

I. Has made a false or fraudulent statement or submitted a forged or false document in applying for a certificate.

2. Consent to physical or mental examination; objections to admissibility of physicians' testimony waived. For the purposes of this section, every physician's assistant registered under these rules and regulations who shall accept the privilege of rendering medical services in this State by the filing of an application and of biannual registration:

A. Shall be deemed to have given his consent to a mental or physical examination when directed in writing by the Board; and

B. Shall be deemed to have waived all objections to the admissibility of the examining physicians' testimony or reports on the ground that the same constitute a privileged communication.

3. Jurisdiction. The jurisdiction conferred under this section shall be original and concurrent under the Administrative Code Title 5, Part 6. There shall be no right of removal by an accused physician assistant after notice of hearing before the board has been filed except that prior to hearing the accused shall have the right of removal at least 10 days before the hearing and that case thereafter shall be heard under the Administrative Code.

4. Enforcement. In addition to the termination procedure set forth in this section, if the Board of Registration in Medicine is of the opinion that the continued practice of any physician assistant is in violation of this section or any other provision of statute or rule and regulation, and constitutes a threat to the public health and welfare in such a manner that irreparable injury or danger to the public may occur prior to the commencement and commission of termination proceedings set forth in this section, the board may apply for injunctive relief.

§ 3270-D. Termination of effectiveness

Sections 3270-B and 3270-C shall not be effective after April 1, 1977.

Sec. 2. 32 MRSA § 3275, as enacted by PL 1971, c. 591, § 1, is repealed and the following enacted in place thereof:

§ 3275. Licensure by reciprocity

1. Licensure without examination. The board may, at its discretion, grant licensure without examination to a physician in good standing who has been:

A. Examined and licensed by a board of another state, Canadian province or any country in the British Isles, providing the examination passed by the applicant is deemed by the board to have been equivalent in all essentials to its own examination;

B. Examined and certified by the National Board of Medical Examiners;
or

C. Examined and certified by the Medical Council of Canada and is a graduate of a medical school located in the United States, Canada or the British Isles.

2. Fees. Any physician who applies for a license pursuant to subsection 1 shall pay a fee of \$100.

3. Rules and regulations. The board may make such rules and regulations as may be necessary in connection with this section.

Emergency clause. In view of the emergency cited in the preamble, this Act shall become effective when approved.