

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

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

21 MRSA §1079, as enacted by PL 1967, c. 464, is amended to read:

§1079. Absentee votes

Absentee votes may be cast on paper ballots or ballot cards, or both methods may be used. Such ballots may be counted by automatic tabulating equipment or by deputized personnel at the counting center appointed by and under the direction of the clerk, except that only ballots cast on ballot cards may be counted by automatic tabulating equipment. A true copy of absentee paper ballots may be made on ballot cards, which after being duly verified, shall be counted in the same manner as other ballot cards.

Effective July 25, 1984.

CHAPTER 769

S.P. 839 - L.D. 2263

AN ACT to Clarify the Disciplinary Procedure of the Nurse Practice Laws.

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

Sec. 1. 32 MRSA §2105-A, sub-§1, as enacted by PL 1983, c. 378, §21, is amended to read:

1. Disciplinary proceedings and sanctions. The board shall investigate a complaint, on its own motion or upon receipt of a written complaint filed with the board, regarding noncompliance with or violation of this chapter or of any rules adopted by the board. Investigation may include a hearing before the board to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter. Hearings shall be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents, including records and documents maintained by a health care facility, in any hearing it conducts.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but in no event later than within 60 days of receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and it 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 shall be conducted in executive session of the board, unless otherwise requested by the licensee. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent.

If the board finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions it deems appropriate:

A. With the consent of the licensee, enter into a consent agreement which fixes the period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General's office;

B. In consideration for acceptance of a voluntary surrender of the license, negotiate stipulations, including terms and conditions for reinstatement, which ensure protection of the public health and safety and which serve to rehabilitate or educate the licensee. These stipulations shall be set forth only in a consent agreement signed by the board, the licensee and the Attorney General's office;

C. If the board concludes that modification or nonrenewal of the license might be in order, the board shall hold an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV; or

D. If the board concludes that suspension or revocation of the license is in order, the board shall file a complaint in the Administrative Court in accordance with Title 4, chapter 25.

Sec. 2. 32 MRSA §2105-A, sub-§3 is enacted to read:

3. Confidentiality of information. Any reports, information or records provided to the board by a health care facility pursuant to this chapter shall be confidential insofar as the reports, information or records identify or permit identification of any patient, provided that the board may disclose any confidential information:

A. In an adjudicatory hearing or informal conference before the board or in any subsequent formal proceeding to which the information is relevant; and

B. In a consent agreement or other written settlement, when the information constitutes or pertains to the basis of board action.

A copy of any report, information or record received by the board under this subsection shall be provided to the licensee.

Sec. 3. 32 MRSA §2108-A is enacted to read:

§2108-A. Immunity

Any person or health care facility acting in good faith shall be immune from civil liability to the licensee or applicant for licensure for the following actions:

1. Making information available to the board. Making any report or other information available to the board under this chapter; and

2. Assisting the board. Assisting the board in carrying out any of its duties.

Effective July 25, 1984.
