

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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board satisfactory evidence that the osteopathic physician has attended in the 2 preceding years at least 100 hours of educational programs devoted to continuing medical education approved by the board. The required education must be obtained from formalized programs of continuing medical education sponsored by recognized associations, colleges or universities, hospitals, institutes or groups approved by the board. A copy of the current approved list must be available in the office of the secretary-treasurer of the board. At least 40% of these credit hours must be osteopathic medical education approved in the rules established by the board. The board may adjudicate continuing medical education performance in situations of illness, hardship or military service upon written petition by the applicant. The secretary-treasurer of the board shall send a written notice of the foregoing requirements to each osteopathic physician, at least 60 days prior to ~~January 1st~~ each osteopathic physician's license expiration date, directed to the last known address of the licensee and enclosing with the notice proper blank forms for application for renewal. If a licensee fails to furnish the board evidence of attendance at continuing medical educational programs, as approved by the board, fails to pay the renewal fee or fails to submit a completed application for renewal, the osteopathic physician automatically forfeits the right to practice osteopathic medicine in this State. After ~~January 1st of each even-numbered year~~ the expiration of a license, the board shall send notice by first class mail to each licensee who has failed to meet the requirements for renewal. If the failure is not corrected within 30 days, then the osteopathic physician's license may be considered lapsed by the board. The secretary-treasurer of the board may reinstate the osteopathic physician upon the presentation of satisfactory evidence of continuing medical education as outlined and approved by the board and upon payment of the renewal fee.

Sec. 7. 32 MRSA §2594-C, sub-§2, ¶¶H and I, as amended by PL 1993, c. 600, Pt. A, §186, are further amended to read:

H. Requirements for initial licensure, including fees, which may not exceed ~~\$100~~ \$150;

I. Requirements for annual licensure, including fees, which may not exceed ~~\$75~~ \$125;

Sec. 8. 32 MRSA §2594-C, sub-§2, ¶¶L and M, as amended by PL 1993, c. 600, Pt. A, §186, are further amended to read:

L. Requirements for physician supervision of physician extenders, including fees, which may not exceed ~~\$100~~ \$150; and

M. Requirements for transfer of licensure by a physician extender to another physician, including fees, which may not exceed ~~\$25~~ \$50.

See title page for effective date.

CHAPTER 493

H.P. 1452 - L.D. 1949

An Act to Clarify Roles and Positions within the Department of Behavioral and Developmental Services

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

Sec. 1. 34-B MRSA §1204, sub-§2, ¶C, as amended by PL 2001, c. 439, Pt. J, §6, is further amended to read:

C. The commissioner shall appoint the following officials to serve at the commissioner's pleasure:

- (1) Associate Commissioners;
- (2) Superintendent, Augusta Mental Health Institute;
- (3) Superintendent, Bangor Mental Health Institute;
- ~~(5) Director, Mental Retardation Facility;~~
- (6) Director, Elizabeth Levinson Center;
- (8) Assistant to the Commissioner;
- (10) Regional Directors, who shall report ~~directly to the commissioner~~ to the Associate Commissioner of Systems Operations;
- (11) Director, Office of Substance Abuse, who shall report directly to the commissioner; and
- (12) Deputy Commissioner.

See title page for effective date.

CHAPTER 494

H.P. 1405 - L.D. 1843

An Act to Require that Temporary Nurse Agencies Verify Certified Nursing Assistants' Eligibility Before Hiring Certified Nursing Assistants

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

Sec. 1. 22 MRSA §2131, sub-§1-A is enacted to read:

1-A. Verifying certified nursing assistant eligibility. A health care institution, facility or organization, including a temporary nurse agency employing a certified nursing assistant, shall, before hiring a certified nursing assistant, verify that the certified nursing assistant is listed on the Maine Registry of Certified Nursing Assistants established under section 1812-G with no annotations to prohibit the hiring of that individual according to state and federal regulations.

Sec. 2. 22 MRSA §2131, sub-§4, as enacted by PL 1989, c. 579, §4, is amended to read:

4. Penalty. Any person who operates a temporary nurse agency without registering or who fails to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants before hiring that certified nursing assistant pursuant to subsection 1-A commits a civil violation for which a forfeiture of \$100 may be adjudged. Each day constitutes a separate violation.

See title page for effective date.

CHAPTER 495

H.P. 846 - L.D. 1118

An Act to Reduce Unnecessary Paperwork in State Government

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

Sec. 1. 3 MRSA §956, sub-§2, ¶L, as amended by PL 2001, c. 321, Pt. A, §2, is further amended to read:

L. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program; ~~and~~

Sec. 2. 3 MRSA §956, sub-§2, ¶M, as enacted by PL 2001, c. 321, Pt. A, §3, is amended to read:

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the

fair information practice principles of notice, choice, access, integrity and enforcement; ~~and~~

Sec. 3. 3 MRSA §956, sub-§2, ¶N is enacted to read:

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- (1) The statutory authority for each filing requirement;
- (2) The date each filing requirement was adopted or last amended by the agency;
- (3) The frequency that filing is required;
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and
- (5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication.

Sec. 4. 3 MRSA §957, sub-§1, as enacted by PL 1995, c. 488, §2, is amended to read:

1. Authority. For each agency or independent agency or a component part of each agency or independent agency subject to review pursuant to section 952, the committee of jurisdiction may conduct an analysis and evaluation that may include, but need not be limited to, an evaluation of the program evaluation report, including the extent to which the agency or independent agency has increased or reduced filing requirements and paperwork duplication burdens on the public; the extent to which the agency or independent agency operates in accordance with its legislative authority; and the degree of success achieved by the agency or independent agency in meeting its statutory and administrative mandate. In consultation with the Legislative Council, the committee shall select agencies or independent agencies for review either in accordance with the scheduling guidelines provided in this chapter or at any time determined necessary or warranted by the committee.

See title page for effective date.
