

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2023

6. **Use of information obtained.** Criminal history record information obtained pursuant to this section may be used by the department for employment purposes to screen a staff member. The subject of any criminal history record check under subsection 3 may contest any negative decision made by the department based upon the information received pursuant to the criminal history record check.

7. **Person's access to information obtained.** A person subject to a criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to a criminal history record check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

8. **Right of subject to remove fingerprints from record.** Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the Department of Public Safety's records and provide written confirmation of the removal to the person.

See title page for effective date.

CHAPTER 40

H.P. 145 - L.D. 224

**An Act to Strengthen Maine's
Health Care Workforce by
Preventing Discrimination by
Requiring Maintenance of
Certification for Insurance
Reimbursement**

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

Sec. 1. 24-A MRS §4303-G is enacted to read:

§4303-G. Provider maintenance of certification requirements

The following provisions govern maintenance of certification requirements.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Hospital" means a hospital licensed and operating under Title 22, chapter 404 or 405 or the parent of such institution, or a hospital subsidiary or hospital affiliate in this State that provides medical

services or medically related diagnostic and laboratory services or engages in ancillary activities supporting those services.

B. "Maintenance of certification program" means satisfactory participation in a program beyond the continuing medical education requirements currently in place by the Board of Licensure in Medicine or Board of Osteopathic Licensure, or initial board certification by a national or regional medical specialty board.

C. "Outpatient clinical practice" means any medical practice, home care or hospice organization or other nonhospital entity providing medical care through physicians.

D. "Physician" means an individual licensed under Title 32, chapter 36 or 48.

2. Discrimination prohibited. A carrier offering a health plan in this State may not:

A. Deny reimbursement to a physician, hospital or outpatient clinical practice for services rendered because a physician does not participate in a maintenance of certification program;

B. Provide lower reimbursement for services rendered by a physician, hospital or outpatient clinical practice because a physician does not participate in a maintenance of certification program;

C. Prohibit a physician, hospital or outpatient clinical practice from participating in any of the carrier's provider networks because a physician does not participate in a maintenance of certification program; or

D. Determine credentialing of a physician, hospital or outpatient clinical practice based on the status of a physician's, hospital's or outpatient clinical practice's participation in a maintenance of certification program.

3. Repeal. This section is repealed April 1, 2029.

Sec. 2. Application. The requirements of this Act apply to a carrier as defined in the Maine Revised Statutes, Title 24-A, section 4301-A that executes, delivers, issues for delivery, continues or renews an individual or group policy, contract or certificate in this State on or after January 1, 2024.

See title page for effective date.
