

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

**An Act to Amend the Laws Regarding Complaints against
Physicians and to Require a Study Concerning Patient
Information**

SPONSOR(S)
GWADOSKY
GRAHAM

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-394
S-378 CLARK N

SUMMARY

This bill:

1. Removes from the law certain instances in which a physician or professional competence committee is relieved from responsibility for reporting malpractice or drug or alcohol abuse to the appropriate state regulatory board;
2. Requires that health care providers report disciplinary action to the appropriate state board even though the practitioner may no longer be licensed or may no longer be in the State;
3. Requires that a board that is planning to amend or destroy any items from a physician's record report this fact to the complainant if those items concern disciplinary action;
4. Requires that the provider report of liability insurance claims and claim dispositions against physicians and health care institutions currently required by law be made to the appropriate state regulatory body and to the Attorney General;
5. Removes the 10-year time span within which 3 monetary judgments against a physician must fall in order to constitute a complaint before the state regulatory board;
6. Requires that physician regulatory boards continue to investigate and resolve a complaint even though the licensee may no longer be licensed or living in the State. The bill requires that notice of complaint and, subsequently, its resolution be sent to the state to which the licensee has moved; and
7. Requires that the Office of Policy and Legal Analysis study the federal law and state constitutional issues that would be involved in providing greater information on physicians to consumers and in modifying the informed consent law so as to offer consumers greater protection.

Committee Amendment "A":

1. Eliminates the section of the bill that removes a statutory provision that relieves a professional review committee from reporting the misuse of alcohol or drugs by a physician;
2. Eliminates the provision of the bill that requires health care providers to report disciplinary action regardless of whether the practitioner is still licensed in the State;
3. Requires the appropriate physician licensing board to notify complainants when a physician seeks court action to amend or expunge part of the physician's professional record with respect to the complaints filed by the complainants;
4. Prohibits the destruction of information of health care practitioners unless there is evidence that is more probable than not that a complaint is false. If there is insufficient evidence to prove or disprove a charge, the record must show that there was insufficient evidence to prove the charge;

5. Requires the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration to investigate licensees of these boards against whom 3 notices of professional liability claims have been made within a 10-year period, if at least one of these claims could rise to a level sufficient to merit board action;
6. Authorizes the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration to report complaints on which action was taken to similar boards in other states when licensees move out of this State. These two boards may also review the professional record of any applicant for a license to practice in this State, including the record of a person licensed in another state. The boards may use this information in approving or denying a license;
7. Requires the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration to require a licensee subject to any probation or stipulation under which the licensee is practicing as a result of board disciplinary action to notify all of the licensee's patients in regard to the probation or stipulation;
8. Removes from the study required in the bill the study objectives concerning informed consent to health care treatment, complaints filed against physicians and review committee findings; and
9. Restricts the emergency preamble and clause to the study required in the bill.

Senate Amendment "A" to Committee Amendment "A" provides for 3 exemptions from the law that requires physicians to report to their patients any restrictions or prohibitions that a medical board has imposed on their medical practices. The following information is exempt from the reporting requirement:

1. Information concerning a physician's participation in an alcohol or drug treatment program;
2. Information concerning a medical board's disciplinary action against a physician who retires following charges made or complaints investigated by the medical board; and
3. Information concerning a physician's care or treatment by another professional person.

Senate Amendment "B" to Committee Amendment "A" repeats the provisions of Senate Amendment "A" and removes the provisions of the bill that provide for the study concerning patient information.

LD 1188 An Act Concerning Public Representation on Professional and Occupational Boards or Commissions

PUBLIC 286

SPONSOR(S)
CLARK N
HOLLOWAY
GURNEY
LEBOWITZ

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

Currently, public members of regulation boards may never have been credentialed in the profession being regulated. This bill makes clear that this prohibition extends to any state, not just Maine.