

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

H.P. 759 - L.D. 1023

**An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program**

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

**Sec. 1. 24 MRSA §2502, sub-§1-A**, as enacted by PL 1985, c. 804, §§3 and 22, is amended to read:

**1-A. Health care practitioner.** "Health care practitioner" means physicians and all others certified, registered or licensed in the healing arts, including, but not limited to, nurses, podiatrists, optometrists, chiropractors, physical therapists, dentists, psychologists ~~and~~ physicians' assistants and veterinarians.

**Sec. 2. 24 MRSA §2502, sub-§1-C**, as enacted by PL 1997, c. 697, §1, is amended to read:

**1-C. Adverse professional competence review action.** "Adverse professional competence review action" means an action based upon professional competence review activity to reduce, restrict, suspend, deny, revoke or fail to grant or renew a physician's or veterinarian's:

- A. Membership, clinical privileges, clinical practice authority or professional certification in a hospital ~~or~~, other health care entity or veterinary hospital; or
- B. Participation on a health care entity's provider panel.

**Sec. 3. 24 MRSA §2502, sub-§2**, as amended by PL 1985, c. 804, §§4 and 22, is further amended to read:

**2. Health care provider.** "Health care provider" means any hospital, clinic, nursing home or other facility in which skilled nursing care or medical services are prescribed by or performed under the general direction of persons licensed to practice medicine, dentistry, podiatry or surgery in this State and ~~which that~~ is licensed or otherwise authorized by the laws of this State. "Health care provider" includes a veterinary hospital.

**Sec. 4. 24 MRSA §2502, sub-§3**, as enacted by PL 1977, c. 492, §3, is amended to read:

**3. Physician.** "Physician" means any natural person authorized by law to practice medicine ~~or~~, osteopathic medicine or veterinary medicine within this State.

**Sec. 5. 24 MRSA §2502, sub-§4-A**, as amended by PL 2009, c. 47, §1, is further amended to read:

**4-A. Professional review committee.** "Professional review committee" means a committee of ~~physicians, dentists, pharmacists, nurses or a combination of members of all 4 professions~~ health care practitioners formed by a professional society for the purpose of identifying and working with ~~physicians, dentists and other licensees of the Board of Dental Examiners, physician assistants, pharmacists and pharmacy technicians and nurses~~ health professionals who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant to protocols approved by the ~~Board of Licensure in Medicine, the Board of Dental Examiners, the Board of Osteopathic Licensure, the Maine Board of Pharmacy and the State Board of Nursing~~ various licensing boards that license the health professionals the committee serves.

**Sec. 6. 24 MRSA §2510, sub-§6**, as amended by PL 1993, c. 600, Pt. B, §§21 and 22, is further amended to read:

**6. Disciplinary action.** Disciplinary action by the Board of Licensure in Medicine ~~shall be~~ is in accordance with Title 32, chapter 48; disciplinary action by the Board of Osteopathic Licensure ~~shall be~~ is in accordance with Title 32, chapter 36; and disciplinary action by the State Board of Veterinary Medicine is in accordance with Title 32, chapter 71-A.

**Sec. 7. 32 MRSA §3605-B, sub-§3**, as enacted by PL 1993, c. 600, Pt. A, §239, is amended to read:

**3. Rules.** Adopt rules in accordance with the Maine Administrative Procedure Act, as it determines necessary to carry out the purposes of this chapter; and

**Sec. 8. 32 MRSA §3605-B, sub-§7** is enacted to read:

**7. Podiatrist health program.** The board may establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee's reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocol may not prohibit an impaired podiatrist from seeking alternative forms of treatment.

The board has the power to contract with other agencies, individuals, firms or associations for the conduct and operation of a podiatrist health program operated by a professional review committee.

**Sec. 9. 32 MRSA §4859, sub-§3**, as amended by PL 2007, c. 402, Pt. R, §4, is further amended to read:

**3. After hearing, adopt, amend or repeal rules.** After hearing, adopt, amend or repeal rules in accordance with Title 5, chapter 375, subchapter 2, necessary to carry into effect this chapter. These rules must be made in accordance with the purpose and intent of the law and the standards set forth in this chapter and include, but are not limited to, rules concerning misconduct, fraud, advertising, standards of competency, personal conduct, standards of sanitation for the operation of veterinary hospitals, associations with other veterinarians, unprofessional conduct and qualifications for licensure. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; ~~and~~

**Sec. 10. 32 MRSA §4859, sub-§6**, as amended by PL 2007, c. 402, Pt. R, §4, is further amended to read:

**6. License veterinary technicians.** License veterinary technicians in accordance with procedures as the board may prescribe by rule. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; and

**Sec. 11. 32 MRSA §4859, sub-§9** is enacted to read:

**9. Veterinarian health program.** The board may establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee's reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocol may not prohibit an impaired veterinarian or veterinary technician from seeking alternative forms of treatment.

The board has the power to contract with other agencies, individuals, firms or associations for the conduct and operation of a veterinarian health program operated by a professional review committee.

**Sec. 12. Appropriations and allocations.** The following appropriations and allocations are made.

## **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

### **Licensing and Enforcement 0352**

Initiative: Allocates dedicated revenue funds for the State Board of Veterinary Medicine and the Board of Licensure of Podiatric Medicine to contract with an agency to operate a podiatrist health program and a veterinarian health program beginning in September 2011.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$13,983	\$13,983
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$13,983</u>	<u>\$13,983</u>

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor