

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Lessen the Regulatory Burden on Medical Laboratories by Removing Outdated Requirements from the Maine Medical Laboratory Act

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

Sec. 1. 22 MRSA §2016, first ¶, as amended by PL 1991, c. 528, Pt. J, §1 and affected by Pt. RRR and amended by c. 591, Pt. J, §1, is further amended to read:

Application must be made on a form prescribed by the department. Licenses must be issued to perform testing in one or more of the following categories or specialties: ~~Histocompatibility~~Histocompatibility; microbiology, including subcategories bacteriology, mycology, parasitology, virology; immunology or serology, including subcategories syphilis and nonsyphilis; chemistry, including subcategories routine, clinical microscopy or urinalysis and other, including toxicology; hematology, including coagulation; immunohematology, including subcategories blood group and Rh typing, Rh titers, cross matching, antibody detection and identification; pathology, including subcategories tissue, oral, diagnostic cytology; and radiobioassay. All applications must be accompanied by a license application fee. The application ~~must be notarized and~~ must contain the following information:

Sec. 2. 22 MRSA §2032, as repealed and replaced by PL 1975, c. 218, is amended to read:

§ 2032.Specimens

~~No~~A person other than a licensed physician or one authorized by law ~~shall~~may not manipulate a person for the collection of specimens or process or submit or act as an agent for the transmittal of specimens, ~~except that technical personnel of a licensed medical laboratory may collect blood or remove stomach contents or collect material for smears and cultures under the direction or upon the request of a physician or dentist.~~

Sec. 3. 22 MRSA §2033, as repealed and replaced by PL 1975, c. 218, is amended to read:

§ 2033.Rebates or fee splitting prohibited

The owner or director of a laboratory licensed under this Act, either personally or through an agent, ~~shall~~may not practice in any manner ~~which~~that offers or implies to offer rebates to persons submitting specimens or other fee splitting inducements; or participate in any fee splitting arrangement. This applies to contents of fee schedules, billing methods or personal solicitation. The contractual provision of laboratory services for a fixed fee independent of the number of specimens submitted for such services is declared to be a violation of this section. ~~A copy of the itemized statement shall be sent to the patient.~~

SUMMARY

This bill amends the Maine Medical Laboratory Act as follows:

SP0534, LD 1624, item 1, 125th Maine State Legislature
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1. It removes the requirement that an application for a medical laboratory license be notarized. Other licensing laws do not have this requirement;

2. It removes a provision that allows the technical personnel of a licensed medical laboratory to collect certain specimens. Eliminating this provision provides that no person other than a licensed physician or a person authorized by law is allowed to manipulate a person for the collection of specimens or process or submit or act as an agent for the transmittal of specimens; and

3. It removes the requirement that a licensed medical laboratory send a copy of an itemized statement of laboratory services to the patient. Current practice is to send the itemized statement to the insurance company, the laboratory's client or the patient.