

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

An Act Regarding Health Care Providers and Patient Trust

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

Sec. 1. 32 MRSA §2112 is enacted to read:

§ 2112. Medical standards; prohibition on government intervention

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

A. "Evidence-based" means that the best available clinical evidence from systematic research is used to make decisions about the care of an individual patient.

B. "Medically accurate," with respect to information, means:

(1) Verified or supported by the weight of peer-reviewed medical research conducted in compliance with accepted scientific methods;

(2) Recognized as correct and objective by leading medical organizations with relevant expertise; or

(3) Recommended by or affirmed in the medical practice guidelines of a nationally recognized accrediting organization.

C. "Medically appropriate," with respect to information, means consistent with applicable legal, health and professional standards, the patient's clinical and other circumstances and the patient's reasonably known wishes and beliefs.

2. Prohibition. The State may not:

A. Require a person licensed under this chapter to provide a patient with the following:

(1) Information that is not medically accurate or medically appropriate for the patient; or

(2) A medical service that is not evidence-based and appropriate for the patient; or

B. Prohibit a person licensed under this chapter from providing a patient with the following:

(1) Information that is medically accurate and medically appropriate for the patient; or

(2) A medical service that is evidence-based and appropriate for the patient.

3. Professional standards. This section may not be construed to alter professional standards of care or affect the duty of a person licensed under this chapter to meet the applicable standard of care.

Sec. 2. 32 MRSA §2600-D is enacted to read:

§ 2600-D. Medical standards; prohibition on government intervention

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

A. "Evidence-based" means that the best available clinical evidence from systematic research is used to make decisions about the care of an individual patient.

B. "Medically accurate," with respect to information, means:

(1) Verified or supported by the weight of peer-reviewed medical research conducted in compliance with accepted scientific methods;

(2) Recognized as correct and objective by leading medical organizations with relevant expertise; or

(3) Recommended by or affirmed in the medical practice guidelines of a nationally recognized accrediting organization.

C. "Medically appropriate," with respect to information, means consistent with applicable legal, health and professional standards, the patient's clinical and other circumstances and the patient's reasonably known wishes and beliefs.

2. Prohibition. The State may not:

A. Require a person licensed under this chapter to provide a patient with the following:

(1) Information that is not medically accurate or medically appropriate for the patient; or

(2) A medical service that is not evidence-based and appropriate for the patient; or

B. Prohibit a person licensed under this chapter from providing a patient with the following:

(1) Information that is medically accurate and medically appropriate for the patient; or

(2) A medical service that is evidence-based and appropriate for the patient.

3. Professional standards. This section may not be construed to alter professional standards of care or affect the duty of a person licensed under this chapter to meet the applicable standard of care.

Sec. 3. 32 MRSA §3300-G is enacted to read:

§ 3300-G. Medical standards; prohibition on government intervention

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

A. "Evidence-based" means that the best available clinical evidence from systematic research is used to make decisions about the care of an individual patient.

B. "Medically accurate," with respect to information, means:

(1) Verified or supported by the weight of peer-reviewed medical research conducted in compliance with accepted scientific methods;

(2) Recognized as correct and objective by leading medical organizations with relevant expertise; or

(3) Recommended by or affirmed in the medical practice guidelines of a nationally recognized accrediting organization.

C. "Medically appropriate," with respect to information, means consistent with applicable legal, health and professional standards, the patient's clinical and other circumstances and the patient's reasonably known wishes and beliefs.

2. Prohibition. The State may not:

A. Require a person licensed under this chapter to provide a patient with the following:

(1) Information that is not medically accurate or medically appropriate for the patient; or

(2) A medical service that is not evidence-based and appropriate for the patient; or

B. Prohibit a person licensed under this chapter from providing a patient with the following:

(1) Information that is medically accurate and medically appropriate for the patient; or

(2) A medical service that is evidence-based and appropriate for the patient.

3. Professional standards. This section may not be construed to alter professional standards of care or affect the duty of a person licensed under this chapter to meet the applicable standard of care.

SUMMARY

This bill prevents the State from requiring persons licensed by the Board of Osteopathic Licensure or the Board of Licensure in Medicine, including physician assistants, or the State Board of Nursing to give patients information that is medically inaccurate or perform medical services that are inconsistent with evidence-based standards. It also provides that the State may not prohibit a person licensed under these professional boards from providing patients with medically accurate information or evidence-based medical services.