



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1361

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H.P. 983

House of Representatives, March 21, 2019

### An Act Regarding Health Care Providers and Patient Trust

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Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative O'NEIL of Saco.  
Cosponsored by Senator GRATWICK of Penobscot and  
Representatives: FOLEY of Biddeford, JORGENSEN of Portland, McCREIGHT of Harpswell,  
TEPLER of Topsham, WARREN of Hallowell, Senators: CLAXTON of Androscoggin,  
SANBORN, L. of Cumberland.

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

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

3 **§2112. Medical standards; prohibition on government intervention**

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

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

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

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

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

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

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

18 **2. Prohibition.** The State may not:

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

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

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

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

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

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

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

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

1           **§2600-D. Medical standards; prohibition on government intervention**

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

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

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

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

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

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

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

16           **2. Prohibition.** The State may not:

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

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

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

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

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

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

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

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

32           **§3300-G. Medical standards; prohibition on government intervention**

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

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

