



Janet T. Mills
GOVERNOR

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE
137 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0137

Maroulla S. Gleaton, MD
CHAIR

Timothy E. Terranova
EXECUTIVE DIRECTOR

January 9, 2024

Senator Donna Bailey, Chair
Representative Anne Perry, Chair
Committee on Health Coverage, Insurance and Financial Services
100 State House Station
Augusta, ME 04333

Re: LD 2043 – “An Act to Add the State of Maine to the Compact for Licensing Physician Assistants”

Dear Senator Bailey and Representative Perry:

The Maine Board of Licensure in Medicine (“BOLIM”) licenses and regulates allopathic physicians and physician assistants in Maine. BOLIM is composed of 11 members: 6 physicians who actively practice medicine; 2 physician assistants who actively render medical services; and 3 public members. BOLIM’s mission is to protect the public by ensuring its licensees are ethical, professional and competent. It fulfills this mission by licensing, regulating, and educating physician and physician assistants.

BOLIM offers the following comments neither in support of nor against LD 2043:

LD 2043 proposes to have the State of Maine enter the Physician Assistant Licensure Compact. BOLIM is not against compacts and has been part of the Interstate Medical Licensure Compact (IMLC) since 2017. BOLIM believes a Physician Assistant Compact could be a powerful licensing tool. However, BOLIM has several concerns with the wording of this compact, which are described below.

As we discuss these concerns it is important to remember that the proposed law cannot be substantively changed. Because this is a “contract” between numerous states, any substantive change would result in Maine not being legally able to join the compact.

BOLIM concerns include:

- Section 2(C) “Conviction” Conviction is defined as “a finding by a court that an individual is guilty of a felony or misdemeanor offense...” Section 4(A)(4) indicates that a conviction, either felony or misdemeanor, disqualifies a physician assistant from participation in the compact.

OFFICE LOCATION: 161 CAPITOL STREET, AUGUSTA, ME

PHONE: (207) 287-3601

www.maine.gov/md

FAX: (207) 287-6590

- Section 3(A)(5) requires all currently licensed and future license applicants to obtain fingerprint or other biometric-based criminal background checks. The compact places the burden on BOLIM to ensure that all currently licensed physician assistants undergo a criminal background check, even those that do not wish to participate in the compact. Failure to undergo a criminal background check would be a violation of law.
- Section 4(B) contains an unresolved question that appears to exempt physician assistants from having to renew licenses and pay renewal fees other than in their qualifying state. This would treat non compact physician assistants differently as they are required to renew their licenses and pay renewal fees. In plain terms, the renewal of the compact privilege is tied solely to the qualifying state. This would pass the burden of regulatory fees onto the physician assistants who live and work in Maine.
- Section 6(B)(2) requires participating states to issue subpoenas for other participating states and enforce those subpoenas in Maine courts. There is an increased litigation risk with this provision and could be problematic, for example, if a participating state that authorizes disciplinary action for performing an abortion or gender affirming care requires Maine to issue and enforce a subpoena for such care lawfully performed in Maine.
- Section 6(C) includes a mandate for BOLIM to investigate care provided in other states and jurisdictions as if it occurred in Maine if it is the Qualifying License State. This means that if a physician assistant from Maine moves to Texas and a complaint is received about his care in Texas, Maine must investigate the complaint. This raises similar issues noted above and is different than the IMLC.
- Section 7(B)(1) limits states to only one delegate and if the state has more than one licensing Board, the delegate shall be selected collectively by the licensing boards. As of 12/14/23 the Boards' websites indicate that BOLIM has 1,207 active licensed physician assistants and the Board of Osteopathic Licensure has 57. BOLIM recommends and does not believe it would be a substantive change to the compact law to include a directive that the delegate come from BOLIM as it regulates the majority of physician assistants in Maine.
- Section 7(E)(3) includes broad language that allows the Compact Commission to levy and collect annual assessments on Maine as well as fees to compact privilege holders. Supporters of the compact have indicated that it could take more than two years from the effective date of the compact (when the seventh state joins) until privileges are first issued. Compact costs include staffing, development of a database, and creation of the technology to share compact specific information between states. Supporters of the compact have indicated that they will seek grant money to assist in the payment of start-up costs. However, these are unknown costs, and if shared by only seven states, could result in BOLIM becoming financially unsound.

As stated before, BOLIM is not against compacts and would welcome participation in a compact that would ensure the safety of Maine patients and not pass on the cost of regulation to physician assistants who choose to obtain their original licensure in Maine. BOLIM also understands that the language of the compact cannot be substantively changed and if and when seven states adopt

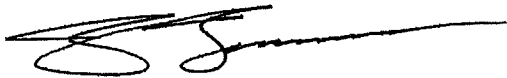
the language this will be the language of the compact for better or worse.

BOLIM also understands the need for additional healthcare practitioners physically located in our rural areas and it may seem that early entrance into a compact may help. However, this has not proven to be true with the IMLC. Since BOLIM became actively involved in the IMLC the number of licensed physicians has increased dramatically, (5,817 in July 2017 to 7,946 in December 2023) but the number of licensed physicians physically located in Maine has increased at a much smaller rate (3,509 in July 2017 to 3,748 in December 2023).

For these reasons, and as implementation of the compact will take several years, BOLIM would recommend a cautious approach to see how the compact is implemented and how these concerns are addressed.

Thank you for the opportunity to provide these comments regarding LD 2043. I would be happy to answer questions now or at the work session.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy E. Terranova", with a long horizontal flourish extending to the right.

Timothy E. Terranova
Executive Director