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Testimony of the Division of Licensing and Certification
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health Coverage, Insurance and Financial Services

In opposition to LD 2199, An Act to Prohibit Interference with the Professional Judgment and Clinical Decisions of Licensed Health Care Professionals as Recommended by the Commission to Evaluate the Scope of Regulatory Review and Oversight over Health Care Transactions That Impact the Delivery of Health Care Services in the State

Sponsor: Representative Mathieson

Hearing Date: February 18, 2026

Senator Bailey, Representative Mathieson and members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services. Bill Montejo and I serve as the Director of the Division of Licensing and Certification in opposition to LD 2199 *An Act to Prohibit Interference with the Professional Judgment and Clinical Decisions of Licensed Health Care Professionals as Recommended by the Commission to Evaluate the Scope of Regulatory Review and Oversight over Health Care Transactions That Impact the Delivery of Health Care Services in the State*. Because of the broad language in this bill, appropriate interventions into patient care are not delineated from profit driven interventions into care.

The intent of the bill was to prohibit healthcare business corporations and entities such as private equity corporations and real estate trust organizations from impeding a physician's clinical decision-making. The bill prohibits interference with the professional judgment or clinical decisions of licensed health care professionals as it relates to the amount time spent with patients, discharge decisions, and decisions around appropriate diagnostic tests among other things. We understand that the intent of the bill is to keep business entities from limiting a physician's ability to order expensive diagnostic tests that they feel are necessary and/or to reduce time spent with patients to increase the profitability of providing care. We strongly believe that providers and patients should be able to work together to design the best care plan that works for the patient. However, the bill as written may also preclude hospital administration from directing a physician to change their plan of care even if the plan of care is not consistent with national standards or regulatory requirements and safety/policy requirements.

While the Department agrees with the intent that the physician should order diagnostic tests, medications and treatments based on the needs of the patient and his/her clinical judgement, we are opposed to the bill as written as it is too broad in the scope. For example, an exhausted physician may inadvertently order the wrong concentration of a medication that if given, could result in serious harm to the patient. The standard of practice for a professional nurse requires

that they interfere with that physician's clinical decision and advise the physician that they question the clinical decisions appropriateness to clarify the order and advocate for the safety and well-being of the patient.

The Department recommends the bill be voted as ought not to pass and would encourage more input from the Boards of Nursing, Medicine and Osteopathic Medicine to better outline the implementation of the Commission's recommendation.