

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 286 - L.D. 411

**An Act To Amend the Health Care Practitioner Licensing, Disciplinary and Reporting Laws Regarding Alcohol and Drug Abuse**

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

**Sec. 1. 24 MRSA §2504**, as enacted by PL 1977, c. 492, §3, is amended to read:

**§2504. Professional societies**

Every state professional society shall establish a professional competence committee of its members pursuant to written bylaws approved by the society's governing board. The committee shall receive, investigate and determine the accuracy of any report made to the society of any member physician's acts amounting to gross or repeated medical malpractice, ~~habitual drunkenness, addiction to the use of drugs~~ misuse of alcohol, drugs or other substances that may result in the member physician's performing services in a manner that endangers the health or safety of patients or professional incompetence.

**Sec. 2. 24 MRSA §2505, first ¶**, as amended by PL 2007, c. 380, §1, is further amended to read:

Any professional competence committee within this State and any physician licensed to practice or otherwise lawfully practicing within this State shall, and any other person may, report the relevant facts to the appropriate board relating to the acts of any physician in this State if, in the opinion of the committee, physician or other person, the committee or individual has reasonable knowledge of acts of the physician amounting to gross or repeated medical malpractice, ~~habitual drunkenness, addiction to the use of drugs~~ misuse of alcohol, drugs or other substances that may result in the physician's performing services in a manner that endangers the health or safety of patients, professional incompetence, unprofessional conduct or sexual misconduct identified by board rule. The failure of any such professional competence committee or any such physician to report as required is a civil violation for which a fine of not more than \$1,000 may be adjudged.

**Sec. 3. 24 MRSA §2505, 2nd ¶**, as amended by PL 1997, c. 107, §3, is further amended to read:

Except for specific protocols developed by a board pursuant to Title 32, section 1073, 2596-A or 3298, a physician, dentist or committee is not responsible for reporting misuse of alcohol ~~or~~ drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol ~~or~~ drugs or other substances discovered by the physician, dentist or committee as a result of participation or membership in a professional review committee or with respect to any information acquired concerning misuse of alcohol ~~or~~ drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol ~~or~~ drugs or other substances, as long as that information is reported to the professional review committee. Nothing in this section may prohibit an impaired physician or dentist from seeking alternative forms of treatment.

**Sec. 4. 32 MRSA §1077, sub-§2, ¶B**, as amended by PL 1993, c. 600, Pt. A, §62, is further amended to read:

B. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the licensee performing services in a manner that endangers the health or safety of patients;

**Sec. 5. 32 MRSA §2105-A, sub-§2, ¶B**, as amended by PL 1993, c. 600, Pt. A, §116, is further amended to read:

B. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the licensee performing services in a manner that endangers the health or safety of patients;

**Sec. 6. 32 MRSA §2591-A, sub-§2, ¶B**, as amended by PL 1993, c. 600, Pt. A, §181, is further amended to read:

B. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the licensee performing services in a manner that endangers the health or safety of the licensee's patients;

**Sec. 7. 32 MRSA §3282-A, sub-§2, ¶B**, as amended by PL 1993, c. 600, Pt. A, §218, is further amended to read:

B. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the licensee performing services in a manner that endangers the health or safety of patients;

**Sec. 8. 32 MRSA §3656, sub-§1**, as enacted by PL 2007, c. 402, Pt. P, §14, is amended to read:

**1. Misuse of alcohol, drugs or other substances.** ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or ~~is foreseeably likely to~~ may result in the applicant or licensee performing services in a manner that endangers the health or safety of the licensee's patients;

**Sec. 9. 32 MRSA §13742-A, sub-§1, ¶A**, as enacted by PL 2007, c. 402, Pt. DD, §19, is amended to read:

A. ~~Habitual substance abuse~~ Misuse of alcohol, drugs or other substances that has resulted or is ~~foreseeably likely to~~ may result in the applicant or licensee performing duties in a manner that endangers the health or safety of patients;