

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

An Act To Address Issues Related to Chiropractic Licensure

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

Sec. 1. 32 MRSA §503-A, sub-§1, as amended by PL 1999, c. 547, Pt. B, §59 and as affected by §80, is repealed.

Sec. 2. 32 MRSA §503-A, sub-§1-A is enacted to read:

1-A. Screening panel. On the board's own motion or upon receipt of a written complaint filed with the board regarding noncompliance with or violation of this chapter or of a rule adopted by the board, the chair of the board shall appoint a screening panel to review the complaint, referred to in this subsection as "the panel."

A. The chair shall nominate subject to approval by the Governor an attorney with medical malpractice experience as chair of the panel and 2 chiropractors licensed under this chapter and 2 members of the general public to be members of the panel. The chair must receive compensation as determined by the board. Members of the panel must receive payment of expenses incurred for serving on the panel. The board shall provide staff support for the panel.

B. The panel shall notify the licensee of the content of a complaint filed against the licensee as soon as possible. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the panel that the complaint does not merit further investigation or action, the matter may be dismissed.

C. If, in the opinion of the panel, the factual basis of the complaint is or may be true, and the complaint is of sufficient gravity to warrant further action, the panel may:

(1) With the consent of the licensee, enter into a consent agreement that fixes the period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the panel, the licensee and the Attorney General; or

(2) Recommend referral to the board pursuant to subsection 1-B.

Sec. 3. 32 MRSA §503-A, sub-§1-B is enacted to read:

1-B. Disciplinary proceedings and sanctions. With respect to a complaint referred from the screening panel pursuant to subsection 1-A, the board may take any of the following actions the board determines appropriate:

A. Dismiss the complaint;

B. With the consent of the licensee, enter into a consent agreement that fixes the period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General;

C. Request an informal conference with the licensee. The board shall provide the licensee with adequate notice of the conference and of the issues to be discussed. The conference must be conducted in executive session of the board, pursuant to Title 1, section 405, unless otherwise requested by the licensee. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent; or

D. In consideration for acceptance of a voluntary surrender of the license, negotiate stipulations, including terms and conditions for reinstatement that ensure protection of the public health and safety and that serve to rehabilitate or educate the licensee. These stipulations may be set forth only in a consent agreement signed by the board, the licensee and the Attorney General;

If the board concludes that modification or nonrenewal of the license is in order, the board shall hold an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act.

If the board concludes that suspension or revocation of the license is in order, the board shall file a complaint in the District Court in accordance with Title 4, chapter 5.

SUMMARY

This bill creates a screening panel for complaints against chiropractors similar to the screening panel for medical malpractice claims under current law. The screening panel created by this bill reviews complaints against chiropractors and has the power to dismiss the complaint, enter into a consent agreement with the licensee who is the subject of the complaint or refer the complaint to the Board of Chiropractic Licensure for further action.