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An Act To Authorize the Maine Board of Pharmacy To Establish a Pharmacist Health Program

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, pursuant to the Maine Health Security Act and professional licensing laws, the Maine Medical Association operates a Physician Health Program that provides treatment, counseling and monitoring of physicians and dentists with substance use disorders or other mental health diagnoses to permit these professionals to continue serving the people of Maine while protecting public safety; and

Whereas, the Maine Board of Pharmacy wishes to have the Maine Medical Association Physician Health Program as a resource for pharmacists in Maine; and

Whereas, the Maine Medical Association must immediately convert the position of Clinical Director of the Physician Health Program from a part-time to a full-time position in order to accommodate the new group of professionals; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 24 MRSA §2502, sub-§4-A, as amended by PL 1997, c. 107, §2, is further amended to read:

4-A. Professional review committee. "Professional review committee" means a committee of physicians, dentists, pharmacists or a combination of members of ~~both~~ 3 professions formed by a professional society for the purpose of identifying and working with physicians, dentists and other licensees of the Board of Dental Examiners ~~and~~, physician assistants, pharmacists and pharmacy technicians who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant to protocols approved by the Board of Licensure in Medicine, the Board of Dental Examiners ~~or~~, the Board of Osteopathic Licensure ~~and the~~ Maine Board of Pharmacy.

Sec. 2. 32 MRSA §13721, sub-§3 is enacted to read:

3. Pharmacist health program. The board may establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee's reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired pharmacist or pharmacy technician from seeking alternative forms of treatment.

The board has the power to contract with other agencies, individuals, firms or associations for the conduct and operation of a pharmacist health program operated by a professional review committee as that term is defined in Title 24, section 2502, subsection 4-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF
Licensing and Enforcement 0352**

Initiative: Allocates ongoing funds to the Office of Licensing and Registration for the Maine Board of Pharmacy to contract with an agency to operate the pharmacist health program beginning in September 2007.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$15,000	\$20,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,000	\$20,000

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2007.