

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 Facilitate the Hiring of Healthcare Personnel during Emergency Circumstances**

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

**Sec. 1. 22 MRSA §816, sub-§1-A** is enacted to read:

**1-A. Healthcare workforce.** A private institution is immune from civil penalties and liability for any actions arising from allegations of inadequate investigation prior to that institution's hiring or engagement of a licensed health care worker, including but not limited to allegations of negligent hiring, credentialing or privileging, for services provided within the scope of that health care worker's licensure in response to an extreme public health emergency as defined in section 801, subsection 4-A; a health emergency declared pursuant to section 802, subsection 2; or a disaster as defined in Title 37-B, section 703, subsection 2, as long as the private institution hires or engages the services of the licensed health care worker in accordance with this subsection.

A. When hiring or engaging the services of a licensed health care worker that, at the time of hiring or engagement, is employed or privileged by any entity in any state, a private institution may rely upon the representation of that employing or privileging entity regarding appropriate screening of the worker, such as background investigation, primary source verification, credentialing or privileging.

B. When hiring or engaging the services of a licensed health care worker that, at the time of hiring or engagement, is retired or unemployed, a private institution may rely upon the representation of the worker's most recent employer or privileging entity if that employment or privileging occurred within the previous 24 months.

C. If an employer or privileging entity is unable to respond to the inquiries of a private institution due to a health emergency, an extreme public health emergency or a disaster, the private institution may rely on the licensed health care worker's representations regarding that worker's status or preemployment screening or privileging review.

A private institution that complies with this subsection may hire or engage the services of a licensed health care worker and be deemed in compliance with all state licensing standards.

### **SUMMARY**

This bill grants private institutions that hire or engage the services of licensed health care workers immunity from civil liability in the event of a declared health emergency, an extreme public health emergency or a disaster for any actions arising from allegations of inadequate investigation prior to their engagement, including, but not limited to, negligent hiring, credentialing or privileging, for services provided within the scope of such licensure.