

## §2502. Definitions

As used in this chapter, unless the context indicates otherwise, the following words shall have the following meanings. [PL 1977, c. 492, §3 (NEW).]

**1. Board.** "Board" means the Board of Licensure in Medicine, the Board of Dental Practice or the Board of Osteopathic Licensure.

[PL 1997, c. 107, §1 (AMD); PL 2015, c. 429, §23 (REV).]

**1-A. Health care practitioner.** "Health care practitioner" means physicians and all others certified, registered or licensed in the healing arts, including, but not limited to, nurses, podiatrists, optometrists, chiropractors, physical therapists, dentists, psychologists, physicians' assistants and veterinarians.

[PL 2011, c. 190, §1 (AMD).]

**1-B. Carrier.** "Carrier" has the same meaning as in Title 24-A, chapter 56-A.

[PL 1997, c. 271, §2 (NEW).]

**1-C. Adverse professional competence review action.** "Adverse professional competence review action" means an action based upon professional competence review activity to reduce, restrict, suspend, deny, revoke or fail to grant or renew a physician's or veterinarian's:

A. Membership, clinical privileges, clinical practice authority or professional certification in a hospital, other health care entity or veterinary hospital; or [PL 2011, c. 190, §2 (AMD).]

B. Participation on a health care entity's provider panel. [PL 1997, c. 697, §1 (NEW).]  
[PL 2011, c. 190, §2 (AMD).]

**1-D. Health care entity.** "Health care entity" means:

A. An entity that provides or arranges for health care services and that follows a written professional competence review process; [PL 1997, c. 697, §1 (NEW).]

B. An entity that furnishes the services of physicians to another health care entity or to individuals and that follows a written professional competence review process; or [PL 1997, c. 697, §1 (NEW).]

C. A professional society or professional certifying organization when conducting professional competence review activity. [PL 1997, c. 697, §1 (NEW).]

[PL 1997, c. 697, §1 (NEW).]

**2. Health care provider.** "Health care provider" means any hospital, clinic, nursing home or other facility in which skilled nursing care or medical services are prescribed by or performed under the general direction of persons licensed to practice medicine, dentistry, podiatry or surgery in this State and that is licensed or otherwise authorized by the laws of this State. "Health care provider" includes a veterinary hospital.

[PL 2011, c. 190, §3 (AMD).]

**2-A. Managed care plan.** "Managed care plan" has the same meaning as in Title 24-A, chapter 56-A.

[PL 1997, c. 271, §2 (NEW).]

**3. Physician.** "Physician" means any natural person authorized by law to practice medicine, osteopathic medicine or veterinary medicine within this State.

[PL 2011, c. 190, §4 (AMD).]

**4. Professional competence committee.** "Professional competence committee" means any of the following when engaging in professional competence review activity:

A. A health care entity; [PL 1997, c. 697, §2 (NEW).]

B. An individual or group, such as a medical staff officer, department or committee, to which a health care entity delegates responsibility for professional competence review activity; [PL 1997, c. 697, §2 (NEW).]

C. Entities and persons, including contractors, consultants, attorneys and staff, who assist in performing professional competence review activities; or [PL 1997, c. 697, §2 (NEW).]

D. Joint committees of 2 or more health care entities. [PL 1997, c. 697, §2 (NEW).]  
[PL 1997, c. 697, §2 (RPR).]

**4-A. Professional review committee.** "Professional review committee" means a committee of health care practitioners formed by a professional society for the purpose of identifying and working with health professionals 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 various licensing boards that license the health professionals the committee serves.  
[PL 2011, c. 190, §5 (AMD).]

**4-B. Professional competence review activity.** "Professional competence review activity" means study, evaluation, investigation, recommendation or action, by or on behalf of a health care entity and carried out by a professional competence committee, necessary to:

A. Maintain or improve the quality of care rendered in, through or by the health care entity or by physicians; [PL 1997, c. 697, §3 (NEW).]

B. Reduce morbidity and mortality; or [PL 1997, c. 697, §3 (NEW).]

C. Establish and enforce appropriate standards of professional qualification, competence, conduct or performance. [PL 1997, c. 697, §3 (NEW).]

[PL 1997, c. 697, §3 (NEW).]

**5. Professional society.** "Professional society" means a state professional organization of physicians, surgeons or osteopathic physicians.  
[PL 1977, c. 492, §3 (NEW).]

**6. Action for professional negligence.** "Action for professional negligence" means any action for damages for injury or death against any health care provider, its agents or employees, or health care practitioner or the health care practitioner's agents or employees, whether based upon tort or breach of contract or otherwise, arising out of the provision or failure to provide health care services.  
[RR 2019, c. 2, Pt. B, §78 (COR).]

**7. Professional negligence.** "Professional negligence" means that:

A. There is a reasonable medical or professional probability that the acts or omissions complained of constitute a deviation from the applicable standard of care by the health care practitioner or health care provider charged with that care; and [PL 1985, c. 804, §§5, 22 (NEW).]

B. There is a reasonable medical or professional probability that the acts or omissions complained of proximately caused the injury complained of. [PL 1985, c. 804, §§5, 22 (NEW).]

[PL 1985, c. 804, §§5, 22 (NEW).]

**8. Professional competence review records.** "Professional competence review records" means the minutes, files, notes, records, reports, statements, memoranda, data bases, proceedings, findings and work product prepared at the request of or generated by a professional competence review committee relating to professional competence review activity. Records received or considered by a professional competence committee during professional competence review activity are not "professional competence review records" if the records are individual medical or clinical records or any other record that was created for purposes other than professional competence review activity and is available from a source other than a professional competence committee.

[PL 1997, c. 697, §4 (NEW).]

**9. Written professional competence review process.** "Written professional competence review process" means a process that is reduced to writing and includes:

A. Written criteria adopted by the health care entity that are designed to form the primary basis for granting membership, privileges or participation in or through the health care entity. The health care entity shall furnish or make available for inspection and photocopying to a requesting physician the written criteria used by the entity; and [PL 1997, c. 697, §4 (NEW).]

B. A mechanism through which an individual physician can:

(1) Be informed in writing of the basis of any adverse professional competence review action;

(2) Participate in a meeting or hearing with representatives of the health care entity at which time the facts upon which an adverse action is based and the basis for the adverse action can be discussed and reconsidered; and

(3) Receive a written explanation of any final adverse professional competence review action.

[PL 1997, c. 697, §4 (NEW).]

[PL 1997, c. 697, §4 (NEW).]

#### SECTION HISTORY

PL 1977, c. 492, §3 (NEW). PL 1985, c. 185, §1 (AMD). PL 1985, c. 804, §§3-5,22 (AMD). PL 1993, c. 39, §1 (AMD). PL 1993, c. 600, §§A17,B21,22 (AMD). PL 1997, c. 107, §§1,2 (AMD). PL 1997, c. 271, §2 (AMD). PL 1997, c. 697, §§1-4 (AMD). PL 2007, c. 288, §1 (AMD). PL 2009, c. 47, §1 (AMD). PL 2011, c. 190, §§1-5 (AMD). PL 2015, c. 429, §23 (REV). RR 2019, c. 2, Pt. B, §78 (COR).

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