

§2509. Board records

1. Record of physicians. Each board shall create and maintain a permanent record of the names of all physicians licensed by it or otherwise lawfully practicing in this State and subject to the board's jurisdiction along with an individual historical record for each physician relating to reports or other information furnished the board under this chapter or otherwise pursuant to law. The record may include, in accordance with rules established by the board, additional items relating to a physician's record of medical practice as will facilitate proper periodic review of the physician's professional competency.

[PL 1977, c. 492, §3 (NEW).]

2. Reports dismissed without disciplinary action; removal and destruction. If the board dismisses any report submitted to it without imposing disciplinary action, the report must be removed from the physician's individual historical record and destroyed, unless the report has been placed on file for a specified amount of time pursuant to Title 10, section 8003, subsection 5, paragraph E. Reports placed on file pursuant to Title 10, section 8003, subsection 5, paragraph E may only be removed and destroyed upon the expiration of the specified amount of filing time.

[PL 1997, c. 680, Pt. D, §1 (AMD).]

3. Forms; acceptance of other forms. The board shall provide forms for filing reports pursuant to this chapter. Reports submitted in other forms shall be accepted by the board.

[PL 1977, c. 492, §3 (NEW).]

4. Disclosure to physician. A physician must be provided with a written notice of the substance of any information received pursuant to this chapter and placed in the physician's individual historical record.

[RR 2019, c. 2, Pt. B, §79 (COR).]

5. Examination of records by physician; response to information. A physician or the physician's authorized representative has the right, upon request, to examine the physician's individual historical record that the board maintains pursuant to this chapter, and to place into the record a statement of reasonable length of the physician's view of the correctness or relevance of any information existing in the record. The statement must at all times accompany that part of the record in contention. This subsection does not apply to material submitted to the board in confidence prior to licensure by the board.

[RR 2019, c. 2, Pt. B, §80 (COR).]

6. Court action for amendment or destruction. With the exception of orders of the board relating to disciplinary action, and reports placed on file for a specified amount of time pursuant to Title 10, section 8003, subsection 5, paragraph E, a physician has the right to seek through court action pursuant to the Maine Rules of Civil Procedure the amendment or destruction of any part of that physician's historical record in the possession of the board. When a physician initiates court action under this subsection, the board shall notify the persons who have filed complaints of the physician's request to amend these complaints or expunge them from the record. Notice to complainants must be sent to the last known address of the complainants. The notice must contain the name and address of the court to which a complainant may respond, the specific change in the complaint that the physician is seeking or the complaint that the physician seeks to expunge, and the length of time that the complainant has to respond to the court. The board shall provide complainants with at least 60 days' notice from the date the notice is sent in which to respond.

[PL 1997, c. 680, Pt. D, §2 (AMD).]

7. Destruction of information.

[PL 1997, c. 680, Pt. D, §3 (RP).]

SECTION HISTORY

PL 1977, c. 492, §3 (NEW). PL 1991, c. 534, §§1,2 (AMD). PL 1997, c. 680, §§D1-3 (AMD).
RR 2019, c. 2, Pt. B, §§79, 80 (COR).

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