

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1847

S. P. 529

In Senate, June 3, 1977

Reported by Senator Snowe of Androscoggin from Committee on Health and Institutional Services. Sent down for concurrence and ordered printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT to Clarify the Definition of Professional  
Nursing and Practical Nursing.

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

Sec. 1. 32 MRSA § 2102, sub-§ 2, as last amended by PL 1973, c. 788, § 155, is repealed and the following enacted in its place:

2. Professional nursing. The practice of "professional nursing" means the performance for compensation of any of the services which necessitate the specialized knowledge, judgment and skill required for the application of nursing as based upon principles of biological, physical and behavioral sciences in the following areas:

A. Observation, assessment, care, treatment, counsel and health teaching of persons who are experiencing normal developmental changes or who require assistance in the maintenance of health or the management of health or the management of illness, injury or infirmity;

B. Collaboration with licensed physicians, dentists and other health care providers in establishing and implementing a plan of health care;

C. Diagnosis of illness or prescription of therapeutic or corrective measures when such services are delegated by a physician to a registered nurse who has completed the necessary additional educational program required for the proper performance of such services. Such programs shall be approved by the board;

D. Delegation of selected nursing services to licensed practical nurses or unlicensed personnel when such personnel have received appropriate training and instruction and such programs of training and instruction have been approved by the board. Delegation of such services shall not require the personal presence of the delegating professional nurse at the place where such services are performed, unless such personal presence is necessary to provide patient care of the same quality as provided by the professional nurse. The board shall issue such rules and regulations concerning delegation as it deems necessary to insure the highest quality of health care to the patient;

E. Supervision and teaching of nursing personnel; and

F. Administration of medications and treatment as prescribed by a legally authorized person.

Sec. 2. 32 MRSA § 2102, sub-§ 3, as repealed and replaced by PL 1967, c. 263, § 2, is repealed and the following enacted in its place:

3. Practical nursing. The practice of "practical nursing" is defined as the performance of tasks and responsibilities for compensation, under the direction of a licensed or registered professional nurse, physician or dentist, including at least:

A. Observing and caring for the ill, injured or infirm;

B. Performing selected aspects of designated nursing services, requiring specialized knowledge, skill and judgment, but not requiring the qualifications essential for the practice of professional nursing;

C. Counseling and health teaching of persons who are experiencing normal developmental changes, or who require assistance in the maintenance of health, the management of health or the management of illness, injury or infirmity; and

D. Administering medications and treatment as prescribed by a legally authorized person.

#### STATEMENT OF FACT

The purpose of this new draft is to change the definition of "professional nursing" and of "practical nursing" to more accurately reflect the expanding role of the nursing profession in providing health care services.