

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
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TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
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medical, health or other professional care, counsel, treatment or service of or to the principal by a licensed or professional certified person or institution engaged in the practice of, or providing, a healing art, including life-sustaining treatment when the principal is in a terminal condition or a persistent vegetative state as those terms are defined in section 5-701.

Sec. B-4. 18-A MRSA Art. V, Pt. 7, as amended, is repealed.

Sec. B-5. 29-A MRSA §1403, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§1403. Advance health-care directive

Subject to available funding, the Secretary of State shall make ~~living will~~ advance health-care directive forms available in offices of the Bureau of Motor Vehicles. The form must be in substantially the form provided in Title 18-A, section ~~5-702~~ 5-804 and with the addition of a title at the top of the form to read "LIVING WILL" and the following information at the end: "Completion of this form is optional."

See title page for effective date.

CHAPTER 379

S.P. 343 - L.D. 948

An Act to Provide Greater Access to Health Care

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

Sec. 1. 3 MRSA §927, sub-§4, ¶B, as amended by PL 1993, c. 92, §2, is further amended to read:

B. Independent agency:

(6) State Planning Office; and

(8) Joint Practice Council on Advanced Practice Registered Nursing.

Sec. 2. 5 MRSA §12004-I, sub-§72-C is enacted to read:

<u>72-C.</u>	<u>Joint</u>	<u>Discretion</u>	<u>32 MRSA</u>
<u>Occupations:</u>	<u>Practice</u>	<u>of Appoint-</u>	<u>§2265</u>
<u>Advanced</u>	<u>Council</u>	<u>ing Agency</u>	
<u>Practice</u>	<u>on</u>		
<u>Registered</u>	<u>Advanced</u>		
<u>Nursing</u>	<u>Practice</u>		
	<u>Registered</u>		
	<u>Nursing</u>		

Sec. 3. 32 MRSA §2102, sub-§2, ¶B, as amended by PL 1993, c. 600, Pt. A, §110, is repealed.

Sec. 4. 32 MRSA §2102, sub-§2-A is enacted to read:

2-A. Advanced practice registered nursing. "Advanced practice registered nursing" means the delivery of expanded professional health care by an advanced practice registered nurse that is:

A. Consistent with advanced educational qualifications as set forth in section 2201-A, subsection 2;

B. Within the advanced practice registered nurse's scope of practice as specified by the board by rulemaking, taking into consideration any national standards that exist; and

C. In accordance with the standards of practice for advanced practice registered nurses as specified by the board by rulemaking, taking into consideration any national standards that may exist. Advanced practice registered nursing includes consultation with or referral to medical and other health care providers when required by client health care needs.

A certified nurse practitioner or a certified nurse midwife who qualifies as an advanced practice registered nurse may prescribe and dispense drugs or devices, or both, in accordance with rules adopted by the board. In adopting such rules, the board shall invite and consider comment from the Joint Practice Council on Advanced Practice Registered Nursing.

A certified nurse practitioner who qualifies as an advanced practice registered nurse must practice, for at least 24 months, under the supervision of a licensed physician or must be employed by a clinic or hospital that has a medical director who is a licensed physician. The certified nurse practitioner must submit written evidence to the board upon completion of the required clinical experience.

The board shall adopt rules necessary to effectuate the purposes of this chapter relating to advanced practice registered nursing.

Sec. 5. 32 MRSA §2102, sub-§5-A is enacted to read:

5-A. Advanced practice registered nurse. "Advanced practice registered nurse" means an individual who is currently licensed under this chapter and approved by the board to practice advanced practice registered nursing as defined in subsection 2-A. "A.P.R.N." is the abbreviation for the title of "advanced practice registered nurse." An advanced practice registered nurse may use the abbreviation

"A.P.R.N." or the title or abbreviation designated by the national certifying body.

"Advanced practice registered nurse" includes a certified nurse practitioner, a certified nurse midwife, a certified clinical nurse specialist and a certified nurse anesthetist who are licensed under this chapter and are approved by the board to practice advanced practice registered nursing.

Sec. 6. 32 MRSA §2152, sub-§§1 and 2, as amended by PL 1993, c. 600, Pt. A, §121, are further amended to read:

1. Professional nurses. ~~Five~~ Six professional nurses, each of whom:

- A. Must be a graduate of a state-approved educational program in professional nursing;
- B. Holds a current state license to practice nursing; and
- C. Has at least 3 years' experience in active practice immediately preceding appointment.

A minimum of 2 professional nurses must be active in an approved educational program in nursing. A minimum of 2 professional nurses must be active in nursing service. One of the professional nurse members of the board must be practicing long-term care nursing; One of the professional nurse members of the board must be an advanced practice registered nurse;

2. Licensed practical nurse. ~~Two~~ One licensed practical ~~nurses~~ nurse who:

- A. Must be a graduate of a state-approved educational program in practical nursing;
- B. Holds a current state license to practice practical nursing; and
- C. Has at least 3 years' experience in active practice immediately preceding appointment; and

Sec. 7. 32 MRSA §2201-A is enacted to read:

§2201-A. Qualifications for advanced practice registered nurse

An applicant for approval to practice advanced practice registered nursing shall submit to the board written evidence verified by oath that the applicant:

1. License. Holds a current license to practice as a registered professional nurse in this State;

2. Education. Has successfully completed a formal education program that is acceptable to the board in an advanced nursing specialty area; and

3. Credential. Holds a current certification credential for advanced nursing from a national certifying body whose certification program is acceptable to the board.

A registered professional nurse who is approved by the board to practice in accordance with former section 2102, subsection 2, paragraph B on the effective date of this section is considered to have met the requirements of subsections 2 and 3.

Sec. 8. 32 MRSA §2205-B is enacted to read:

§2205-B. Approval as advanced practice registered nurses

The board may grant approval to practice as an advanced practice registered nurse to a person who qualifies pursuant to section 2201-A.

1. Temporary approval to practice. Temporary approval to practice as an advanced practice registered nurse may be granted by the board:

A. For a period of 90 days to an applicant who is currently approved to practice as an advanced practice registered nurse in another jurisdiction with requirements at least equivalent to those of this State; or

B. For a period of 12 months to an applicant who meets the requirements of section 2201-A, subsections 1 and 2 and who qualifies to take and takes the next available certification examination.

2. Termination. The board may terminate a person's advanced practice registered nurse designation when the person no longer holds a current certification credential.

3. Delegated performance of services. A certified nurse midwife or certified nurse practitioner who is approved by the board as an advanced practice registered nurse may choose to perform medical diagnosis or prescribe therapeutic or corrective measures when these services are delegated by a licensed physician.

Sec. 9. 32 MRSA c. 31, sub-c. VI is enacted to read:

SUBCHAPTER VI

JOINT PRACTICE COUNCIL ON ADVANCED PRACTICE REGISTERED NURSING

§2265. Council

1. Membership. The Joint Practice Council on Advanced Practice Registered Nursing, referred to in this subchapter as the "council," consists of 6 mem-

bers as follows: the chair of the State Board of Nursing, one member of the State Board of Nursing who is approved to practice as an advanced practice registered nurse, the chair of the Board of Licensure in Medicine, the chair of the Board of Osteopathic Licensure, the chair of the Board of Commissioners of the Profession of Pharmacy and one member of the public appointed by the Governor.

2. Chair. The council chair rotates annually among the chairs of the respective boards. The chair of the State Board of Nursing serves as the first chair of the council; the chair of the Board of Licensure in Medicine serves as the 2nd chair; the Chair of the Board of Osteopathic Licensure serves as the 3rd chair; and the chair of the Board of Commissioners of the Profession of Pharmacy serves as the 4th chair. The term of the public member is 4 years.

3. Duties. The council shall make recommendations to the State Board of Nursing regarding the prescription of drugs and devices by advanced practice registered nurses. The council may make other recommendations regarding the practice of advanced practice registered nursing as it considers appropriate.

The duties of the council are advisory in nature.

Sec. 10. Transition provision. Notwithstanding the Maine Revised Statutes, Title 32, section 2152, an advanced practice registered nurse must be appointed to the next vacancy for appointment or reappointment of a public member to the State Board of Nursing. The next vacancy for appointment or reappointment of a licensed practical nurse after the appointment of the advanced practice registered nurse must be filled by the appointment of a public member.

Sec. 11. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 32, section 2102, subsection 2, paragraph B and those sections that enact Title 32, section 2102, subsections 2-A and 5-A, section 2201-A and section 2205-B take effect January 1, 1996.

See title page for effective date, unless otherwise indicated.

CHAPTER 380

H.P. 314 - L.D. 418

An Act to Amend the Governmental Structure and Budget Approval Process for Cumberland County

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional

expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the Cumberland County budget process is in urgent need of revision; and

Whereas, Cumberland County government has grown tremendously in recent years in terms of size, responsibility and cost and is currently in need of restructuring; 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. 30-A MRSA §82, sub-§4, ¶C is enacted to read:

C. The county commissioners of Cumberland County are entitled to receive the salary specified in section 2, regardless of whether that county has a full-time county manager.

Sec. 2. 30-A MRSA §82, sub-§5 is enacted to read:

5. Cumberland County manager required. Notwithstanding the other provisions of this section, no later than January 1, 1996, the county commissioners of Cumberland County shall hire a full-time county manager, who works under their direction to oversee the implementation of county policy and the day-to-day administration of county operations. The appointment, compensation and tenure of the manager are the same as provided for a county administrator pursuant to subsections 1 and 2. The manager:

A. Is responsible for the administration of all departments and offices controlled by the county commissioners;

B. In conjunction with the county commissioners, department heads and budget committee, shall develop a proposed county budget for the coming year, which must be presented to the commissioners no later than October 1st;