

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

lation to the committee. The Joint Standing Committee on Judiciary may submit legislation to the Second Regular Session of the 123rd Legislature after receiving the report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2007.

CHAPTER 75
S.P. 386 - L.D. 1198

**Resolve, Regarding the
Provision of Over-the-counter
Medications in the MaineCare
Program**

Sec. 1. Educational initiative. Resolved: That the Department of Health and Human Services, Office of MaineCare Services shall undertake an educational initiative for health care practitioners who prescribe medications under the MaineCare program. The initiative must provide information on prescription medications and any available over-the-counter equivalents that are reimbursed under MaineCare and must remind practitioners that MaineCare will reimburse for over-the-counter medications only when they are medically necessary.

See title page for effective date.

CHAPTER 76
S.P. 570 - L.D. 1626

**Resolve, Directing the
Department of Professional
and Financial Regulation, State
Board of Nursing To Amend
the Rules for the Medication
Course for Certified Nursing
Assistants**

Sec. 1. Department of Professional and Financial Regulation, State Board of Nursing directed to amend rules for the medication course for certified nursing assistants. Resolved: That the Department of Professional and Financial Regulation, State Board of Nursing shall amend its rules relating to the State Board of Nursing's standardized medication course for certified nursing assistants to increase the clinical instructor-to-student ratio from 1:1 when the student is administering medications in the clinical setting to a ratio of 1:3. The board shall adopt routine technical rules to increase the

ratio to 1:3 pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Reporting date established. Resolved: That, by September 1, 2008, the Department of Professional and Financial Regulation, State Board of Nursing shall notify the Joint Standing Committee on Business, Research and Economic Development of the rule change under section 1.

See title page for effective date.

CHAPTER 77
H.P. 1306 - L.D. 1874

**Resolve, Regarding Legislative
Review of Portions of Chapter
270: Uniform Reporting
Systems for Maine Quality
Data Sets, a Major Substantive
Rule of the Maine Health Data
Organization**

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. Section 3 (B) of the rule is amended to reflect the correct name of the current version of the Institute for Healthcare Improvement's how-to guide for pre-