

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 385

H. P. 264

House of Representatives, January 26, 1967

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Cornell of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Provide a Licensing Law for Practical Nurses.

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

Sec. 1. R. S., T. 32, c. 31, sub-c. IV, repealed. Subchapter IV of chapter 31 of Title 32 of the Revised Statutes, as amended by sections 3, 4, 5, 6 and 7 of chapter 206 of the public laws of 1965, is repealed.

Sec. 2. R. S., T. 32, c. 31, sub-c. V, additional. Chapter 31 of Title 32 of the Revised Statutes is amended by adding a new subchapter V, to read as follows:

SUBCHAPTER V

PRACTICAL NURSES

§ 2261. Object

The object of this subchapter is to safeguard the life and health of the people of the State of Maine against persons performing or offering to perform practical nursing for compensation and to assure the licensed practical nurse that only licensed practical nurses may do practical nursing for hire.

§ 2262. Purpose

In order to safeguard the life and health of the people in the State of Maine, any person practicing or offering to practice practical nursing in this State for compensation shall be required to submit evidence that he or she is qualified to so practice, and shall be licensed as provided. After January 1, 1969, it shall be unlawful for any person not licensed under this subchapter to:

1. Practice. Practice or offer to practice practical nursing, or
2. Device to so indicate. Use any sign, card or device to indicate that such person is a licensed practical nurse.

§ 2263. Definition

Practical nursing means the performance for compensation of those acts of nursing care, medication and treatments specifically designated by the State Board of Nursing as duties of a licensed practical nurse, or any act of nursing care, medication and treatment as directed by and within the presence of a qualified physician, dentist or registered professional nurse.

§ 2264. Administration

The State Board of Nursing shall administer this subchapter. The board may issue licenses to applicants to be known as licensed practical nurses and shall formulate and execute rules and regulations from time to time as may be necessary for the proper conduct of the care of the sick by a licensed practical nurse. The board, subject to the supervision of the State Board of Education, shall approve the establishment of schools for the training of practical nurses, shall prescribe the courses of instruction in connection therewith, and shall provide for appropriate examination before a license to practice as a licensed practical nurse may be issued. The wage scale for private duty and institutional nursing and the proper insignia of identification shall be established by the Maine State Licensed Practical Nurses' Association, subject to the approval of the State Board of Nursing.

§ 2265. Qualifications of applicants

An applicant for a license to practice as a licensed practical nurse shall submit to the board written evidence under oath that the applicant:

1. Age. Is 18 years of age or over; and
2. Character. Is of good moral character; and
3. Health. Is in good physical and mental health; and
4. Education. Holds a diploma from a school of practical nursing approved by the board; or
5. Accredited program. Any applicant with evidence of the required number of months of training in an accredited school for professional nurses, who meet the requirements as determined by the board.

§ 2266. License; examination

An applicant for license, after meeting all previously stated qualifications, shall be required to pass a written examination in such subjects as determined by the board. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to such applicant a license to practice as a licensed practical nurse. Each applicant shall be given a chance to write the examination 3 times, in an attempt to successfully pass and qualify as a licensed practical nurse.

§ 2267. —Endorsement. The board may issue a license to practice as a licensed practical nurse, by endorsement, to any applicant who is duly licensed as such, or to a person entitled to perform similar services under a different title, under the law of another state, territory or foreign country if, in the opinion of the board, the applicant meets all other requirements for licensed practical nurses.

§ 2268. —Waiver. The waiver shall be opened to allow all practical nurses to write the standard examination as given to the graduates of the accredited practical nursing schools, who shall submit to the board written evidence, verified by oath, that said applicant:

1. Practice. Has practiced practical nursing in this State for the 5-year period immediately preceding the date of application;

2. Character. Is of good moral character;

3. Health. Is in good physical and mental health;

4. Endorsement of physicians. Has the endorsement of 2 physicians (M.D.) licensed in this State;

5. Endorsement by registered nurses. Has the endorsement of 2 registered nurses, in a supervisory capacity, who have worked with or have personal knowledge of the applicant's qualifications;

6. Employers. Has the endorsement of 2 persons who have employed the applicant;

7. Time. Has made application for taking this examination on or before September 1, 1968;

8. Limitation. May not repeat this examination if it is not passed on the first writing.

§ 2269. Fees

Each person applying for a license to practice as a licensed practical nurse, or for examination and such license, shall on application submit a fee of \$15 for the initial examination and \$10 for each following 2 applications.

§ 2270. Present practitioners

Any person holding a license to practice as a practical nurse issued by the board and which is valid on the effective date of this Act shall be deemed licensed as a practical nurse under this subchapter, and shall have equal rights and privileges.

§ 2271. Title and abbreviation

Any person who holds a license to practice as a licensed practical nurse in this State shall have the right to use the title, "Licensed Practical Nurse" and the abbreviation, "L.P.N." No other person shall assume such title or use such abbreviation or any other words, letters, signs or devices to indicate that the person using the same is a licensed practical nurse.

§ 2272. Exemptions

This subchapter does not prohibit the furnishing of practical nursing assistance in an emergency, the practice of nursing which is incidental to their program of study by students enrolled in practical nursing educational programs accredited by the board, the employment in State and Federal Government institutions and hospitals, nursing services by anyone when done in accordance with the practice of the religious principles or tenets of any well-recognized church or denomination which relies upon prayer or spiritual means alone for healing.

§ 2272. False representation

Any person who shall willfully make any false representation in applying for a license or annual renewal of such license shall be punished by a fine of not less than \$100 nor more than \$300.