

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1599

H. P. 1126

House of Representatives, April 25, 1967

Reported by Mr. Gill, from Committee on Health and Institutional Services.
Printed Under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Amending the Law Regulating the Practice of Nursing.

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

Sec. 1. R. S., T. 32, § 2101, amended. Section 2101 of Title 32 of the Revised Statutes is amended to read as follows:

§ 2101. Purpose

In order to safeguard the life and health of the people in this State, any person who for compensation practices or offers to practice professional nursing or practical nursing ~~as a licensed practical nurse~~ in this State shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as provided. It shall be unlawful for any person not licensed under this chapter to practice or to offer to practice professional **or practical** nursing in this State; or to use any sign, card or device **or in any way hold oneself out to the public** to indicate that such person is a professional registered nurse or a licensed practical nurse.

This chapter does not affect or prohibit ~~the practice of practical nursing by any person not representing himself or herself to be a licensed practical nurse, nor does it affect or prohibit~~ the employment of persons functioning under supervision as nursing aides, attendants, orderlies and other auxiliary workers in private homes, offices, hospitals, nursing or rest homes or institutions.

Sec. 2. R. S., T. 32, § 2102, sub-§ 3, repealed and replaced. Subsection 3 of section 2102 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

3. Practical nursing. The practice of "practical nursing" means the performance for compensation of those services in observing and caring for the

ill, injured or infirm in administering treatments or medication or in applying counsel and procedures to safeguard life and health based on the principals underlying the practice of practical nursing under the supervision of a registered professional nurse, licensed physician or dentist.

Sec. 3. R. S. T. 32, § 2103, sub-§ 4, amended. Subsection 4 of section 2103 of Title 32 of the Revised Statutes is amended to read as follows:

4. Licensure in another state. The practice of nursing by a registered nurse or a licensed practical nurse currently licensed in another state for a period of 90 days pending licensure in Maine, providing the nurse, upon employment, has furnished the employer with satisfactory evidence of current licensure in another state, and provided such nurse furnishes evidence to the prospective employer of having submitted proper application and fees to the board for license prior to employment;

Sec. 4. R. S., T. 32, § 2103, sub-§ 5, repealed. Subsection 5 of section 2103 of Title 32 of the Revised Statutes is repealed as follows:

~~**5. Practice of practical nursing.** The practice of "practical nursing", as defined in section 2102, subsection 3, by unlicensed persons.~~

Sec. 5. R. S., T. 32, § 2106, sub-§ § 3 & 5, amended. Subsections 3 and 5 of section 2106 of Title 32 of the Revised Statutes are amended to read as follows:

3. Practice without license. Practice professional nursing or practical nursing as defined by this chapter unless duly licensed to do so under this chapter; or

5. License suspended or revoked. Practice professional nursing or practical nursing during the time his or her license issued under this chapter shall be suspended or revoked; or

Sec. 6. R. S., T. 32, § 2251, sub-§ 3, repealed and replaced. Subsection 3 of section 2251 of Title 32 of the Revised Statutes, as amended by section 4 of chapter 206 of the public laws of 1965, is repealed and the following enacted in place thereof:

3. Education. Has completed an approved 4-year high school course of study or the equivalent thereof; and

Sec. 7. R. S., T. 32, § 2259, additional. Title 32 of the Revised Statutes is amended by adding a new section 2259 to read as follows:

§ 2259. Waiver

All applications for license by waiver must be made prior to September 1, 1968. The board may issue a license to practice as a practical nurse to any person who shall submit to the board written evidence, verified by oath, that said applicant:

1. Character. Is of good moral character;

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

3. Education. Has completed at least one year of high school or its equivalent; applicants over 30 years of age shall have completed at least the 8th grade or its equivalent;

4. **Practice.** Has practiced practical nursing in Maine at least 3 years within the 5-year period immediately preceding the effective date of this Act. The board will receive, as proof thereof, the written statements, verified by oath, of 2 physicians licensed in this State; 2 registered nurse supervisors, and 2 persons who have employed the applicant; or

Has successfully completed the training requirements of an organized military medical assistant course and has had at least 2 years' experience under nursing supervision; or

Has been enrolled in a state-approved school of professional nursing for at least 18 months within the past 5 years;

5. **Examination.** Has passed in writing the licensing examination to be administered by the Board of Nursing.

Sec. 8. Effective date. This Act shall become effective January 1, 1969.