

MAINE STATE LEGISLATURE

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New Draft of: H. P. 829, L. D. 1088

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1990

H. P. 1557

House of Representatives, May 31, 1973

Reported by Majority from Committee on Judiciary and printed under
Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Physician Assistants.

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

Sec. 1. R. S., T. 32, § 2608, additional. Title 32 of the Revised Statutes is amended by adding a new section 2608 to read as follows:

§ 2608. Assistants

Nothing contained in this chapter shall be construed to prohibit an individual from rendering medical services, if such services are rendered under the supervision and control of a physician or surgeon, provided that such individual shall have satisfactorily completed a training program approved by the Board of Osteopathic Examination and Registration. Supervision and control shall not be construed as requiring the personal presence of the supervising and controlling physician at the place where such services are rendered, unless such physical presence is necessary to provide patient care of the same quality as provided by the physician. Further, nothing in this chapter shall be construed as prohibiting a physician or surgeon from delegating to his employees certain activities relating to medical care and treatment now being carried out by custom and usage when such activities are under the direct control of and in the personal presence of the physician or surgeon. The physician delegating such activities, either to his employees, program graduates or to participants in an approved training program, shall be deemed legally liable for such activities of such persons, and such person shall in this relationship be construed as the physician's agent. Nothing contained in this section shall be construed to apply to registered nurses acting pursuant to chapter 31 of this Title.

When the delegated activities are part of the practice of optometry as defined in chapter 35, then the person to whom such activities are delegated shall possess a valid license to practice optometry in Maine, or otherwise shall perform only as a technician within the established office of a physician, and otherwise acting solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board, and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.

Sec. 2. R. S., T. 32, § 3270-A, additional. Title 32 of the Revised Statutes is amended by adding a new section 3270-A, to read as follows:

§ 3270-A. Assistants

Nothing contained in this chapter shall be construed to prohibit an individual from rendering medical services, if such services are rendered under the supervision and control of a physician or surgeon, provided that such individual shall have satisfactorily completed a training program approved by the Board of Registration in Medicine. Supervision and control shall not be construed as requiring the personal presence of the supervising and controlling physician at the place where such services are rendered, unless such physical presence is necessary to provide patient care of the same quality as provided by the physician. Further, nothing in this chapter shall be construed as prohibiting a physician or surgeon from delegating to his employees certain activities relating to medical care and treatment now being carried out by custom and usage when such activities are under the direct control of and in the personal presence of the physician or surgeon. The physician delegating such activities, either to his employees, program graduates or to participants in an approved training program, shall be deemed legally liable for such activities of such persons, and such person shall in this relationship be construed as the physician's agent. Nothing contained in this section shall be construed to apply to registered nurses acting pursuant to chapter 31 of this Title.

When the delegated activities are part of the practice of optometry as defined in chapter 35, then the person to whom such activities are delegated shall possess a valid license to practice optometry in Maine, or otherwise shall perform only as a technician within the established office of a physician, and otherwise acting solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board, and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.