

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE  
FIRST SPECIAL SESSION

(Filing No. H-1025)

COMMITTEE AMENDMENT " A " to H.P. 1934, L.D. 2122, Bill,  
"AN ACT to Redefine the Administration of Medication in the  
Nursing Practice Act."

Amend said Bill by striking out everything after the  
title and inserting in place thereof the following:

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

Whereas, the 107th Legislature identifies as a serious  
problem the administration of medication to persons who are  
confined to correctional facilities or who reside in facilities  
such as nursing, boarding and foster homes; and

Whereas, individuals who administer medication to persons  
in these facilities are often not licensed health care pro-  
fessionals; and

Whereas, it is alleged that individuals who are not licensed  
health care professionals are unable to safely administer drugs  
to persons in these facilities; and

Whereas, a solution to this problem of administering  
medication has not yet been found; 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. 32 MRSA §72, sub-§§6 and 7 are enacted to read:

6. Emergency treatment. "Emergency treatment" means care given to and directed at improving the vital signs and general condition of a sick or injured person, in order to prevent the deterioration of the person's condition. Any emergency treatment given to a sick or injured person shall be consistent with the training of the licensed person who gives the treatment.

The Department of Human Services may define and approve the level of emergency medical training required for a licensed person to administer various types of emergency treatment procedures.

7. Advanced emergency treatment. "Advanced emergency treatment" means emergency treatment given to a sick or injured person which is conducted:

A. Under the direction of a physician present at the site of the emergency; or

B. By verbal or standing order from a physician  
Any advanced emergency treatment given to a sick or injured person shall be consistent with the training of the licensed person who gives the treatment.

The Department of Human Services may define and approve the level of emergency medical training required for a licensed person to administer various types of advanced emergency treatment procedures.

Sec. 2. 32 MRSA §2258-A, as enacted by PL 1973, c. 535, and as amended by PL 1973, c. 737, §2, is further amended to read:

§ 2258-A. Administration of medication

Any employee of any institution under the control of the Department of Mental Health and Corrections or of an institution licensed by the State as a hospital, nursing home, extended care facility or boarding home who, in the exercise of due care, is authorized by the head of such institution or his designee to perform selected activities in the administration of medications and any person who, in the exercise of due care, is delegated such functions by a licensed allopathic or osteopathic physician shall be immune from criminal prosecution and civil liability for any such administration of medication prior to ~~June-20, 1973 and until July 17, 1975~~ July 1, 1977, but not thereafter.

Sec. 3. Cooperation. The Department of Human Services and the various health care licensure boards shall provide the Joint Standing Committee on Health and Institutional Services of the Legislature with such information and technical assistance as the committee deems necessary to carry out any examination of the licensure of various health care professionals and personnel.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

This amendment changes the Bill in 4 ways:

1. It adds an emergency preamble and clause.
2. It defines "emergency treatment" and "advanced emergency treatment."

3. It continues for 2 years the immunity from criminal prosecution and civil liability for persons who administer medication to persons in state correctional facilities or to persons who reside in facilities such as nursing, boarding and foster homes.

4. It directs the Department of Human Services and the various health care licensure boards to cooperate with and provide assistance to the Committee on Health and Institutional Services whenever the committee examines the licensure of various health care professionals and personnel.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.

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