

MAINE STATE LEGISLATURE

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(Filing No. H-640)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1236, L.D. 1389, Bill, "AN ACT Relating to the Administration of Medication."

Amend the bill by inserting after the Title and before the enacting clause the following:

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

Whereas, this bill extends the existing immunity from prosecution of certain, unlicensed personnel who administer medication in order to provide these personnel with an opportunity to receive appropriate training; and

Whereas, if the immunity provision is not temporarily extended, these personnel would be unable to administer medication without incurring liability to prosecution; and

Whereas, without these personnel administering medication, many nursing homes, boarding homes and other facilities would be unable to provide their present level^{of care} and the health of many Maine citizens might be placed in jeopardy; 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,'

Further amend the bill in section 3 in that part designated "§1812-B." by striking out all of the 2nd sentence and inserting in its place the following:

'Delegation of the administration of medication shall not require the personal presence of the delegating professional nurse at the place where this service is performed, unless such personal presence is necessary to assure that medications are safely administered.'

Further amend the bill in section 12 in that part designated "§7-A." in the 5th line (4th line in L.D.) after the amending clause by striking out the underlined word "department" and inserting in its place the underlined words 'State Board of Nursing'

Further amend the bill in section 12 in that part designated "§7-A." in the 6th line (5th line in L.D.) after the amending clause by striking out the underlined word "department" and inserting in its place the underlined words 'State Board of Nursing'

Further amend the bill by inserting before the statement of fact the following:

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

Statement of Fact

The purposes of this amendment are to:

1. Add an emergency preamble and clause in order to extend the immunity from prosecution from July 1, 1977, to January 1, 1978;
2. Clarify that unlicensed personnel, when administering medication in hospitals and nursing homes, will not be expected to do so with the skill of a professional nurse; and
State
3. Provide that the Board of Nursing will establish the standards for unlicensed personnel who administer medication in facilities operated by the Department of Mental Health and Corrections.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.
6/16/77

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