

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1768

6
7 H.P. 1258

House of Representatives, January 3, 1986

8 Submitted by the Department of Human Services pursuant to Joint Rule
24.

9 Received by the Clerk of the House on January 3, 1986. Referred to the
Committee on Human Resources and 1,600 ordered printed pursuant to Joint
Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Mills of Bethel.

11 Cosponsored by Representative Carroll of Gray, Senator Gauvreau of
Androscoggin and Representative Melendy of Rockland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT Concerning Emergency Medical Services
18 Personnel.
19

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

22 Sec. 1. 22 MRSA §4011, sub-§1, as amended by PL
23 1985, c. 495, §19, is further amended to read:

24 1. Reasonable cause to suspect. When, while act-
25 ing in his professional capacity, a medical or
26 osteopathic physician, resident, intern, emergency
27 medical ~~technician~~ services' person, medical examiner,
28 physician's assistant, dentist, dental hygienist,
29 dental assistant, chiropractor, podiatrist, regis-
30 tered or licensed practical nurse, Christian Science
31 practitioner, teacher, guidance counselor, school of-
32 ficial, social worker, homemaker, home health aide,
33 medical or social service worker, psychologist, child
34 care personnel, mental health professional or law en-
35 forcement official knows or has reasonable cause to
36 suspect that a child has been or is likely to be

1 abused or neglected, he shall immediately report or
2 cause a report to be made to the department.

3 A. Whenever a person is required to report in
4 his capacity as a member of the staff of a medi-
5 cal or public or private institution, agency or
6 facility, he shall immediately notify the person
7 in charge of the institution, agency or facility,
8 or his designated agent, who shall then cause a
9 report to be made. The staff may also make a re-
10 port directly to the department.

11 B. Any person may make a report if that person
12 knows or has reasonable cause to suspect that a
13 child has been or is likely to be abused or ne-
14 glected.

15 D. When, while acting in his professional capac-
16 ity, any person required to report under this
17 section knows or has reasonable cause to suspect
18 that a child has been abused or neglected by a
19 person not responsible for the child, he shall
20 immediately report or cause a report to be made
21 to the appropriate district attorney's office,
22 except as provided in subsection 1-A.

23 Sec. 2. 29 MRSA §1312-E, sub-§1, as enacted by
24 PL 1985, c. 296, §1, is amended to read:

25 1. Persons who may report. If, while acting in
26 his professional capacity, a medical or osteopathic
27 physician, resident, intern, emergency medical
28 ~~technician~~ services' person, medical examiner,
29 physician's assistant, dentist, dental hygienist,
30 dental assistant or registered or licensed practical
31 nurse knows or has reasonable cause to suspect that a
32 person has been operating a motor vehicle while under
33 the influence of intoxicating liquor or drugs or a
34 combination of liquor and drugs within the meaning of
35 this subchapter, and that motor vehicle has been in-
36 volved in an accident, he may immediately report or
37 cause a report to be made to a law enforcement offi-
38 cial.

39 Sec. 3. 32 MRSA §86, sub-§2-A is enacted to
40 read:

1 2-A. Treatment to be in accord with regional
2 medical orders. When an ambulance service or first
3 responder service is present at an accident or other
4 situation in which a person or persons require emer-
5 gency medical treatment, the medical treatment of the
6 patients shall be carried out in accordance with any
7 rules promulgated under this chapter, any protocols
8 issued by the Regional Medical Director and any
9 verbal orders given under the system of delegation
10 established by the Regional Medical Director; except
11 that:

12 A. When a patient is already under the personal
13 supervision of his own physician or of a
14 physician's assistant supervised by that physi-
15 cian and the physician or physician's assistant
16 assumes the care of the patient, then for as long
17 as the physician or physician's assistant remains
18 with the patient, the patient shall be cared for
19 as the physician or physician's assistant di-
20 rects. The emergency medical services' persons
21 shall assist to the extent that their licenses
22 and protocol allow; and

23 B. No patient is required to accept treatment to
24 which he does not consent.

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STATEMENT OF FACT

2 Sections 1 and 2 of this bill provide that li-
3 censed ambulance attendants will be included among
4 the categories of persons who are required to report
5 suspected child abuse or neglect and who may report
6 drivers they suspect to be operating a motor vehicle
7 while under the influence of liquor or drugs.

8 Section 3 of the bill permits a Regional Medical
9 Director to formulate protocols which may be used by
10 emergency medical services personnel in responding to
11 individuals who require emergency medical treatment.
12 This section of the bill also provides that as long
13 as a physician or physician assistant remains with
14 the patient, they shall be responsible for supervis-
15 ing the care of the patient and no patient may be re-
16 quired to accept treatment to which he does not con-
17 sent.

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