

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 1185

DATE: 3/29/94

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 390, L.D. 1185, Bill, "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing"

Amend the amendment in section 11 in that part designated "~~§2232.~~" in subsection 2 by striking out the last 3 lines (page 4, lines 11 to 13 in amendment) and inserting in their place the following: 'a physician.'

Further amend the amendment in section 11 in that part designated "~~§2232.~~" in subsection 3 in the 2nd line (page 4, line 16 in amendment) by inserting after the following: "practitioner" the following: ', other than a nurse anesthetist.'

Further amend the amendment in section 11 in that part designated "~~§2233.~~" in the first paragraph in the 2nd line (page 4, line 25 in amendment) by inserting after the following: "practitioner" the following: ', other than a nurse anesthetist.'

Further amend the amendment in section 11 by striking out all of that part designated "~~§2234.~~" (page 4, lines 39 to 51 and page 5, lines 2 to 4 in amendment) and inserting in its place the following:

§2234. Liability

Any physician functioning within a collaborative relationship with an advanced registered nurse practitioner is immune from suit for damages unless:

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2 1. Negligence; treatment. The physician was negligent in  
3 rendering medical treatment in person directly to the patient; or

4  
5 2. Negligence; direction or advice. The physician was  
6 negligent in the direction or advice offered to the collaborating  
7 advanced registered nurse practitioner based upon the information  
8 provided to the physician. In order for the physician to be  
9 found negligent, the information provided by the advanced  
10 registered nurse practitioner and the consultation advice by the  
11 physician must be memorialized in writing or by comparable  
12 electronic means. The physician's liability is limited solely to  
13 the memorialized response by the physician to the memorialized  
14 information received.

15 The immunity provided by this section does not apply if the  
16 advanced registered nurse practitioner is an employee of the  
17 collaborating physician seeking immunity under this section.'

18  
19 Further amend the amendment in section 11 by inserting after  
20 that part designated "§2238." the following:

21 '§2239. Notice; disclosure

22  
23 An advanced registered nurse practitioner functioning within  
24 a collaborative relationship shall provide notice of that fact to  
25 that nurse practitioner's patients.'

26  
27 Further amend the amendment in section 13 in subsection 4 in  
28 the last line (page 7, line 11 in amendment) by striking out the  
29 following: "and"

30  
31 Further amend the amendment in section 13 in subsection 5 in  
32 the last line (page 7, line 16 in amendment) by striking out the  
33 following: "practitioners." and inserting in its place the  
34 following: 'practitioners; and'

35  
36 Further amend the amendment in section 13 by inserting after  
37 subsection 5 the following:

38  
39 '6. Whether nurse anesthetists should be permitted to  
40 practice at the collaborative level and, if so, what additional  
41 requirements should be imposed.'

42  
43  
44  
45 **STATEMENT OF FACT**

46  
47 This amendment makes the following changes to the committee  
48 amendment.

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 390, L.D. 1185

1. It removes nurse anesthetists from that portion of the bill permitting collaborative practice. The Joint Practice Council on Nurse Practitioners shall report back to the Legislature regarding the issue of nurse anesthetists.

2. It strengthens the liability provision in the bill by stating that a collaborating physician is not liable for civil damages for advice or consultation given to an advanced registered nurse practitioner unless that advice is memorialized and the memorialized information provided by the nurse practitioner is responded to by the physician.

3. It removes language permitting the advanced registered nurse practitioner to fulfill the requirement of supervision through employment by a clinic or hospital that has a medical director who is a physician.

4. It requires that advanced registered nurse practitioners functioning within a collaborative relationship provide notice of that fact to the nurse practitioner's patients.

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