

# MAINE STATE LEGISLATURE

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R08

L.D. 1185

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

HOUSE AMENDMENT "G" 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 in that part designated "§2233." in subsection 1 in the last line (page 4, line 32 in amendment) by striking out the following: "and"

Further amend the amendment in section 11 in that part designated "§2233." in subsection 2 in the last line (page 4, line 37 in amendment) by striking out the following: "practice." and inserting in its place the following: 'practice; and'

Further amend the amendment in section 11 in that part designated "§2233." by inserting after subsection 2 the following:

**HOUSE AMENDMENT**

Ads

2        '3. Agreement. Has a written collaborative agreement with  
3 at least one physician. A collaborative agreement must define  
4 the respective duties and responsibilities of the parties,  
5 including the method or methods to be used by the parties in  
6 order to memorialize exchanges of information between them.'

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

12        '§2234. Liability

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

16            1. Negligence; treatment. The physician was negligent in  
17 rendering medical treatment in person directly to the patient; or  
18

19            2. Negligence; direction or advice. The physician was  
20 negligent in the direction or advice offered to the collaborating  
21 advanced registered nurse practitioner based upon the information  
22 provided to the physician. Unless an advanced registered nurse  
23 practitioner and a collaborating physician have a written  
24 collaborative agreement, the information provided by the advanced  
25 registered nurse practitioner and the consultation advice by the  
26 collaborating physician must be memorialized in writing or other  
27 electronic means and the physician's liability is limited solely  
28 to the memorialized response by the physician to the memorialized  
29 information received.  
30

31            This section does not apply if the advanced registered nurse  
32 practitioner is an employee of the collaborating physician  
33 seeking to avoid immunity under this section.

34        '§2235. Practice parameters for nurse anesthetists

35            The practice parameters of a nurse anesthetist must be set  
36 forth by rules adopted by the board and, to the extent  
37 practicable, the initial rules must limit the practice parameters  
38 of a nurse anesthetist in such manner as set forth in applicable  
39 rules adopted by the board before the effective date of this  
40 section.'

41            Further amend the amendment in section 11 by inserting at  
42 the end the following:

43        '§2239. Notice; disclosure



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

2 5. It requires the nurse practitioner functioning within a  
collaborative relationship to provide notice of that fact to the  
nurse practitioner's patients.

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SPONSORED BY: Julia L. Winn  
(Representative WINN)

TOWN: Glenburn