

MAINE STATE LEGISLATURE

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DATE: 4/6/94 (Filing No. H-1067)

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

HOUSE AMENDMENT "H" 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 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 at the end of subsection 2 the following:

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

HOUSE AMENDMENT

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

6 '§2234. Liability

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

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

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

28 This section does not apply if the advanced registered nurse
practitioner is an employee of the collaborating physician
30 seeking immunity under this section.

32 §2235. Practice parameters for nurse anesthetists

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

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

44 '§2239. Notice; disclosure

46 An advanced registered nurse practitioner functioning within
a collaborative relationship shall provide notice of that fact to
48 that nurse practitioner's patients.'

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

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

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

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

STATEMENT OF FACT

This amendment makes 4 substantive changes to the committee
amendment as follows.

1. It deletes nurse anesthetists from the portion of the
amendment permitting collaborative practice. The Joint Practice
Council on Nurse Practitioners is given authority to review
whether nurse anesthetists should be permitted to practice at the
collaborative level and, if so, what additional requirements
should be imposed.

2. It requires nurse practitioners practicing at the
collaborative level to have a written agreement with at least one
physician.

3. It grants liability protection to physicians
collaborating on an ad hoc basis without a written agreement. It
is the intent of the provision to provide immunity to physicians
collaborating under these circumstances with the physician's
liability limited solely to the physician's response to any
memorialized information received.

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

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

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