

MAINE STATE LEGISLATURE

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DATE: 3/23/94

(Filing No. S-507)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION

SENATE 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 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.~~" by inserting at the end the following:

'Until July 1, 1996, a nurse anesthetist may not be approved to practice in collaboration.'

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. Practice parameters for nurse anesthetists

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

SENATE AMENDMENT

R 413

2 §2235. Liability

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

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

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

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

26 Further amend the amendment in section 11 by renumbering the
28 sections to read consecutively.

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

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

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

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

STATEMENT OF FACT

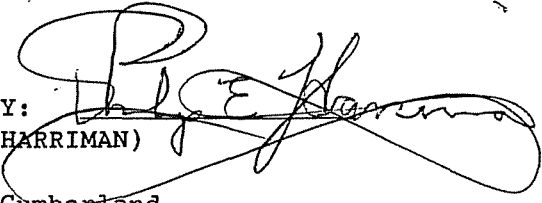
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This amendment makes the following changes to the committee amendment.

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 requires the establishment of practice parameters for nurse anesthetists.

SPONSORED BY: 
(Senator HARRIMAN)
COUNTY: Cumberland