

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " B " 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.

R. & S.

2 §2235. Liability

4 A physician functioning within a collaborative relationship
6 with an advanced registered nurse practitioner may not be found
8 civily liable for the negligence of that nurse practitioner or
10 for failing to supervise that nurse practitioner 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
20 nurse practitioner based upon the information provided to the
22 physician.

24 This section does not apply if the advanced registered nurse
26 practitioner is an employee of the collaborating physician
28 seeking to avoid liability under this section.'

30 Further amend the amendment in section 11 by renumbering the
32 sections to read consecutively.

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

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

48 Further amend the amendment in section 13 by inserting after
50 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 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.

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2 2. It amends the liability provision in the bill by stating
3 that a collaborating physician is not liable for civil damages
4 unless the physician was negligent in rendering medical treatment
5 in person directly to the patient or the physician was negligent
6 in the direction or advice offered to the collaborating nurse
7 practitioner.

8 3. It requires the establishment of practice parameters for
9 nurse anesthetists.

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14 SPONSORED BY:

Alfred E. Cianchette
(Senator CIANCHETTE)

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16 COUNTY: Somerset

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