

# MAINE STATE LEGISLATURE

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R. d. S.

L.D. 1185

DATE: 4/7/94

(Filing No. S-594)

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "D" 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.'

**SENATE AMENDMENT**

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

6 '§2234. Liability

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

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

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

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

32 '§2235. Practice parameters for nurse anesthetists

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

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

44 '§2239. Notice; disclosure

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

R.d.S.

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

2 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"

4  
6 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  
8 following: 'practitioners; and'

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

12  
14 '6. Whether nurse anesthetists should be permitted to  
practice at the collaborative level and, if so, what additional  
requirements should be imposed.'

16  
18  
20 **STATEMENT OF FACT**

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

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

30  
32 2. It requires nurse practitioners practicing at the  
collaborative level to have a written agreement with at least one  
physician.

34  
36 3. It grants liability protection to physicians  
collaborating on an ad hoc basis without a written agreement. It  
38 is the intent of the provision to provide immunity to physicians  
collaborating under these circumstances with the physician's  
40 liability limited solely to the physician's response to any  
memorialized information received.

**SENATE AMENDMENT**

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 390,  
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2 4. It requires the nurse practitioner functioning within a  
3 collaborative relationship to provide notice of that fact to the  
4 nurse practitioner's patients.

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SPONSORED BY:

(Senator HARRIMAN)

COUNTY: Cumberland