

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

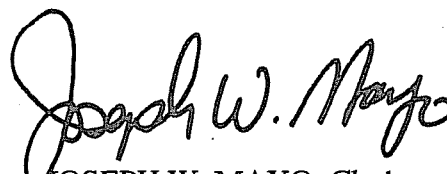
No. 1471

H.P. 1093

House of Representatives, May 7, 1993

An Act to Amend the Licensure Requirements for Nurses.

Reference to the Committee on Business Legislation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative PENDLETON of Scarborough.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: AULT of Wayne, BARTH of Bethel, BEAM of Lewiston, CARLETON of
Wells, CLARK of Millinocket, DONNELLY of Presque Isle, GRAY of Sedgwick, HOGLUND
of Portland, HOLT of Bath, KUTASI of Bridgton, LIBBY of Kennebunk, LIPMAN of Augusta,
LOOK of Jonesboro, MARTIN of Eagle Lake, MITCHELL of Vassalboro, MORRISON of
Bangor, NORTON of Winthrop, PENDEXTER of Scarborough, RAND of Portland, REED of
Dexter, STEVENS of Sabattus, TOWNSEND of Eastport, ZIRNKILTON of Mount Desert,
Senators: AMERO of Cumberland, BRANNIGAN of Cumberland, BUSTIN of Kennebec,
CARPENTER of York, DUTREMBLE of York, ESTY of Cumberland, O'DEA of Penobscot.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 32 MRSA §2102, sub-§6**, as amended by PL 1985, c. 724, §4, is further amended to read:

6 **6. Licensed practical nurse.** The term "licensed practical
8 nurse" means a person who is currently licensed under this
chapter and who practices practical nursing as defined in
10 subsection 3. "L.P.N." is the abbreviation for the title of
"licensed practical nurse".

12 This subsection is repealed on January 1, 1997.

14 **Sec. 2. 32 MRSA §2102, sub-§6-A** is enacted to read:

16 **6-A. Associate nurse.** "Associate nurse" means a person
18 currently licensed under this chapter who practices associate
nursing as defined in subsection 3. "A.N." is the abbreviation
20 for "associate nurse."

22 **Sec. 3. 32 MRSA §2102, sub-§7**, as amended by PL 1985, c. 724, §4, is further amended to read:

24 **7. Approved nursing school.** An "approved nursing school" or
26 "approved nursing-education program in nursing education" means a
school of nursing or a nursing department or division of a
28 university or college ~~or a school for the education of practical~~
~~nurses approved by the board as provided in this chapter.~~

30 **Sec. 4. 32 MRSA §2102, sub-§§10 to 14** are enacted to read:

32 **10. CGFNS.** "CGFNS" means Commission on Graduates of
Foreign Nursing Schools.

34 **11. CNATS.** "CNATS" means Canadian Nurses Association
36 Testing Service.

38 **12. NCLEX** "NCLEX" means National Council Licensure
Examination.

40 **13. TOEFL.** "TOEFL" means Test of English as a Foreign
42 Language.

44 **Sec. 5. 32 MRSA §2201**, as amended by PL 1987, c. 402, Pt. A,
§169, is repealed and the following enacted in its place:

46 **§2201. Qualifications**

48 An applicant for a license to practice professional nursing
50 shall submit to the board written evidence, verified by oath,
52 that the applicant has completed an approved program in
professional nursing and holds a baccalaureate degree in nursing.

2 When a student transfers from one approved school of nursing
3 to another, the time allowance for previous preparation is
4 determined by the board, except that at least one year must be
5 spent in the school from which the student receives the
6 baccalaureate degree. When a student transfers because a school
7 of nursing closes, the board determines the length of time that
8 student is required to spend in the school of nursing granting
9 the baccalaureate degree.

10 **Sec. 6. 32 MRSA §2202**, as amended by PL 1991, c. 153, §1 and
11 affected by §5, is further amended to read:

12 **§2202. Licenses; examination**

13 The applicant is required to pass a ~~written~~ an examination
14 in subjects ~~deemed necessary by the board~~ considers necessary to
15 determine the fitness of the applicant to practice professional
16 nursing. ~~Upon~~ When the applicant successfully passing passes the
17 examination, the board shall issue to the applicant a license to
18 practice professional nursing as a registered nurse, the license
19 to be in force for a period of at least one year until the birth
20 date of the licensee. The initial license is renewable as
21 provided in section 2206.

22 This section is repealed on January 1, 1997.

23 **Sec. 7. 32 MRSA §2204** is amended to read:

24 **§2204. Time of examination**

25 The board shall hold at least one examination annually at
26 such a place and at ~~such~~ time as the board shall ~~fix~~ and
27 determine determines. ~~Notice thereof shall be given by~~
28 ~~publication at least one month previous to date of examination in~~
29 ~~such newspapers and nursing journals as the board may determine.~~

30 **Sec. 8. 32 MRSA §2205-A**, as enacted by PL 1985, c. 361, §2,
31 is repealed.

32 **Sec. 9. 32 MRSA §§2205-B and 2205-C** are enacted to read:

33 **§2205-B. Licensure of persons licensed by another jurisdiction**

34 The board may issue a license to practice as a registered
35 professional nurse under the following circumstances.

36 **1. Applicant licensed by other states and the United States**
37 **territories.** The board may issue a license without examination
38 to an applicant licensed to practice by a state or territory of
39 the United States.

2 2. Applicant licensed by Canadian provinces. The board may
3 issue a license to an applicant licensed by a Canadian province
4 who has graduated from an approved professional nursing program
5 and who has:

6 A. Taken the CNATS examination in English, without meeting
7 further requirements;

8 B. Taken the CNATS in French, after the applicant has taken
9 a test of English;

10 C. Taken the provincial examination, after the applicant
11 has taken the NCLEX-RN; or

12 D. Graduated from a baccalaureate program in another
13 country, after the applicant has taken the NCLEX-RN. A
14 graduate from another country must pass the CGFNS
15 examination before admission to the licensure examination.

16 3. Applicant licensed by other jurisdictions. The board
17 may issue a license to an applicant licensed to practice by a
18 jurisdiction other than those listed in subsections 1 and 2, if
19 the applicant:

20 A. Has graduated from an education program in professional
21 nursing approved by the official approving authority of a
22 jurisdiction other than those listed in subsection 1 that at
23 the time of graduation had standards considered by the board
24 to be equivalent to those of schools in this State;

25 B. Has been duly licensed by examination by the nursing
26 board of a jurisdiction other than those listed in
27 subsection 1 provided that the examination is considered by
28 the board to be equivalent in all essentials to this State's
29 examination and provided that the license of the applicant
30 is in good standing and that there is no cause for
31 suspension or revocation of that license;

32 C. Has passed the NCLEX-RN; or

33 D. If licensed in the other jurisdiction by passing an
34 examination in a language other than English, has passed a
35 test of English.

36 §2205-C. Licenses; examination after January 1, 1997.

37 The board may issue a license to practice as a registered
38 professional nurse under the following circumstances.

39 1. United States graduate. The board may issue a license
40 to an applicant from the United States and its territories who is
41 a graduate of a baccalaureate program in nursing and has taken
42 any additional examination required by the board.

2 2. Canadian graduate. The board may issue a license to an
4 applicant from Canada who is a graduate of a baccalaureate
6 program and has taken:

8 A. The CNATS examination in English and any additional
10 examination required by the board; and

12 B. The CNATS examination in French, a test of English and
14 any additional examination required by the board.

16 3. Graduates from another country. The board may issue a
18 license to an applicant from another country who is a graduate of
20 a baccalaureate program and has taken the CGFNS examination, the
22 NCLEX-RN and any additional examination required by the board.

24 Sec. 10. 32 MRSA §2209 is repealed and the following enacted
26 in its place:

28 §2209. Registration under prior law

30 A person holding a valid license as a registered
32 professional nurse before January 1, 1997 is licensed as a
34 registered professional nurse under this chapter, and license
36 renewal is effectuated under this section.

38 Sec. 11. 32 MRSA §2251-A, as enacted by PL 1985, c. 724, §24,
40 is amended to read:

42 §2251-A. Qualifications

44 An applicant for a license to practice as a licensed
46 practical nurse shall submit to the board written evidence,
48 verified by oath, that the applicant has the following
50 qualifications.

52 1. **Education.** The applicant must have completed an
54 approved 4-year high school course of study or the equivalent
56 thereof.

58 2. **Approved program.** The applicant must have completed a
60 prescribed curriculum in a state-approved program for the
62 preparation of practical nurses and holds a diploma or
64 certificate.

66 This section is repealed on January 1, 1997.

68 Sec. 12. 32 MRSA §2251-B is enacted to read:

70 §2251-B. Qualifications

72 An applicant for a license to practice as an associate nurse
74 shall submit to the board written evidence, verified by oath,

2 that the applicant has completed an approved associate degree
3 nursing program and holds an associate degree.

4 This section takes effect on January 1, 1997.

6 **Sec. 13. 32 MRSA §2252**, as amended by PL 1991, c. 153, §3 and
7 affected by §5, is further amended to read:

8 **§2252. License; examination**

10 The applicant is required to pass a written examination in
11 subjects ~~deemed necessary by~~ the board considers necessary to
12 determine the fitness of the applicant to practice practical
13 nursing. Each written examination may be supplemented by an oral
14 or practical examination. Upon successfully passing the
15 examination, the board shall issue to the applicant a license to
16 practice as a licensed practical nurse, that license to be in
17 force for a period of at least one year until the birth date of
18 the licensee. The initial license is renewable as provided in
19 section 2255.

22 This section is repealed January 1, 1997.

24 **Sec. 14. 32 MRSA §2252-A** is enacted to read:

26 **§2252-A. License; examination**

28 The applicant is required to pass an examination in subjects
29 the board considers necessary to determine the fitness of the
30 applicant to practice associate nursing. When the applicant
31 successfully passes the NCLEX-RN, the board shall issue to the
32 applicant a license to practice as an associate nurse, that
33 license to be in force for a period of at least 2 years until the
34 birth date of the licensee. The initial license is renewable as
35 provided in section 2255.

36 This section takes effect on January 1, 1997.

38 **Sec. 15. 32 MRSA §2254-A**, as enacted by PL 1985, c. 361, §4,
40 is repealed.

42 **Sec. 16. 32 MRSA §§2254-B and 2254-C** are enacted to read:

44 **§2254-B. Licensure of persons licensed by another jurisdiction**

46 The board may issue a license to practice as a practical
47 nurse under the following circumstances.

48 **1. Applicant licensed by other states and United States**
49 **territories.** The board may issue a license without examination
50 to an applicant licensed to practice by a state or territory of
51 the United States.

2 2. Applicant licensed by Canadian provinces. The board may
3 issue a license to an applicant licensed by a Canadian province
4 who has graduated from a registered nursing assistant program and
5 who has:

6 A. Taken the Canadian examination in English, without
7 meeting further requirements;

8 B. Taken the Canadian examination in French, after the
9 applicant has taken a test of English;

10 C. Taken the National Council Licensure Examination for
11 practical nurses; or

12 D. Graduated from a practical nursing program in another
13 country, after the applicant has taken a test of English
14 before admission to the National Council Licensure
15 Examination for practical nurses.

16 3. Applicant licensed by other country. The board may
17 issue a license to an applicant licensed to practice by a country
18 other than those listed in subsections 1 and 2 if the applicant:

19 A. Has graduated from a program in nursing education
20 approved by the official approving authority of a country
21 other than those listed in subsections 1 and 2 that at the
22 time of graduation had standards considered by the board to
23 be equivalent to those of schools in this State;

24 B. Has been duly licensed by examination by the nursing
25 board of a country other than those listed in subsections 1
26 and 2 provided that the examination is considered by the
27 board to be equivalent in all essentials to this State's
28 examination and provided that the license of the applicant
29 is in good standing and that there is no cause for
30 suspension or revocation of that license; or

31 C. If licensed in another country by passing an examination
32 in a language other than English, has passed a test of
33 English.

34 This section applies to an applicant licensed as a practical
35 nurse before January 1, 1997.

36 §2554-C. Licensure after January 1, 1997

37 After January 1, 1997, the board may issue a license to
38 practice as an associate nurse under the following circumstances.

39 1. United States graduate. The board may issue a license
40 to an applicant from the United States and its territories who is
41 a graduate of a diploma or associate degree nursing program.

2 2. Canadian graduate. The board may issue a license to an
applicant from Canada who is a graduate of a Canadian diploma or
4 associate degree nursing program and has taken the CNATS
examination in English or has taken the CNATS in French and has
6 passed a test of English.

8 3. Graduate from another country. The board may issue a
license to an applicant from another country who is a graduate of
10 a diploma or associate degree nursing program and has taken the
National Council Licensure Examination for registered nurses and
12 any other examination required by the board.

14 Sec. 17. 32 MRSA §2255, as amended by PL 1991, c. 153, §4 and
affected by §5, is further amended to read:

16 **§2255. Renewals**

18 The license of every practical nurse licensed under this
chapter is renewable every--2--years biennially, except as
20 otherwise provided. At least 30 days before the date--that--the
license--expires anniversary of the applicant's birth, the board
22 shall mail an application for renewal of license to each
practical nurse who holds a valid license. The application must
24 be mailed to the most recent address of that person as it appears
on the records of the board. That person shall complete the
26 renewal application and return it to the board with the renewal
fee as--the--board--designates--but--not--to--exceed--\$100--before--the
28 expiration--date--of--the--license of \$40 before the anniversary of
the applicant's birth. Upon receipt of the application and fee,
30 the board shall verify the accuracy of the application and issue
to the applicant a certificate of renewal of license for a period
32 of 2 years, expiring on the anniversary of the applicant's birth.

34 Any practical nurse who ~~fails to renew the~~ allows a license
as--provided to lapse may be reinstated by the board on
36 satisfactory explanation for failure to renew the license and on
payment of a reinstatement fee of \$10, in addition to the renewal
38 fee.

40 Any A person practicing nursing as a licensed practical
nurse during the time the person's license has lapsed is
42 considered an illegal practitioner and is subject to the
penalties provided for violations of this chapter.

44 A person who is not engaged in practical nursing in the
46 State is not required to pay a renewal fee as long as the person
does not practice, but shall notify the board of the practical
48 nurse's inactive status in writing prior to the expiration date
of ~~that person's~~ the practical nurse's current license. Before
50 the resumption of practice as a licensed practical nurse and

2 transfer to active status, that person is required to notify the
board, complete a renewal application and remit the current
renewal fee.

4
6 This section is repealed on January 1, 1997.

8 **Sec. 18. 32 MRSA §2255-A** is enacted to read:

10 **§2255-A. Renewals**

12 The license of every associate nurse licensed under this
chapter is renewable biennially, except as otherwise provided.
14 At least 30 days before the anniversary of the applicant's birth,
the board shall mail an application for renewal of license to
each associate nurse who holds a valid license. The application
16 must be mailed to the most recent address of that person as it
appears on the records of the board. That person shall complete
18 the renewal application and return it to the board with the
renewal fee of \$40 before the anniversary of the applicant's
20 birth. Upon receipt of the application and fee, the board shall
verify the accuracy of the application and issue to the applicant
22 a certificate of renewal of license for a period of 2 years,
expiring on the anniversary of the applicant's birth.

24
26 An associate nurse who allows a license to lapse may be
reinstated by the board on satisfactory explanation for failure
to renew the license and on payment of a reinstatement fee of \$10
28 in addition to the renewal fee.

30 A person practicing nursing as an associate nurse during the
time the person's license has lapsed is considered an illegal
32 practitioner and is subject to the penalties provided for
violations of this chapter.

34
36 A person who is not engaged in associate nursing in the
State is not required to pay a renewal fee as long as that person
does not practice, but shall notify the board of the associate
38 nurse's inactive status in writing prior to the expiration date
of the current license. Before the resumption of practice as an
40 associate nurse and transfer to active status, that person is
required to notify the board, complete a renewal application and
42 remit the current renewal fee.

44 This section takes effect January 1, 1997.

46 **Sec. 19. 32 MRSA §2257**, as amended by PL 1985, c. 724, §28,
is further amended to read:

48 **§2257. Title and abbreviation**

50
52 Any A person who holds a current license to practice as a
licensed practical nurse in this State shall ~~have~~ has the right

2 to use the title "Licensed Practical Nurse" and the abbreviation
"L.P.N." No other person shall may assume such the title or use
4 such the abbreviation or any other words, letters, signs or
figures to indicate that the person using ~~the-same~~ them is a
6 licensed practical nurse.

8 This section is repealed January 1, 1997.

10 **Sec. 20. 32 MRSA §2257-A, is enacted to read:**

12 **§2257-A. Title and abbreviation**

14 A person who holds a current license to practice as an
associate nurse in this State has the right to use the title
"Associate Nurse" and the abbreviation "A.N." No other person
16 may assume the title or use the abbreviation, other words,
letters, signs or figures to indicate that the person using them
18 is an associate nurse.

20 This section takes effect on January 1, 1997.

22 **Sec. 21. 32 MRSA §2258, is amended to read:**

24 **§2258. Registration under prior law**

26 Any A person holding a license as a licensed practical nurse
in-Maine issued by the former-Board-of-Registration-of-Nurses
28 board, which is and valid on-September-12, 1959 before January 1,
1997, shall-be is licensed as a licensed practical nurse under
30 this chapter, and the license renewal of-said-licenses-for-said
persons shall-be is effectuated under this subchapter.

32 This section is repealed on January 1, 1997.

34 **Sec. 22. 32 MRSA §2258-A is enacted to read:**

36 **§2258-A. Registration under prior law**

38 A person holding a valid license as a licensed practical
40 nurse before January 1, 1997 is licensed as an associate nurse
under this chapter, and license renewal is effectuated under this
42 subchapter.

44 This section takes effect on January 1, 1997.

46 **Sec. 23. Maine Revised Statutes amended; revision clause.**

48 Wherever in the Maine Revised Statutes the words "licensed
practical nurse" appear or reference is made to that position,
that phrase is amended to read and mean "associate nurse" and the
50 Revisor of Statutes shall implement this revision when updating,
publishing or republishing the statutes.

52

