

MAINE STATE LEGISLATURE

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L.D. 948

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DATE: June 15, 1995 (Filing No. S- 279)

BUSINESS AND ECONOMIC DEVELOPMENT

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 343, L.D. 948, Bill, "An Act to Provide Greater Access to Health Care"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 3 MRSA §927, sub-§4, ¶B, as amended by PL 1993, c. 92, §2, is further amended to read:

B. Independent agency:

(6) State Planning Office; and

(8) Joint Practice Council on Advanced Practice Registered Nursing.

Sec. 2. 5 MRSA §12004-I, sub-§72-C is enacted to read:

<u>72-C.</u>	<u>Joint</u>	<u>Discretion</u>	<u>32 MRSA</u>
<u>Occupations:</u>	<u>Practice</u>	<u>of Appoint-</u>	<u>§2265</u>
<u>Advanced</u>	<u>Council on</u>	<u>ing Agency</u>	
<u>Practice</u>	<u>Advanced</u>		
<u>Registered</u>	<u>Practice</u>		
<u>Nursing</u>	<u>Registered</u>		
	<u>Nursing</u>		

Sec. 3. 32 MRSA §2102, sub-§2, ¶B, as amended by PL 1993, c. 600, Pt. A, §110, is repealed.

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Sec. 4. 32 MRSA §2102, sub-§2-A is enacted to read:

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2-A. Advanced practice registered nursing. "Advanced practice registered nursing" means the delivery of expanded professional health care by an advanced practice registered nurse that is:

A. Consistent with advanced educational qualifications as set forth in section 2201-A, subsection 2;

B. Within the advanced practice registered nurse's scope of practice as specified by the board by rulemaking, taking into consideration any national standards that exist; and

C. In accordance with the standards of practice for advanced practice registered nurses as specified by the board by rulemaking, taking into consideration any national standards that may exist. Advanced practice registered nursing includes consultation with or referral to medical and other health care providers when required by client health care needs.

A certified nurse practitioner or a certified nurse midwife who qualifies as an advanced practice registered nurse may prescribe and dispense drugs or devices, or both, in accordance with rules adopted by the board. In adopting such rules, the board shall invite and consider comment from the Joint Practice Council on Advanced Practice Registered Nursing.

The board shall adopt rules necessary to effectuate the purposes of this chapter relating to advanced practice registered nursing.

Sec. 5. 32 MRSA §2102, sub-§5-A is enacted to read:

5-A. Advanced practice registered nurse. "Advanced practice registered nurse" means an individual who is currently licensed under this chapter and approved by the board to practice advanced practice registered nursing as defined in subsection 2-A. "A.P.R.N." is the abbreviation for the title of "advanced practice registered nurse." An advanced practice registered nurse may use the abbreviation "A.P.R.N." or the title or abbreviation designated by the national certifying body.

"Advanced practice registered nurse" includes a certified nurse practitioner, a certified nurse midwife, a certified clinical nurse specialist and a certified nurse anesthetist who are licensed under this chapter and are approved by the board to practice advanced practice registered nursing.

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2 **Sec. 6. 32 MRSA §2152, sub-§§1 and 2**, as amended by PL 1993, c.
600, Pt. A, §121, are further amended to read:

4 **1. Professional nurses.** Five Six professional nurses, each
of whom:

6 A. Must be a graduate of a state-approved educational
8 program in professional nursing;

10 B. Holds a current state license to practice nursing; and

12 C. Has at least 3 years' experience in active practice
immediately preceding appointment.

14 A minimum of 2 professional nurses must be active in an approved
16 educational program in nursing. A minimum of 2 professional
18 nurses must be active in nursing service. One of the
professional nurse members of the board must be practicing
20 long-term care nursing. One of the professional nurse members
of the board must be an advanced practice registered nurse;

22 **2. Licensed practical nurse.** Two One licensed practical
nurses nurse who:

24 A. Must be a graduate of a state-approved educational
26 program in practical nursing;

28 B. Holds a current state license to practice practical
nursing; and

30 C. Has at least 3 years' experience in active practice
32 immediately preceding appointment; and

34 **Sec. 7. 32 MRSA §2201-A** is enacted to read:

36 **§2201-A. Qualifications for advanced practice registered nurse**

38 An applicant for approval to practice advanced practice
40 registered nursing shall submit to the board written evidence
verified by oath that the applicant:

42 1. License. Holds a current license to practice as a
44 registered professional nurse in this State;

46 2. Education. Has successfully completed a formal
48 education program that is acceptable to the board in an advanced
nursing specialty area; and

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2 3. Credential. Holds a current certification credential
3 for advanced nursing from a national certifying body whose
4 certification program is acceptable to the board.

5 A registered professional nurse who is approved by the board
6 to practice in accordance with former section 2102, subsection 2,
7 paragraph B on the effective date of this section is considered
8 to have met the requirements of subsections 2 and 3.

9 **Sec. 8. 32 MRSA §2205-B is enacted to read:**

11 **§2205-B. Approval as advanced practice registered nurses**

12 The board may grant approval to practice as an advanced
13 practice registered nurse to a person who qualifies pursuant to
14 section 2201-A.

15 **1. Temporary approval to practice. Temporary approval to**
16 **practice as an advanced practice registered nurse may be granted**
17 **by the board:**

18 A. For a period of 90 days to an applicant who is currently
19 approved to practice as an advanced practice registered
20 nurse in another jurisdiction with requirements at least
21 equivalent to those of this State; or

22 B. For a period of 12 months to an applicant who meets the
23 requirements of section 2201-A, subsections 1 and 2 and who
24 qualifies to take and takes the next available certification
25 examination.

26 **2. Termination. The board may terminate a person's**
27 **advanced practice registered nurse designation when the person no**
28 **longer holds a current certification credential.**

29 **3. Delegated performance of services. A certified nurse**
30 **midwife or certified nurse practitioner who is approved by the**
31 **board as an advanced practice registered nurse may choose to**
32 **perform medical diagnosis or prescribe therapeutic or corrective**
33 **measures when these services are delegated by a licensed**
34 **physician.**

35 **Sec. 9. 32 MRSA c. 31, sub-c. VI is enacted to read:**

36 **SUBCHAPTER VI**

37 **JOINT PRACTICE COUNCIL ON ADVANCED PRACTICE REGISTERED NURSING**

38 **§2265. Council**

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1. Membership. The Joint Practice Council on Advanced Practice Registered Nursing, referred to in this subchapter as the "council," consists of 6 members as follows: the chair of the State Board of Nursing, one member of the State Board of Nursing who is approved to practice as an advanced practice registered nurse, the chair of the Board of Licensure in Medicine, the chair of the Board of Osteopathic Licensure, the chair of the Board of Commissioners of the Profession of Pharmacy and one member of the public appointed by the Governor.

2. Chair. The council chair rotates annually among the chairs of the respective boards. The chair of the State Board of Nursing serves as the first chair of the council; the chair of the Board of Licensure in Medicine serves as the 2nd chair; the Chair of the Board of Osteopathic Licensure serves as the 3rd chair; and the chair of the Board of Commissioners of the Profession of Pharmacy serves as the 4th chair. The term of the public member is 4 years.

3. Duties. The council shall make recommendations to the State Board of Nursing regarding the prescription of drugs and devices by advanced practice registered nurses. The council may make other recommendations regarding the practice of advanced practice registered nursing as it considers appropriate.

The duties of the council are advisory in nature.

Sec. 10. Transition provision. Notwithstanding the Maine Revised Statutes, Title 32, section 2152, an advanced practice registered nurse must be appointed to the next vacancy for appointment or reappointment of a public member to the State Board of Nursing. The next vacancy for appointment or reappointment of a licensed practical nurse after the appointment of the advanced practice registered nurse must be filled by the appointment of a public member.

Sec. 11. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 32, section 2102, subsection 2, paragraph B and those sections that enact Title 32, section 2102, subsections 2-A and 5-A, section 2201-A and section 2205-B take effect January 1, 1996.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The State Board of Nursing will incur some minor additional costs to adopt rules pertaining to advanced practice registered

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2 nurses, to administer certain requirements and to pay for its
3 share of the costs of the Joint Practice Council on Advanced
4 Practice Registered Nursing. These costs can be absorbed within
5 the board's existing budgeted resources.

6 In addition, the Board of Licensure in Medicine, the Board
7 of Commissioners of the Profession of Pharmacy and the Board of
8 Osteopathic Licensure will incur some minor additional costs to
9 participate on the Joint Practice Council on Advanced Practice
10 Registered Nursing. These costs can be absorbed within the
11 boards' existing budgeted resources.'

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14 **STATEMENT OF FACT**

16 This is the majority report of the Joint Standing Committee
17 on Business and Economic Development. The minority report is
18 also "ought to pass as amended."

20 This amendment creates the category of advanced practice
21 registered nurse, whose scope of practice is to be defined by the
22 State Board of Nursing. Included in the category are certified
23 nurse practitioners, certified nurse midwives, clinical nurse
24 specialists and certified nurse anesthetists. Qualifications for
25 this position include a formal education program in the
26 practitioner's specialty and certification in advanced nursing by
27 the appropriate national body. Certified nurse practitioners and
28 certified nurse midwives may prescribe and dispense drugs
29 according to board rules.

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32 Certified nurse midwives and certified nurse practitioners
33 approved as advanced practice registered nurses may practice, if
34 they desire, under the provision of the current law that allows
35 the performance of certain functions if delegated by a
36 physician. A registered nurse who was approved by the board for
37 the performance of these same functions at the time of the
38 effective date of this bill is considered to have met the
39 guidelines for a nurse in advanced practice.

40 A joint practice council is established to make
41 recommendations to the State Board of Nursing concerning the
42 prescription of drugs and any other aspect of advanced practice
43 nursing.

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This amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT