MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 324

S.P. 127

In Senate, January 14, 1999

An Act to Allow Assistants to Physicians to Perform Certain Tasks outside the Direct Supervision of the Physicians.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock. Cosponsored by Senator PENDLETON of Cumberland, Representative: BROOKS of Winterport.

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

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Sec. 1. 32 MRSA \$3270-A, first \P , as amended by PL 1993, c. 600, Pt. A, \$205, is further amended to read:

Nething-contained-in-this This chapter may not be construed to prohibit an individual from rendering medical services, if these services are rendered under the supervision and control of a physician or surgeon, and if that individual has satisfactorily completed a training program approved by the Board of Licensure in Medicine and a competency examination determined by this board. Supervision and control may not be construed as requiring and controlling personal presence of the supervising physician at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the physician. Nething-in-this This chapter may not be construed as prohibiting a physician or surgeon from delegating to the physician's or surgeon's employees certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the direct control of and--in--the--personal--presence--ef the physician or surgeon who must be present on the premises at the time the activities are performed. The physician delegating these activities to employees, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. Nething eentained-in-this This section may not be construed to apply to registered nurses acting pursuant to chapter 31.

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SUMMARY

Current law allows an assistant to a physician or a surgeon to perform certain activities only when the physician or surgeon has direct control over the assistant and is in the same room with the assistant while the procedure is being performed.

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This bill continues to require that an assistant to a physician or a surgeon may only perform certain activities when the assistant is under the control of the physician or surgeon, but allows the assistant to perform those activities outside of the direct presence of the physician or surgeon, instead requiring only that the physician or surgeon be present on the premises.