

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 758

H.P. 603

House of Representatives, February 13, 2001

**An Act to Require Certain Employers to Provide Certification for
Employees Who Dispense Medications.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative HUTTON of Bowdoinham.
Cosponsored by Senator EDMONDS of Cumberland and
Representatives: LESSARD of Topsham, MATTHEWS of Winslow, NORTON of Bangor,
RICHARDSON of Brunswick, SULLIVAN of Biddeford, TARAZEWICH of Waterboro,
WATSON of Farmingdale, Senator: TREAT of Kennebec.

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

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4 **Sec. 1. 20-A MRSA §254, sub-§5**, as repealed and replaced by PL 1999, c. 669, §1, is amended to read:

6 **5. Medication.** The commissioner shall provide for the administration of medication within schools as follows.

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10 A. The commissioner shall adopt or amend rules for the administration of medication in public or approved private schools, including the requirement that only a licensed physician, physician's assistant, nurse, nurse practitioner or medical technician may administer medication and including the training of unlicensed personnel to administer medication comply with this paragraph. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

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19 B. Any public or approved private school shall have a written local policy and procedure for administering medication. The written local policy must include the requirement that only a licensed physician, physician's assistant, nurse, nurse practitioner or medical technician may administer medication and that all unlicensed personnel who administer medication must receive training and certification from the department before receiving authorization to do so. Compliance with the provisions of this subsection is a requirement for basic school approval pursuant to sections 2902 and 4502.

30 **Sec. 2. 30-A MRSA §1559, sub-§1**, as amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

34 **1. Administration of medication by sheriff or deputy.** The sheriff of any county, or a deputy or master or keeper of the county jail designated by the sheriff, may not administer to any prisoner in custody any oral or topical medication as prescribed by a licensed physician or dentist or, if requested by a prisoner, any nonprescription medication in accordance with the directions on its container unless:

42 A. The sheriff or the sheriff's designee is a licensed physician, physician's assistant, nurse, nurse practitioner or medical technician; or

44 B. The sheriff or the sheriff's designee has received training and certification from the Department of Corrections to administer medications and the sheriff or the

2 sheriff's designee has consulted with and received
3 permission to administer the medication from a licensed
4 physician.

5 **Sec. 3. 30-A MRSA §1559, sub-§2,** as amended by PL 1989, c. 6,
6 c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to
7 read:

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10 **1. Administration of medication by sheriff or deputy.** The
11 sheriff of any county may not administer to any prisoner in
12 custody any oral or topical medication as prescribed by a
13 licensed physician or dentist or, if requested by a prisoner, any
14 nonprescription medication in accordance with the directions on
15 its container unless that sheriff is a licensed physician,
16 physician's assistant, nurse, nurse practitioner or medical
17 technician. The sheriff may delegate this authority to
18 administer medication to the deputy who is in charge of the
19 county jail or to the master or keeper of the county jail if the
20 deputy, master or keeper is a licensed physician, physician's
21 assistant, nurse, nurse practitioner or medical technician.

22 **2. Limitations on administration of medication.** The
23 sheriff or the sheriff's delegate may not administer any
24 prescription or nonprescription medication to any prisoner who
25 has been incarcerated in the county jail for less than 24 hours,
26 unless the sheriff or the delegate has consulted with and
27 received permission to administer that medication from a licensed
28 physician and the sheriff or delegate is a licensed physician,
29 physician's assistant, nurse, nurse practitioner or medical
30 technician.

32 SUMMARY

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35 This bill restricts the administration of medication by
36 school and corrections facility personnel to those persons who
37 are licensed physicians, physician's assistants, nurses, nurse
38 practitioners or medical technicians or persons who have received
39 training and certification to administer medication from the
40 department of jurisdiction.