

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1766

S.P. 701

In Senate, February 11, 2014

**An Act To Clarify and Update a Nurse's Authority To Administer
Medication**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.

Cosponsored by Representative GRAHAM of North Yarmouth and

Senator: GRATWICK of Penobscot, Representatives: GATTINE of Westbrook, SANBORN of Gorham, WINCHENBACH of Waldoboro.

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

2 **Sec. 1. 32 MRSA §2102, sub-§2, ¶A,** as amended by PL 1993, c. 600, Pt. A,
3 §110, is further amended to read:

4 A. Diagnosis and treatment of human responses to actual or potential physical and
5 emotional health problems through such services as case finding, health teaching,
6 health counseling and provision of care supportive to or restorative of life and
7 well-being and execution of the medical regimen as prescribed by a licensed
8 ~~physician, podiatrist or dentist or otherwise legally authorized individual acting under~~
9 ~~the delegated authority of a physician, podiatrist or dentist~~ medical professional
10 operating within the scope of the licensed medical professional's authority to
11 prescribe medications, substances or devices:

12 (1) "Diagnosis" in the context of nursing practice means that identification of
13 and discrimination between physical and psychosocial signs and symptoms
14 essential to effective execution and management of the nursing regimen. This
15 diagnostic privilege is distinct from medical diagnosis;

16 (2) "Human responses" means those signs, symptoms and processes that denote
17 the individual's health needs or reaction to an actual or potential health problem;
18 and

19 (3) "Treatment" means selection and performance of those therapeutic measures
20 essential to the effective management and execution of the nursing regimen;

21 **SUMMARY**

22 Current law allows a nurse to execute a medical regimen ordered by a licensed
23 physician, podiatrist or dentist or an individual acting under the delegated authority of a
24 physician, podiatrist or dentist. This bill aligns a nurse's authority so that it is consistent
25 with existing law to execute a medical regimen if ordered by a licensed medical
26 professional operating within the scope of the licensed medical professional's authority to
27 prescribe medications, substances or devices.