

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 970

S.P. 342

In Senate, March 18, 2015

### **An Act Regarding Advanced Practice Registered Nurse Requirements**

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.  
Cosponsored by Representative GIDEON of Freeport and  
Senators: DILL of Penobscot, DUTREMBLE of York, HASKELL of Cumberland,  
WILLETTE of Aroostook, Representatives: FECTEAU of Biddeford, GINZLER of Bridgton,  
HICKMAN of Winthrop, LOCKMAN of Amherst.

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

2 **Sec. 1. 32 MRSA §2101**, as amended by PL 1993, c. 600, Pt. A, §108, is further  
3 amended to read:

4 **§2101. Purpose**

5 The State Board of Nursing is the state regulatory agency charged with protection of  
6 the public health and welfare in the area of nursing service. In order to safeguard the life  
7 and health of the people in this State, an individual who for compensation practices or  
8 offers to practice professional nursing ~~or~~ practical nursing or advanced practice  
9 registered nursing in this State shall submit evidence that the individual is qualified so to  
10 practice and that individual must be licensed. It is unlawful for an individual not licensed  
11 under this chapter to practice or to offer to practice advanced practice registered nursing,  
12 professional nursing or practical nursing in this State; to use a sign, card or device to  
13 indicate that the individual is an advanced practice registered nurse, a professional  
14 registered nurse or a licensed practical nurse; or to hold oneself out to the public as a  
15 professional registered nurse ~~or~~ a licensed practical nurse or an advanced practice  
16 registered nurse.

17 **Sec. 2. 32 MRSA §2102, sub-§2-A**, as amended by PL 2007, c. 316, §1, is  
18 repealed and the following enacted in its place:

19 **2-A. Advanced practice registered nursing.** "Advanced practice registered  
20 nursing" means the delivery of expanded professional health care by an advanced practice  
21 registered nurse that is within the advanced practice registered nurse's scope of practice as  
22 specified by the board by rulemaking, taking into consideration any national standards  
23 that exist. "Advanced practice registered nursing" includes consultation with or referral  
24 to medical and other health care providers when required by client health care needs.

25 **Sec. 3. 32 MRSA §2102, sub-§5-A**, as amended by PL 2007, c. 498, §2 and  
26 affected by §3, is repealed and the following enacted in its place:

27 **5-A. Advanced practice registered nurse.** "Advanced practice registered nurse"  
28 means an individual who is currently licensed under this chapter to practice advanced  
29 practice registered nursing within one of the following roles:

30 A. Certified nurse practitioner, which may be abbreviated "C.N.P.";

31 B. Certified registered nurse anesthetist, which may be abbreviated "C.R.N.A.";

32 C. Certified nurse midwife, which may be abbreviated "C.N.M."; or

33 D. Clinical nurse specialist, which may be abbreviated "C.N.S."

34 An advanced practice registered nurse may use the abbreviation "A.P.R.N." or the title or  
35 abbreviation designated by a national certifying body.

36 An advanced practice registered nurse has at least one population focus and may serve as  
37 a primary or acute care provider of record.

1 An advanced practice registered nurse is a licensed independent practitioner in  
2 accordance with standards established or recognized by the board.

3 **Sec. 4. 32 MRSA §2102, sub-§10**, as enacted by PL 2007, c. 316, §2, is repealed.

4 **Sec. 5. 32 MRSA §2102, sub-§11** is enacted to read:

5 **11. Population focus.** "Population focus" means the following areas of specific  
6 population-focused health care an advanced practice registered nurse has gained  
7 competency in:

8 A. Family care without regard to the age of the members of the family;

9 B. Adult gerontological care;

10 C. Neonatal care;

11 D. Pediatric care;

12 E. Gender-related health care; and

13 F. Psychiatric and mental health care.

14 **Sec. 6. 32 MRSA §2106, sub-§§3 and 4**, as amended by PL 1993, c. 600, Pt. A,  
15 §117, are further amended to read:

16 **3. Practice without license.** Practice professional nursing or practical nursing or,  
17 beginning January 1, 2016, advanced practice registered nursing as defined by this  
18 chapter unless licensed to do so;

19 **4. Implying license.** Use in connection with the person's name a designation tending  
20 to imply that the person is a licensed registered nurse or a licensed practical nurse or,  
21 beginning January 1, 2016, an advanced practice registered nurse unless so licensed under  
22 this chapter; or

23 **Sec. 7. 32 MRSA §2106, sub-§5**, as amended by PL 1991, c. 797, §15, is further  
24 amended to read:

25 **5. License suspended or revoked.** Practice professional nursing or practical  
26 nursing or, beginning January 1, 2016, advanced practice registered nursing during the  
27 time the person's license issued under this chapter is suspended or revoked;~~or.~~

28 **Sec. 8. 32 MRSA §2111** is enacted to read:

29 **§2111. Rules**

30 The board may adopt rules to implement this chapter. Rules adopted under this  
31 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

32 **Sec. 9. 32 MRSA §2201-A**, as enacted by PL 1995, c. 379, §7 and affected by  
33 §11, is amended by adding at the end a new paragraph to read:

34 This section is repealed January 1, 2016.

1           **Sec. 10. 32 MRSA §2201-B** is enacted to read:

2           **§2201-B. Qualifications for advanced practice registered nurse**

3           An applicant for approval to practice advanced practice registered nursing shall  
4           submit to the board a completed written application, the appropriate application fees  
5           established by the board and written evidence verified by oath that the applicant:

6           **1. License.** Holds a current license or privilege to practice as a registered  
7           professional nurse in this State and does not hold an encumbered license or privilege to  
8           practice in any other state, territory or possession of the United States, the District of  
9           Columbia, the Commonwealth of the Northern Mariana Islands or the Commonwealth of  
10          Puerto Rico;

11          **2. Education.** Has completed an accredited graduate-level or postgraduate-level  
12          advanced practice registered nursing program in one or more of the 4 roles identified in  
13          section 2102, subsection 5-A and with at least one population focus;

14          **3. Credential.** Holds a current certification credential for advanced practice  
15          registered nursing from a national certifying body whose certification program is  
16          acceptable to the board in an advanced practice registered nursing role identified in  
17          section 2102, subsection 5-A and with a population focus that is appropriate to the  
18          advanced practice registered nurse's educational preparation;

19          **4. Criminal conviction.** Has reported any criminal conviction, no contest plea  
20          agreement or other plea arrangement in lieu of conviction; and

21          **5. Acts or omissions.** Has not committed an act or omission that is grounds for  
22          disciplinary action as set forth in section 2105-A.

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

26          **Sec. 11. 32 MRSA §2205-B**, as amended by PL 2009, c. 512, §1, is repealed.

27          **Sec. 12. 32 MRSA §2205-C** is enacted to read:

28          **§2205-C. Licensure as advanced practice registered nurse**

29          **1. License.** The board may issue a license to practice as an advanced practice  
30          registered nurse to a person who meets the qualifications under section 2201-B.

31          **2. Initial licensure.** An applicant for initial licensure to practice as an advanced  
32          practice registered nurse must submit an application and the appropriate fees as  
33          established by the board.

34          **3. Licensure by endorsement.** The board may issue a license by endorsement to an  
35          advanced practice registered nurse authorized under the laws of another state if, in the

1 opinion of the board, the applicant meets the qualifications for licensure in this State. An  
2 applicant for licensure by endorsement must:

3 A. Submit a complete written application and appropriate application fees  
4 established by the board;

5 B. Hold a current license or privilege to practice as a registered nurse and an  
6 advanced practice registered nurse in a state, territory or possession of the United  
7 States, the District of Columbia, the Commonwealth of the Northern Mariana Islands  
8 or the Commonwealth of Puerto Rico;

9 C. Not have an encumbered license or privilege to practice as a registered nurse or an  
10 advanced practice registered nurse in a state, territory or possession of the United  
11 States, the District of Columbia, the Commonwealth of the Northern Mariana Islands  
12 or the Commonwealth of Puerto Rico;

13 D. Have completed an accredited graduate-level or postgraduate-level advanced  
14 practice registered nursing program in one or more of the 4 roles identified in section  
15 2012, subsection 5-A and with at least one population focus or meet the standards of  
16 a grandfather provision as provided by the board by rule;

17 E. Be currently certified by a national certifying body recognized by the board in an  
18 advanced practice registered nursing role identified in section 2102, subsection 5-A  
19 with at least one population focus appropriate to the applicant's educational program;

20 F. Report any conviction, no contest plea agreement or other plea arrangement in  
21 lieu of conviction or a guilty plea; and

22 G. Provide any other information required by the board by rule.

23 An applicant for an advanced practice registered nurse license may not have committed  
24 an act or omission that is grounds for disciplinary action in another state, territory or  
25 possession of the United States, the District of Columbia, the Commonwealth of the  
26 Northern Mariana Islands or the Commonwealth of Puerto Rico.

27 **4. License renewal.** A license issued under this section may be renewed every 2  
28 years, except as otherwise provided. An applicant for renewal of a license must:

29 A. Submit to the board a renewal application and the appropriate fees established by  
30 the board by rule;

31 B. Maintain national certification in the appropriate advanced practice registered  
32 nursing role identified in section 2012, subsection 5-A with at least one population  
33 focus through an ongoing certification maintenance program of a nationally  
34 recognized certifying body recognized by the board; and

35 C. Meet any other requirements established by the board by rule, including, but not  
36 limited to, continued competency requirements.

37 **5. Reactivation; reinstatement.** The board may reactivate or reinstate an advanced  
38 practice registered nurse license as authorized by the board by rule.

39 **6. Termination.** The board may terminate a person's advanced practice registered  
40 nurse license when the person no longer holds a current certification credential.

1 **7. Scope of practice.** In addition to the scope of practice of a registered nurse, an  
2 advanced practice registered nurse may perform the following functions:

3 A. Conduct advanced assessments;

4 B. Order and interpret diagnostic procedures;

5 C. Establish primary and differential diagnoses;

6 D. Prescribe, order, administer, dispense and furnish therapeutic measures;

7 E. Delegate and assign therapeutic measures to assistive personnel; and

8 F. Consult with other health care professionals and provide referrals to health care  
9 agencies, health care providers and community resources.

10 **8. Supervision of support staff.** An advanced practice registered nurse licensed to  
11 practice advanced practice registered nursing in the role of a certified nurse practitioner  
12 may delegate to the employees or support staff of that advanced practice registered nurse  
13 certain activities relating to advanced practice registered nursing carried out by custom  
14 and usage when the activities are under the control of that advanced practice registered  
15 nurse. The advanced practice registered nurse delegating these activities to such persons  
16 is legally liable for the activities of those persons, and any person in this relationship is  
17 considered the agent of the advanced practice registered nurse when performing such  
18 delegated activities.

19 **9. Global signature authority of an advanced practice registered nurse in the**  
20 **role of a certified nurse practitioner or a certified nurse midwife.** When a provision  
21 of law or rule requires a signature, certification, stamp, verification, affidavit or  
22 endorsement by a physician, that requirement may be fulfilled by an advanced practice  
23 registered nurse licensed to practice advanced practice registered nursing in the role of a  
24 certified nurse practitioner or a certified nurse midwife. This subsection may not be  
25 construed to expand the scope of practice of an advanced practice registered nurse  
26 licensed to practice advanced practice registered nursing in the role of a certified nurse  
27 practitioner or a certified nurse midwife.

28 **Sec. 13. Effective date.** Those sections of this Act that repeal and replace the  
29 Maine Revised Statutes, Title 32, section 2102, subsections 2-A and 5-A; that enact Title  
30 32, section 2102, subsection 11 and Title 32, sections 2201-B and 2205-C; and that repeal  
31 Title 32, section 2102, subsection 10 and Title 32, section 2205-B take effect January 1,  
32 2016.

### 33 SUMMARY

34 This bill revises statutory language regarding advanced practice registered nursing.  
35 The bill provides for prescriptive authority for all 4 roles of advanced practice, including  
36 certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist  
37 and clinical nurse specialist. Currently, nurse practitioners and certified nurse midwives  
38 have prescriptive authority. The bill also requires population-specific practice to prevent  
39 the proliferation of specialties within the nurse practitioner and clinical nurse specialist  
40 categories. The bill includes a grandfather provision.