

MAINE STATE LEGISLATURE

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Date: 3/15/24

L.D. 2126
(Filing No. H-827)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1350, L.D. 2126, "An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 32 MRSA §2102, sub-§2, ¶H, as enacted by PL 1995, c. 670, Pt. C, §6 and affected by Pt. D, §5, is repealed and the following enacted in its place:

H. Delegation of specific nursing activities and tasks to be provided by unlicensed assistive personnel. This paragraph may not be construed to require a nurse to delegate, or permit a person to coerce a nurse into delegating, specific nursing activities and tasks in any care setting against the nurse's professional judgment or to prohibit a nurse in the exercise of the nurse's professional judgment from refusing to delegate specific nursing activities and tasks in any care setting. The board shall adopt such rules concerning delegation as it considers necessary to ensure access to quality health care for the patient. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 32 MRSA §2102, sub-§11 is enacted to read:

11. Unlicensed assistive personnel. "Unlicensed assistive personnel" means individuals trained to function in a supportive role, regardless of job title, to whom a specific nursing activity or task may be delegated. "Unlicensed assistive personnel" does not include certified nursing assistants or individuals employed in practical nursing or unpaid individuals performing tasks at the direction of a patient.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill. The amendment authorizes the delegation of specific nursing activities and tasks by a nurse to unlicensed assistive personnel, but preserves the authority of a nurse, in the exercise of the nurse's professional judgment, to refuse to delegate specific nursing activities and tasks in any care setting. The amendment also specifies that the authorization to delegate may not be construed to require a nurse to delegate, or permit a person to coerce a nurse into delegating, specific nursing activities and tasks against the nurse's professional judgment. The amendment defines "unlicensed assistive personnel" and requires the State Board of Nursing to adopt major substantive rules concerning delegation.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 2126

LR 2690(02)

An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-827)
Committee: Health Coverage, Insurance and Financial Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the State Board of Nursing, affiliated with the Department of Professional and Financial Regulation, associated with the rulemaking process can be absorbed within existing budgeted resources.