

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2126

H.P. 1350

House of Representatives, January 3, 2024

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

Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.
Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.

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

2 **Sec. 1. 32 MRSA §2102, sub-§2, ¶H,** as enacted by PL 1995, c. 670, Pt. C, §6 and
3 affected by Pt. D, §5, is amended to read:

4 ~~H. Coordination and oversight~~ Delegation of patient care services specific nursing
5 activities and tasks to be provided by unlicensed health care assistive personnel.
6 ~~Nothing in this paragraph prohibits a nurse in the exercise of professional judgment~~
7 ~~from refusing to provide such coordination and oversight in any care setting. The board~~
8 ~~shall adopt, pursuant to Title 5, chapter 375, subchapter II-A, major substantive rules~~
9 ~~for the application of this paragraph to nursing practice~~ The board shall adopt such
10 rules concerning delegation as it considers necessary to ensure access to quality health
11 care for the patient. Rules adopted pursuant to this paragraph are routine technical
12 rules as defined in Title 5, chapter 375, subchapter 2-A.

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

14 **11. Unlicensed assistive personnel.** "Unlicensed assistive personnel" means persons
15 trained to function in a supportive role, regardless of job title, to whom a specific nursing
16 activity or task is delegated. "Unlicensed assistive personnel" does not include certified
17 nursing assistants or persons employed in practical nursing.

18 **SUMMARY**

19 This bill amends the laws governing nursing to authorize the delegation of activities
20 and tasks by a nurse to unlicensed assistive personnel. The bill provides a definition of
21 "unlicensed assistive personnel" and requires the State Board of Nursing to adopt routine
22 technical rules concerning delegation as it considers necessary to ensure access to quality
23 health care for patients.