

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

staff in the long-term care system, thus endangering these consumers' health and welfare; and

**Whereas**, a recent study of 1/4 to 1/3 of the private duty staffing providers in the State reported that each week more than 5,000 hours of needed health care service went unmet and nearly 200 new patients were turned down or placed on waiting lists because of staffing shortages and vacancies, most of which were for unlicensed direct-care staff positions; and

**Whereas**, in other segments of the long-term care system, including nursing facilities and residential care facilities, the shortage of unlicensed direct-care staff is equally acute and equally dangerous to long-term care consumers; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Rulemaking; report on legislation.**

**Resolved:** That, by November 1, 2002, the Department of Human Services, the State Board of Nursing and the State Board of Education shall review their rules and applicable law regarding the training and certification of unlicensed direct-care staff in the long-term care system and the barriers to entering or retaining work in long-term care and shall report by December 15, 2002 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding such legislation as may be required to:

1. Eliminate inconsistencies in training curricula, experience requirements and certification requirements for unlicensed direct-care staff whose job duties are similar in scope and level of responsibility;
2. Allow unlicensed direct-care staff who have job duties that are similar in scope and level of responsibility to transfer their credentials more easily among different long-term care settings; and
3. Create a career ladder that encourages unlicensed direct-care staff to build upon their previous training and experience to progress to higher levels of responsibility and certification without duplicating or forfeiting investments already made in their education and careers.

For purposes of this resolve, "unlicensed direct-care staff" means personal care attendants, certified nursing assistants, certified residential medication aides, residential care specialists I, home health aides and unlicensed mental health workers; and be it further

**Sec. 2. Public awareness campaign. Resolved:** That the Department of Human Services shall convene a meeting of interested parties, including, but not limited to, the Maine Health Care Association, the Maine Hospital Association, the Home Care Alliance of Maine, the long-term care ombudsman program and the area agencies on aging, to work together to develop resources to conduct a public awareness campaign on career opportunities in long-term care. By December 15, 2002, the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the progress of the parties to the discussions under this section.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective March 25, 2002.

---



---

**CHAPTER 86**

**H.P. 1626 - L.D. 2126**

**Resolve, Regarding Legislative Review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a Major Substantive Rule of the Department of Public Safety**

**Emergency preamble.** **Whereas**, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a provisionally

adopted major substantive rule of the Department of Public Safety, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective March 27, 2002.

---



---

## CHAPTER 87

H.P. 1536 - L.D. 2039

**Resolve, Directing the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to Review and Update Protocols for Training Basic Emergency Medical Technicians to Administer Epinephrine**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the administration of epinephrine by emergency medical personnel is a complicated medical procedure that requires proper training and protocols that must be developed by the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board; and

**Whereas,** the ability of basic emergency medical technicians to carry and administer epinephrine to patients who are suffering anaphylaxis may save lives; and

**Whereas,** the development of protocols and training for basic emergency medical technicians should begin immediately to address the inability of basic emergency medical technicians to carry and administer epinephrine; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Review and update of protocols and guidelines by Medical Direction and Practices Board for administration of epinephrine. Resolved:** That the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board, referred to in

this resolve as the "board," shall review and update the protocols and training of basic emergency medical technicians to carry and administer epinephrine. In developing its protocols, the board shall review other states' medical practices regarding emergency medical personnel carrying and administering epinephrine. The board shall treat the issue of developing protocols for the administration of epinephrine to school-age children as a priority in this process; and be it further

**Sec. 2. Report and legislation. Resolved:** That the board shall report its decision and subsequent action regarding protocols and training for the carrying and administering of epinephrine by basic emergency medical technicians to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2003. The committee may report out implementing legislation to the First Regular Session of the 121st Legislature, if necessary.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective March 28, 2002.

---



---

## CHAPTER 88

H.P. 1414 - L.D. 1858

**Resolve, to Improve the Health of Maine Citizens Through Hepatitis C Prevention and Detection**

**Sec. 1. Hepatitis C prevention and detection. Resolved:** That, contingent upon the receipt of federal funding or donations from private sources for these purposes, the Department of Human Services, Bureau of Health shall take the following steps to improve the health of Maine citizens through hepatitis C prevention and detection:

1. Initiate a media campaign designed to increase statewide awareness of hepatitis C and its prevention and detection;
2. Ensure access to laboratory testing for suspected cases of hepatitis C;
3. Increase opportunities to educate medical and social service providers on the prevention and detection of hepatitis C;
4. Collect epidemiological data relevant to hepatitis C; and
5. Coordinate and evaluate the success of these initiatives; and be it further