

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS AND ECONOMIC DEVELOPMENT

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

CARRIED OVER	<i>Bill carried over to Second Session</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
CONF CMTE UNABLE TO AGREE	<i>Committee of Conference unable to agree; bill died</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
DIED ON ADJOURNMENT	<i>Action incomplete when session ended; bill died</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
FAILED EMERGENCY ENACTMENT	<i>Emergency bill failed to get 2/3 vote</i>
FAILED ENACTMENT	<i>Bill failed to get majority vote</i>
FAILED MANDATE ENACTMENT	<i>Bill imposing local mandate failed to get 2/3 vote</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
ONTP	<i>Ought Not to Pass report accepted</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
GOLDTHWAIT	OTP-AM	MAJ	S-279
MCCORMICK	OTP-AM	MIN	S-304 HARRIMAN

SUMMARY

Currently, registered nurses who have the required training may perform diagnoses and prescribe therapeutic or corrective measures when delegated by a physician.

This bill allows nurse practitioners, nurse midwives, psychiatric nurses, clinical nurse specialists and nurse anesthetists to be designated as advanced practice registered nurses with standards of practice and requirements for authorization to practice as determined by the Board of Nursing. Nurse Practitioners and nurse midwives are allowed to dispense drugs as determined by the board.

This bill also establishes the Joint Practice Council on Advanced Practice Registered Nurses, which is to make recommendations to the boards on matters of mutual concern.

COMMITTEE AMENDMENT "A" (S-279) is the Majority Report. It creates the category of advanced practice registered nurse, whose scope of practice is to be defined by the State Board of Nursing. Included in the category are certified nurse practitioners, certified nurse midwives, clinical nurse specialists and certified nurse anesthetists. Qualifications for this position include a formal education program in the practitioner's specialty and certification in advanced nursing by the appropriate national body. Certified nurse practitioners and certified nurse midwives may prescribe and dispense drugs according to board rules.

Certified nurse midwives and certified nurse practitioners approved as advanced practice registered nurses may practice, if they desire, under the provision of the current law that allows the performance of certain functions if delegated by a physician. A registered nurse who was approved by the board for the performance of these same functions at the time of the effective date of this bill is considered to have met the guidelines for a nurse in advanced practice.

A joint practice council is established to make recommendations to the State Board of Nursing concerning the prescription of drugs and any other aspect of advanced practice nursing.

COMMITTEE AMENDMENT "B" (S-280) is the Minority Report. It creates the category of advanced practice registered nurse whose scope of practice is to be defined by the State Board of Nursing, but that practice must include collaboration with a physician. Included in the category are nurse practitioners, nurse midwives, clinical nurse specialists and nurse anesthetists. A definition of "collaboration" is provided. Collaboration is not required of clinical nurse specialists. Qualifications for this position include a formal education program in the practitioner's specialty and certification in advanced nursing by the appropriate national body. Certified nurse midwives and nurse practitioners may prescribe and dispense drugs according to board rules.

A registered nurse who was approved by the board for the performance of certain functions delegated by a licensed physician at the time of the effective date of this bill is considered to have met the guidelines for an advanced practice registered nurse.

A joint practice council is established to make recommendations to the State Board of Nursing concerning the prescription of drugs and any other aspect of advanced practice registered nursing.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-304) requires that a certified nurse practitioner must practice for at least 24 months under the supervision of a licensed physician or must be employed by a clinic or hospital that has a medical director who is a licensed physician in order to qualify to practice independently. The amendment requires that the certified nurse practitioner submit written evidence to the board upon completion of the required clinical experience.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-618) requires an advanced practice registered nurse to provide notice to the advanced practice registered nurse's patients that the advanced practice registered nurse is not practicing under the supervision of a physician. The amendment also imposes a penalty of \$100 if the advanced practice registered nurse fails to provide the notice. (Not adopted)

HOUSE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (H-619) incorporates all of Senate Amendment "A" to Committee Amendment "A", which has a filing number of S-304, except it changes the amount of time a certified nurse practitioner must practice under the supervision of a licensed physician or must be employed by a clinic or hospital that has a medical director who is a licensed physician from 24 months to 36 months. The amendment also requires that an advanced practice registered nurse must have completed a formal master's level education program. (Not adopted)

HOUSE AMENDMENT "C" TO COMMITTEE AMENDMENT "A" (H-620) states that a nurse anesthetist may perform medical diagnosis or administer therapeutic or corrective measures only when those services are delegated by a physician. (Not adopted)

HOUSE AMENDMENT "D" TO COMMITTEE AMENDMENT "A" (H-622) is the same in content as Amendment C. (Not adopted)

**LD 951 An Act to Include the Emergency Medical Services' Board
in the List of Boards Reviewing Criminal Convictions Before
Licensing**

PUBLIC 162

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS	OTP MAJ	
	ONTP MIN	

SUMMARY

This bill adds the Emergency Medical Services' Board to those licensing boards that may consider criminal history information for convictions when incarcerations of less than one year are imposed and when those convictions involve sexual misconduct by an applicant or licensee and sets a 10-year limit for the board to consider prior criminal convictions.

**LD 957 An Act to Require Licensure for Use of the Title
Athletic Trainer**

PUBLIC 275

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KNEELAND	OTP-AM	H-282
		H-392 ROWE

SUMMARY

This bill requires that a person be licensed in order to use the title "athletic trainer" but no license is required to practice athletic training as long as the title is not used.

To qualify for a license a person must be a college graduate who has completed the college's curriculum in athletic training, has completed a program approved by the National Athletic Trainers' Association and has passed that association's Board of Certification examination or be currently certified by that board.

The regulation of the profession is by the Department of Professional and Financial Regulation, not by a regulatory board. The department is required to appoint an advisory council.

The annual licensing fee is determined by the department but is not to exceed \$100.

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