

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 563 - L.D. 1396

An Act to Clarify the Laws Regarding Delegating Authority for Services Performed by Emergency Medical Services Personnel or Others as a Medical Assistant

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

Sec. 1. 32 MRSA §85, sub-§7, as amended by PL 2021, c. 587, §1, is further amended to read:

7. Delegation. This chapter may not be construed to prohibit a person licensed as an emergency medical services person from rendering medical services in a hospital or other health care facility setting if those services are:

- A. Rendered in the person's capacity as an employee of the hospital or health care facility;
- B. Authorized by the hospital or health care facility; and
- C. Delegated in accordance with section 2594-A or section 2594-E, subsection 4, section 3270-A or section 3270-E, subsection 4.

Unless otherwise provided by law, an emergency medical services person licensed under this chapter may not simultaneously act as a licensee under this chapter and an assistant performing medical services delegated by a physician in accordance with section 2594-A or section 3270-A or by a physician assistant in accordance with section 2594-E, subsection 4 or section 3270-E, subsection 4.

Sec. 2. 32 MRSA §2594-A, first ¶, as amended by PL 2019, c. 627, Pt. B, §11, is further amended to read:

This chapter may not be construed as prohibiting a physician from delegating to the physician's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when these activities are under the direct control of the physician; the activities being delegated do not, unless otherwise provided by law, require a license, registration or certification to perform; the physician ensures that the employees or support staff have the appropriate training, education and experience to perform these delegated activities; and the physician ensures that the employees or support

staff perform these delegated activities competently and safely. The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. Nothing contained in this section may be construed to apply to registered nurses acting pursuant to chapter 31 and licensed physician assistants acting pursuant to this chapter or chapter 48.

Sec. 3. 32 MRSA §2594-E, sub-§4, as amended by PL 2019, c. 627, Pt. B, §12, is further amended to read:

4. Delegation by physician assistant. A physician assistant may delegate to the physician assistant's employees or support staff or members of a health care team, including medical assistants, certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician assistant; the activities being delegated do not, unless otherwise provided by law, require a license, registration or certification to perform; the physician assistant ensures that the employees or support staff or members of a health care team have the appropriate training, education and experience to perform these delegated activities; and the physician assistant ensures that the employees or support staff perform these delegated activities competently and safely. The physician assistant who delegates an activity permitted under this subsection is legally liable for the activity performed by an employee, a medical assistant, support staff or a member of a health care team.

Sec. 4. 32 MRSA §3270-A, first ¶, as amended by PL 2019, c. 627, Pt. B, §15, is further amended to read:

This chapter may not be construed as prohibiting a physician or surgeon from delegating to the physician's or surgeon's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician or surgeon; the activities being delegated do not, unless otherwise provided by law, require a license, registration or certification to perform; the physician or surgeon ensures that the employees or support staff have the appropriate training, education and experience to perform these delegated activities; and the physician or surgeon ensures that the employees or support staff perform these delegated activities competently and safely. The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. This section may not be construed to apply to registered nurses acting pursuant to chapter 31 and licensed physician assistants acting pursuant to this chapter and chapter 36.

Sec. 5. 32 MRSA §3270-E, sub-§4, as amended by PL 2019, c. 627, Pt. B, §16, is further amended to read:

4. Delegation by physician assistant. A physician assistant may delegate to the physician assistant's employees or support staff or members of a health care team, including medical assistants, certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician assistant; the activities being delegated do not, unless otherwise provided by law, require a license, registration or certification to perform; the physician assistant ensures that the employees or support staff or members of a health care team have the appropriate training, education

and experience to perform these delegated activities; and the physician assistant ensures that the employees or support staff perform these delegated activities competently and safely. The physician assistant who delegates an activity permitted under this subsection is legally liable for the activity performed by an employee, a medical assistant, support staff or a member of a health care team.