

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
H.P. 797 - L.D. 1134

An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks

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

Whereas, this legislation must take effect before the expiration of the 90-day period in order to ensure care is provided to nursing facility residents receiving skilled nursing facility level services in a timely manner; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1812-L is enacted to read:

§1812-L. Performance of certain tasks by physicians and others

1. Performance of certain tasks for residents receiving skilled nursing facility services. For a nursing facility resident receiving skilled nursing facility level services:

A. The initial comprehensive visit through which a plan of care is developed for the resident and every alternate required visit thereafter must be performed by a physician;

B. The alternate required visits may be performed by a physician assistant, nurse practitioner or clinical nurse specialist who is licensed or certified as such by the State and performing within the authorized scope of practice if delegated by a physician;

C. Medically necessary visits may be performed by a physician assistant, nurse practitioner or clinical nurse specialist who is licensed or certified as such by the

State and performing within the authorized scope of practice if delegated by a physician; and

D. Certifications and recertifications to verify that the resident requires daily skilled nursing care or rehabilitation services may be performed by a physician assistant, nurse practitioner or clinical nurse specialist who is licensed or certified as such by the State and performing within the authorized scope of practice and who is not employed by the facility and who is working in collaboration with a physician.

2. Performance of certain tasks for residents receiving nursing facility services.

For a nursing facility resident receiving nursing facility level services, a physician assistant, nurse practitioner or clinical nurse specialist who is licensed or certified as such by the State and performing within the authorized scope of practice and who is not employed by the facility and who is working in collaboration with a physician may perform any physician task, including but not limited to:

A. The resident's initial comprehensive visit;

B. Any other required visit; and

C. Any medically necessary visit.

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