



STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0158

JANET T. MILLS
GOVERNOR

KIM ESQUIBEL, PHD, M.S.N., R.N.
EXECUTIVE DIRECTOR

March 4, 2025

Senator Donna Bailey, Chair
Representative Kristi Mathieson, Chair
Committee on Health Coverage, Insurance and Financial Services
100 State House Station
Augusta, ME 04333

RE: LD 742 An Act to Permit Telehealth Services Across State Lines Following Referral from a Primary Care Provider Based in the State

Dear Senator Bailey, Representative Mathieson, and Members of the Committee:

As written, this bill would allow health care providers, including nurses in another state, to provide telehealth services to patients in Maine as long as the patients are referred for those services by a primary care provider licensed in Maine and the primary care provider has obtained and documented patients' written informed consent to receive telehealth services. The bill also requires the out-of-state provider to comply with the provisions of Maine state law and rules regarding telehealth services and, prior to the provision of telehealth services, must disclose to the patient the provider's qualifications, proof of licensure and contact information.

While the Board of Nursing (BON) appreciates the importance of telehealth and its benefits, the BON opposes the bill and has significant concerns for the following reasons:

1. Section 8. Subsection 2267(2) would allow nurses not licensed in Maine to provide telehealth services to a patient located in Maine. Furthermore, it would require the nurse not licensed in Maine to comply with the provisions of subsection 2267(2) regarding telehealth services and any rules adopted pursuant to this section in the same manner as a nurse licensed in Maine. While the language of Section 2267(2) would apply broadly to all nurses, including licensed practical nurses (LPNs), registered nurses (RNs), and advanced practice registered nurses (APRNs), APRNs would be the practitioners who receive referrals from primary care providers.

The BON does not have jurisdiction over nurses not licensed in Maine. Allowing nurses, including APRNs, who are licensed and working in another state to treat Maine patients by telehealth and without a Maine license would deprive the BON of any authority to investigate and discipline incompetent or unprofessional conduct by these unlicensed nurses. The bill would effectively eliminate the BON's authority and jurisdiction over these



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nurses and leave Maine patients who are harmed by them with no recourse. In addition, the nurse's home state lacks jurisdiction over care provided to Maine patients.

2. Forty-four percent of the BON's advanced practice registered nurse licenses are located outside of the State of Maine. That means a large number of the BON's licensees are already practicing telehealth – and do so in a variety of specialties including mental health, primary care, pediatrics, and gerontology. The BON, Board of Licensure in Medicine and the Board of Osteopathic Licensure have an existing joint telemedicine rule that provides standards for those licensees who practice telehealth.
3. Maine is a member of the Nurse Licensure Compact (NLC) (32 M.R.S., Chapter 31, Subchapter 2-A). Today, 43 states have joined the compact and additional states have introduced compact legislation. The NLC makes it unnecessary for a registered professional nurse (RN) and licensed practical nurse (LPN) to seek licensure in every jurisdiction and it provides safeguards in place to ensure that nurse licensees are providing safe, competent nursing care to the citizens of Maine. Registered Professional Nurses and Licensed Practical Nurses of the Board are already permitted to practice telehealth under the NLC.

Thank you for the opportunity to provide these comments on LD 742.

Sincerely,

A handwritten signature in black ink that reads "Kim Esquibel". The signature is written in a cursive, flowing style.

Kim Esquibel, PhD, MSN, RN
Executive Director