



**LEGAL SERVICES
FOR MAINE ELDERS**

February 8, 2024

Testimony of John Brautigam, Esq., Legal Services for the Elderly, in support of LD 2126 – An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses.

Good afternoon, Senator Bailey and Representative Perry and distinguished members of Committee On Health Coverage, Insurance and Financial Services.

My name is John Brautigam and I'm testifying today on behalf of Legal Services for Maine Elders.

First I would like to let you know that Legal Services for the Elderly has now changed our name. As of a few days ago, our new name is Legal Services for Maine Elders.

As you know, we are a nonprofit legal services organization with the mission of providing free legal assistance to Maine's older adults when their basic human needs are threatened.

As we anticipated celebrating our 50th year serving clients, we undertook a rigorous and intentional process to come up with a name that better reflects our mission and values. With this change, we want to encourage and challenge ourselves and others to be more intentional about the language we use when speaking about older adults. Our name change ensures that we are using terms of respect for older adults who are often marginalized both in their own lives and in our communities.

Let me turn to LD 2126. As the committee has already heard, this bill allows for the parameters around delegation to be updated to align with those in all the other states. We support this. And we also acknowledge the need – simply put – to provide as much support as possible to those in the nursing profession who are frequently asked to do far more than ever before.

Although we support the bill, we suggest a few high-level comments about this change. In general, the bill would – at least in a subtle way – shift some of the authority over regulating nursing. It would place a higher importance on non-legislative decisions and judgments incorporated into regulations, professional standards, and model rules and legislation. The bill would somewhat relax the legislature's role in providing direction and creating standards.

I see this in three aspects of the bill. LD 2126 would:

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February 8, 2024
LD 2126

- remove references to the “coordination and oversight” function of nurses in the context of delegation
- remove language protecting nurses who decline to provide coordination and oversight
- change major substantive rules to routine technical rules

The bill does not specify what tasks may be delegated or the level of training that the delegatee must have. And the bill does not specifically speak to the ongoing responsibility of the nurse after the delegation has occurred. I understand that these are likely to be addressed in the rules.

I want to repeat, we support the bill. Furthermore, we have confidence in the Department, the Board of Nursing, Maine nurses, and their representative organizations. We simply want to point out that this bill will enlarge their role with respect to that of the Legislature. And of course, the Legislature may again weigh in at any time if there is reason to provide more legislative oversight.

That is the only perspective we wanted to add today. We support LD 2126. And more important, we appreciate the changes occurring in the profession and we thank all Maine nurses and others who are involved in the care of Maine’s elders.

Thank you for your consideration.