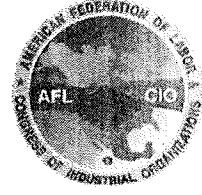




MAINE AFL-CIO

A Union of Unions Fighting for Maine Workers

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Testimony of Maine AFL-CIO Legislative & Political Director, Adam Goode, in Opposition to LD 2126, “An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses”

Senator Bailey, Representative Perry and members of the Health Coverage, Insurance and Financial Services Committee, my name is Adam Goode. I’m the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people.

As a state federation representing affiliate unions, we are on the lookout for efforts that undermine the role of working people. We are here today in opposition to LD 2126 to support the more than 4,000 registered nurses and health care professionals who are members of the Maine State Nurses Association (MSNA). The bill before you would result in RNs delegating patient care to unlicensed personnel whether or not the RN deems it safe.

Nurses that are a part of MSNA believe that the changes in this bill are not consistent with the standards of safe patient care and could undermine the role of RNs and their role of protecting life and health of patients. The labor movement believes in the dignity of work, and to that end we respect the work of all healthcare workers who help nurses deliver safe care. Unlicensed assistive personnel are there to assist and support RNs and should not be caring for patients without the close oversight of an RN.

Changing the practice as outlined in this bill would be dangerous and we would advise taking every precaution to safeguard against the proposed approach. The legislation would result in employers pushing unlicensed workers to perform work that should be done by nurses or other licensed caregivers. This puts patients at risk as there are reasons why registered professional nurses all receive years of nursing education, pass a standardized and demanding exam and keep their license updated. We respect the work that unlicensed assistive personnel do, but the fact remains that the experience and capabilities of these staff vary greatly.

In addition to safety issues, we would highlight testimony from MSNA pointing out that the Maine State Board of Nursing (BON) has already created rules for RNs to coordinate and oversee unlicensed assistive personnel.¹ That existing rule is consistent with national standards of care, allowing RNs to determine tasks that can be performed by unlicensed assistive personnel, provide direction, and monitor the performance of the task.

¹02-380 Maine State Board of Nursing Chapter 6 Regulations Relating to Coordination and Oversight Of Patient Care Services by Unlicensed Health Care Assistive Personnel
<https://www.maine.gov/boardofnursing/docs/Chapter%206.pdf>

Registered Nurses have a legally-mandated qualification to provide health care. We are opposed to efforts that would open the door to forcing RNs to delegate care to unlicensed personnel beyond what is safe for patients.

LD 2126 appears designed to transfer patient care out of the hands of RNs—who receive years of education, pass a licensure exam, and must maintain licensure with the BON—to unlicensed personnel. RNs should be free to exercise their professional judgment as to whether or not to give tasks to unlicensed employees, and we are particularly concerned that under this law RNs would be legally responsible for the care provided by the employees they delegate to.

We strongly urge you to reject LD 2126.