

§3270-A. Assistants; delegating authority**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE UNTIL 1/1/27)**

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 associates acting pursuant to this chapter and chapter 36. [PL 2023, c. 132, §4 (AMD); PL 2025, c. 316, §3 (REV).]

When the delegated activities are part of the practice of optometry as defined in chapter 151, then the individual to whom these activities are delegated must possess a valid license to practice optometry in Maine, or otherwise may perform only as a technician within the established office of a physician, and otherwise acting solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board, and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision. [PL 2023, c. 580, §6 (AMD).]

SECTION HISTORY

PL 1973, c. 514, §2 (NEW). PL 1975, c. 404, §2 (AMD). PL 1977, c. 78, §181 (AMD). PL 1993, c. 600, §A205 (AMD). PL 1999, c. 159, §1 (AMD). PL 2013, c. 33, §2 (AMD). PL 2019, c. 627, Pt. B, §15 (AMD). PL 2023, c. 132, §4 (AMD). PL 2023, c. 580, §6 (AMD). PL 2025, c. 316, §3 (REV).

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