

## **LD 295, An Act To Repeal Restrictions That Prohibit Certain Advanced Practice Registered Nurses from Providing Essential Health Care Services**

### **SUMMARY:**

This bill eliminates a provision in law requiring that a certified nurse practitioner who qualifies as an advanced practice registered nurse must practice, for at least 24 months, under the supervision of a physician or supervising nurse practitioner or be employed by a clinic or hospital that has a medical director who is a licensed physician. The bill also removes a requirement that a certified nurse practitioner must complete 24 months of supervised practice to be a supervising nurse practitioner. This provision has been suspended by [Executive Order](#) of the Governor during the declared state of civil emergency.

### **CURRENT LAW ([32 MRSA §2102, sub-§2-A](#)):**

2-A. Advanced practice registered nursing. "Advanced practice registered nursing" means the delivery of expanded professional health care by an advanced practice registered nurse that is:

A. [PL 2003, c. 204, Pt. H, §1 (RP).]

B. Within the advanced practice registered nurse's scope of practice as specified by the board by rulemaking, taking into consideration any national standards that exist; and

C. In accordance with the standards of practice for advanced practice registered nurses as specified by the board by rulemaking, taking into consideration any national standards that may exist. Advanced practice registered nursing includes consultation with or referral to medical and other health care providers when required by client health care needs.

A certified nurse practitioner or a certified nurse midwife who qualifies as an advanced practice registered nurse may prescribe and dispense drugs or devices, or both, in accordance with rules adopted by the board.

A certified nurse practitioner who qualifies as an advanced practice registered nurse must practice, for at least 24 months, under the supervision of a licensed physician or a supervising nurse practitioner or must be employed by a clinic or hospital that has a medical director who is a licensed physician. The certified nurse practitioner shall submit written evidence to the board upon completion of the required clinical experience.

The board shall adopt rules necessary to effectuate the purposes of this chapter relating to advanced practice registered nursing.

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### ISSUES FOR CONSIDERATION:

1. Consider education and licensing requirements for certified nurse practitioners in comparison to other licensed health providers able to practice independently?

	Certified Nurse Practitioner	Physician Assistant	Physician
Minimum education requirements and post-graduate training	Masters' level (2 to 2 ½ years)	Masters' level (2 to 2 ½ years)	4 years medical school + residency (3 year min)
National exam/certification	Yes	Yes	Yes
Licensing requirements before independent practice	24 months of supervision	Less than 4000 hours with collaborative agreement; More than 4000 hours independent practice with practice agreement <i>(changed by 129<sup>th</sup> Legislature)</i>	None

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### **ISSUES FOR CONSIDERATION (cont'd):**

2. At the request of the committee, staff contacted the Board of Nursing for their input about whether the removal of supervisory requirements raises any concerns related to patient safety and quality of care. The Executive Director commented as follows on the bill and current process:

- The Board did review LD 295 at its January 12, 2021 meeting. While the Board did not take a formal position on this bill it did not raise any concerns about any risks to patient safety or quality of care if the supervisory provisions are repealed. I can offer the following comments on Board discussion:
- As part of the application process for initial Nurse Practitioner (NP) licensure the applicant is required to submit a NP Supervisory- First Time Registration with a Primary Physician or NP. At the end of the 24 months the NP is required to submit written evidence to the board of completion of the 24 months of supervision. This consists of a letter from the supervising physician or NP simply stating that the NP has been supervised for 24 months.
- The registration for supervisory relationship is not additional training (i.e. internship/residency) for NPs; it is “supervision” and the supervisor is not required to be on-site. In addition, the only documents required during the process is 1) the initial registration and 2) a letter stating completion of 24 months of supervision.
- NPs practicing independently in other states for years that apply for licensure by endorsement to Maine must provide proof they have been supervised for two years or register for a supervising relationship in Maine. As a result, some NPs opt not to continue the endorsement process. In other instances, when a NP opts to register for a supervisory relationship, he/she has more years of experience than the supervising physician or NP.

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### **ISSUES FOR CONSIDERATION (cont'd):**

- Similar to other professional licensing boards, the Board does indeed rely on evidence-based research on a variety of topics (including scope and standards of practice). This information is reviewed by the Board when determining current best practices. In addition, the information is shared with those who make changes to and update the nurse practice act in order that they have current evidence-based research to make informed decisions.
3. At the request of the committee, staff also asked the Board of Nursing for information about complaints against certified nurse practitioners during the supervisory period.
- The Board reviewed 144 complaints filed against NPs in the last 5 years. Fourteen (14) of those complaints were filed against NPs during the supervisory period. Of those, 13 were dismissed for no violation of the nurse practice act and 1 resulted in discipline (< than 0.01%). Of the 130 complaints filed against NPs after the supervisory period, 112 were dismissed and 18 resulted in discipline (0.13%). There does not appear to be any evidence that new NPs in Maine (during the 24 month supervisory period) are more likely to have disciplinary issues, safety issues or quality of care issues than longer practicing NPs.

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## **ISSUES FOR CONSIDERATION (cont'd):**

4. Specific licensing requirements in other states vary as to practice authority for nurse practitioners, but based on information from the Board of Nursing, the National Conference of State Legislators and various interested parties, the following briefly summarizes state law requirements.

- 13 states authorize full practice with no supervisory requirements: Alaska, Arizona, Hawaii, Idaho, Iowa, Montana, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, Washington and Wyoming (also District of Columbia)
- 10 states, including Maine (24 months) require supervision to transition to independent practice: Colorado (750 hours); Connecticut (2000 hours and 3 years); Maryland (18 months); Massachusetts (2 years); Minnesota (2080 hours); Nebraska(2000 hours); Nevada (2000 hours or 2 years); South Dakota (1040 hours); Vermont (2400 hours and 2 years)
- 6 states (Delaware, New Mexico, New York, Utah, Virginia and West Virginia) also have certain hours required for independent practice or related to prescribing authority

## **FISCAL INFORMATION:**

Minor revenue decrease - Other Special Revenue Funds

Eliminating certain requirements for advanced practice registered nurses will reduce registration and other fees received by the State Board of Nursing, affiliated with the Department of Professional and Financial Regulation. The reduction in dedicated revenue is expected to be minor.