

§2102. Definitions

As used in this chapter, unless the context indicates otherwise, the following words have the following meanings. [PL 1993, c. 600, Pt. A, §109 (AMD).]

1. **Board.** "Board" means the State Board of Nursing.

2. **Professional nursing.** The practice of "professional nursing" means the performance by a registered professional nurse for compensation of professional services defined as follows:

A. Diagnosis and treatment of human responses to actual or potential physical and emotional health problems through such services as case finding, health teaching, health counseling and provision of care supportive to or restorative of life and well-being and execution of the medical regimen as prescribed by a legally authorized licensed professional acting within the scope of the licensed professional's authority to prescribe medications, substances or devices or otherwise legally authorized individual acting under the delegated authority of a legally authorized licensed professional acting within the scope of the licensed professional's authority to prescribe medications, substances or devices:

(1) "Diagnosis" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. This diagnostic privilege is distinct from medical diagnosis;

(2) "Human responses" means those signs, symptoms and processes that denote the individual's health needs or reaction to an actual or potential health problem; and

(3) "Treatment" means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen; [PL 2013, c. 540, §1 (AMD); PL 2013, c. 540, §2 (AFF).]

B. [PL 1995, c. 379, §3 (RP); PL 1995, c. 379, §11 (AFF).]

C. Delegation of selected nursing services to licensed practical nurses when the services use standardized protocols and procedures leading to predictable outcomes in the observation and care of the ill, injured and infirm; in the maintenance of health; in action to safeguard life and health; and in the administration of medications and treatments prescribed by an individual authorized by state law to prescribe. The board shall issue such rules concerning delegation as it considers necessary to ensure quality health care to the patient; [PL 1993, c. 600, Pt. A, §110 (AMD).]

D. Delegation of selected nursing services to assistants to nurses who have completed or are currently enrolled in a course sponsored by a state-approved facility or a facility licensed by the Department of Health and Human Services. This course must include a curriculum approved by the board. The board shall issue such rules concerning delegation as it considers necessary to ensure quality of health care to the patient; [PL 1995, c. 625, Pt. B, §11 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

E. Supervision and teaching of nursing personnel; [PL 1985, c. 724, §2 (RPR).]

F. Administration of medications and treatment as prescribed by a legally authorized individual. Nothing in this section may be construed as limiting the administration of medication by licensed or unlicensed personnel as provided in other laws; [PL 1995, c. 670, Pt. C, §4 (AMD); PL 1995, c. 670, Pt. D, §5 (AFF).]

G. Teaching activities of daily living to care providers designated by the patient and family; and [PL 1995, c. 670, Pt. C, §5 (AMD); PL 1995, c. 670, Pt. D, §5 (AFF).]

H. Delegation of specific nursing activities and tasks to be provided by unlicensed assistive personnel. This paragraph may not be construed to require a nurse to delegate, or permit a person

to coerce a nurse into delegating, specific nursing activities and tasks in any care setting against the nurse's professional judgment or to prohibit a nurse in the exercise of the nurse's professional judgment from refusing to delegate specific nursing activities and tasks in any care setting. The board shall adopt such rules concerning delegation as it considers necessary to ensure access to quality health care for the patient. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 592, §1 (RPR).]

[PL 2023, c. 592, §1 (AMD).]

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 [PL 1995, c. 379, §4 (NEW); PL 1995, c. 379, §11 (AFF).]

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. [PL 1995, c. 379, §4 (NEW); PL 1995, c. 379, §11 (AFF).]

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.

[PL 2007, c. 316, §1 (AMD).]

3. Practical nursing. The practice of "practical nursing" means performing tasks and responsibilities, by a licensed practical nurse, for compensation within a structured health care setting, reinforcing the patient and family teaching program through health teaching, health counseling and provision of supportive and restorative care, under the direction of a registered nurse or licensed or otherwise legally authorized physician, podiatrist or dentist.

[PL 1991, c. 731, §2 (AMD).]

4. License. A "license" is an authorization to practice nursing as a professional nurse, practical nurse or advanced practice registered nurse.

[PL 2007, c. 498, §1 (AMD); PL 2007, c. 498, §3 (AFF).]

5. Professional nurse. The terms "professional nurse," "registered nurse" or "registered professional nurse" mean an individual who is currently licensed under this chapter and who practices professional nursing as defined in subsection 2. "R.N." is the abbreviation for the title of "registered professional nurse."

[PL 1993, c. 600, Pt. A, §111 (AMD).]

5-A. Advanced practice registered nurse. "Advanced practice registered nurse" means an individual who is currently licensed under this chapter to practice advanced practice registered nursing as defined in subsection 2-A. "A.P.R.N." is the abbreviation for the title of "advanced practice

registered nurse." An advanced practice registered nurse may use the abbreviation "A.P.R.N." or the title or abbreviation designated by the national certifying body.

"Advanced practice registered nurse" includes a certified nurse practitioner, a certified nurse midwife, a certified clinical nurse specialist and a certified nurse anesthetist who are licensed under this chapter to practice advanced practice registered nursing.

[PL 2007, c. 498, §2 (AMD); PL 2007, c. 498, §3 (AFF).]

6. Licensed practical nurse. The term "licensed practical nurse" means an individual who is currently licensed under this chapter and who practices practical nursing as defined in subsection 3. "L.P.N." is the abbreviation for the title of "licensed practical nurse."

[PL 1993, c. 600, Pt. A, §111 (AMD).]

7. Approved nursing school. An "approved nursing school" or "approved nursing education program" means a school of nursing or a nursing department or division of a university or college or a school for the education of practical nurses approved by the board as provided in this chapter.

[PL 1985, c. 724, §4 (AMD).]

8. Certified nursing assistant. "Certified nursing assistant" means an individual whose duties are assigned by a registered professional nurse and who:

A. Has successfully completed a training program or course with a curriculum prescribed by the board, holds a certificate of training from that program or course and is listed on the Maine Registry of Certified Nursing Assistants and Direct Care Workers; or [PL 2011, c. 257, §19 (AMD).]

B. Was certified before September 29, 1987 and is listed on the Maine Registry of Certified Nursing Assistants and Direct Care Workers. [PL 2011, c. 257, §20 (AMD).]

[PL 2011, c. 257, §§19, 20 (AMD).]

9. Maine Registry of Certified Nursing Assistants and Direct Care Workers. "Maine Registry of Certified Nursing Assistants and Direct Care Workers" has the same meaning as in Title 22, section 1812-G.

[PL 2011, c. 257, §21 (AMD).]

10. Supervising nurse practitioner. "Supervising nurse practitioner" means a certified nurse practitioner who qualifies as an advanced practice registered nurse who has:

A. Completed 24 months of supervised practice in accordance with subsection 2-A; [PL 2007, c. 316, §2 (NEW).]

B. Practiced as an advanced practice registered nurse for a minimum of 5 years in the same speciality; [PL 2007, c. 316, §2 (NEW).]

C. Worked in a clinical health care field for a minimum of 10 years; and [PL 2007, c. 316, §2 (NEW).]

D. Been approved by the board. [PL 2007, c. 316, §2 (NEW).]

The board shall adopt rules necessary to effectuate the purposes of this chapter relating to supervising nurse practitioners. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 316, §2 (NEW).]

11. Unlicensed assistive personnel. "Unlicensed assistive personnel" means individuals trained to function in a supportive role, regardless of job title, to whom a specific nursing activity or task may be delegated. "Unlicensed assistive personnel" does not include certified nursing assistants or individuals employed in practical nursing or unpaid individuals performing tasks at the direction of a patient.

[PL 2023, c. 592, §2 (NEW).]

SECTION HISTORY

PL 1967, c. 263, §2 (AMD). PL 1973, c. 495, §§1,2 (AMD). PL 1973, c. 737, §1 (AMD). PL 1973, c. 788, §155 (AMD). PL 1977, c. 395, §§1, 2 (AMD). PL 1977, c. 497, §10 (AMD). PL 1977, c. 696, §244 (AMD). PL 1985, c. 724, §§2-4 (AMD). PL 1985, c. 748, §42 (AMD). PL 1985, c. 819, §§A27, 28 (AMD). PL 1987, c. 195, §3 (AMD). PL 1991, c. 421, §§2, 3 (AMD). PL 1991, c. 731, §§1, 2 (AMD). PL 1993, c. 600, §§A109-112 (AMD). PL 1995, c. 379, §§3-5 (AMD). PL 1995, c. 379, §11 (AFF). PL 1995, c. 625, §B11 (AMD). PL 1995, c. 670, §§C4-6 (AMD). PL 1995, c. 670, §D5 (AFF). RR 2001, c. 2, §A42 (COR). PL 2003, c. 204, §H1 (AMD). PL 2003, c. 510, §B10 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 316, §§1, 2 (AMD). PL 2007, c. 498, §§1, 2 (AMD). PL 2007, c. 498, §3 (AFF). PL 2011, c. 257, §§19-21 (AMD). PL 2013, c. 540, §1 (AMD). PL 2013, c. 540, §2 (AFF). PL 2023, c. 592, §§1, 2 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.