

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
S.P. 633 - L.D. 1858

**An Act Regarding Delegating Authority for Services Performed by
Emergency Medical Services Personnel in Health Care Facilities**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law authorizes licensed emergency medical services persons to provide medical services in hospital settings under delegated authority if certain criteria are met; and

Whereas, the authority of licensed emergency medical services persons who work in other health care facility settings to provide medical services in those settings under delegated authority is unclear; and

Whereas, the authority of licensed emergency medical services persons to work in health care settings, including approved pilot projects, must be clarified as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §85, sub-§7, as enacted by PL 2019, c. 609, §1, is amended to read:

7. Delegation. This chapter may not be construed to prohibit a person licensed as an emergency medical services person from rendering medical services in a hospital or other health care facility setting if those services are:

- A. Rendered in the person's capacity as an employee of the hospital or health care facility;
- B. Authorized by the hospital or health care facility; and
- C. Delegated in accordance with section 2594-A or 3270-A.

Sec. 2. Critical access integrated paramedic projects. Notwithstanding any provision of law to the contrary and as authorized in accordance with the Maine Revised Statutes, Title 32, chapter 2-B, an emergency medical services person is authorized to provide the services described in the application approved by the Emergency Medical Services' Board on October 6, 2021 for a pilot project to be implemented in the Town of Jackman, jointly sponsored by North East Mobile Health Services, St. Joseph Hospital, Penobscot Community Health Center and the Town of Jackman and known as "the Maine EMS Critical Access Integrated Paramedic (CAIP) Pilot Project," for as long as the project remains approved by the Emergency Medical Services' Board.

Sec. 3. Development of guidance for emergency medical services persons acting under delegated authority. The Board of Licensure in Medicine and the Board of Osteopathic Licensure, in consultation with the Emergency Medical Services' Board and interested stakeholders, shall develop guidance under which physicians and physician assistants may delegate activities pursuant to the Maine Revised Statutes, Title 32, sections 2594-A and 3270-A to an individual acting contemporaneously pursuant to a contractual arrangement as a medical assistant under delegated authority and as an emergency medical services person under a license issued in accordance with Title 32, section 82. The guidance for the contractual arrangements required to be developed by this section must address the legal relationship of the parties to such arrangements, the appropriate settings for the arrangements, the scope and extent of supervision under delegated authority for the arrangements and any education and training requirements for persons acting under delegated authority pursuant to the arrangements. The boards shall submit a report including the guidance and any recommendations for necessary statutory changes to the joint standing committee of the Legislature having jurisdiction over physician licensing matters no later than January 31, 2023. The committee may submit legislation related to the report to the First Regular Session of the 131st Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.