

STATE OF MAINE

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

—  
H.P. 1350 - L.D. 2126

**An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses**

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

**Sec. 1. 32 MRSA §2102, sub-§2, ¶H,** as enacted by PL 1995, c. 670, Pt. C, §6 and affected by Pt. D, §5, is repealed and the following enacted in its place:

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.

**Sec. 2. 32 MRSA §2102, sub-§11** is enacted to read:

**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.