



## American Nurses Association-Maine

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### RESOLUTION

**TITLE: PROPOSAL TO INCLUDE AMENDING THE HEALTH SECURITIES ACT IN THE NEXT SESSION OF THE MAINE STATE LEGISLATURE**

***WHEREAS,***

The purpose of the Health Security Act (Title 24, Chapter 21, Subchapter 1) was to establish due process for doctors and dentists who are subject to review by committees of their peers in a professional society; and to define the limits for professional competence reports of independent practitioners such as doctors, dentists and surgeons; and

***WHEREAS,***

Other professions licensed by the state of Maine including nurses are also subjected to mandatory reporting under paragraph 2506 of the Health Securities Act but without the concomitant due process specified for doctors and dentists elsewhere in that same law; and

***WHEREAS,***

The Health Security Act requires mandatory reporting by the employer to the Maine State Board of Nursing when an RN is disciplined or terminated from employment, and

***WHEREAS,***

Nurse discipline issues are already addressed in the Nurse Practice Act by the Maine State Board of Nursing, and

***WHEREAS,***

Nurses are more likely to practice in an organizational context such as a hospital or home health agency; and nurses are statistically less likely to be sued for malpractice than doctors or surgeons; and

***WHEREAS,***

The system by which competency is maintained in the nursing profession is different than that for the above named professions; and

***WHEREAS,***

The process by which this law is applied to nurses is poorly publicized, has insufficient means by which to safeguard due process, and is subject to abuse by employers; and

**WHEREAS,**

The consequences for nurses who are reported to the MSBRN for even a complaint which is later dismissed are intimidating and harmful to the nurses ability to advocate for their patients; therefore,

**BE IT RESOLVED THAT:** the AMERICAN NURSES ASSOCIATION-MAINE:

1. Finds that the Health Security Act (Title 24, Chapter 21, Subchapter 1, Paragraph 2506) is open to subjective interpretation and subject to misuse, and
2. Will ask our supporters in the legislature to amend the Health Securities Act by either deleting the references to RNs or by amending it to strengthen the due process afforded each nurse; and
3. Will advocate for fair and equitable working conditions for all RNs in all practice settings, in which non-punitive means of improving work performance are the norm; and
4. Will serve as a source of information to assist members of the nursing profession in Maine to navigate through the legal system and to advocate for themselves effectively.

**SPONSORED BY:**

*AUTHOR:* J. Niemczura (Ellsworth).

*ANA-MAINE LEGISLATIVE COMMITTEE:* E. Connolly (Scarborough), C. Harriman (Bangor), S. Henderson (South Portland), J. L'Heureux (Brunswick), J. Niemczura (Ellsworth), M. Ogonowski (Franklin), N. Byrne Vincent (South Portland).

**IMPLEMENTATION PLAN:**

The ANA-MAINE Membership shall empower the Board of Directors to release to each national and state nursing organization and to the general media a supportive statement announcing and affirming this resolution.

**FINANCIAL IMPACT:**

Cost of clerical support, postage and news releases.

ADOPTED: 10/5/02