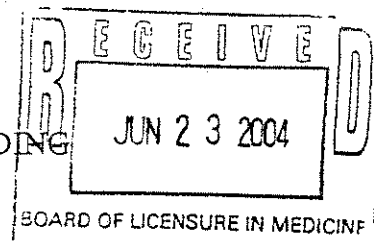


JOINT MEMORANDUM OF UNDERSTANDING

Board of Licensure in Medicine

Maine State Board of Nursing

June 10, 2004



Purpose: To assure health care providers that the Board of Licensure in Medicine (BOLIM) and the Maine State Board of Nursing (MSBON) have statutory authority over licensees with prescriptive privileges.

To identify the statutory authority that permits the Boards to recognize, to sanction, and to remove prescriptive authority.

The authority to write prescriptions is inherent in the authorization to practice as a Nurse Practitioner (NP) or Certified Nurse Midwife (CNM) in accordance with 32 M.R.S.A. § 2102 (2-A). Therefore, by virtue of the issuance of an Approval to Practice letter by the Maine State Board of Nursing to an individual Nurse Practitioner or Certified Nurse Midwife, that individual has prescriptive authority. DEA classification Schedule II pharmaceuticals may be prescribed as identified in the MSBON / BOLIM Memorandum of Agreement of December, 2001.

Both the Maine State Board of Nursing (under 32 M.R.S.A. §2105-A and 2153-A (8) and the Board of Licensure in Medicine (under 32 M.R.S.A. § 3269 (4) (8) and 3282-A) have the duties, power and authority to consider and impose discipline on licensees under the jurisdiction of each Board. This responsibility applies in all matters of practice related to respective licensees, including issues related to prescriptive authority. It is the intent and responsibility of each Board that issues of incompetence and unprofessional conduct, for the NP and CNM in supervised and independent practice or practicing under delegation of a physician, and for Physician Assistants (PAs) are identified and addressed with appropriate levels of discipline considered and imposed according to the facts of the situation and applicable statutory authority. Both Boards agree to take action when the facts demonstrate that a violation has occurred.

A registered professional nurse (who is NOT a nurse practitioner or a nurse midwife) and a licensed practical nurse may not prescribe under any circumstances; therefore, a physician may NOT delegate this function to these individuals.

Confirmed by Board action:

For the Board of Licensure in Medicine:

Edward David, M.D., J.D.

Chairman

For the Maine State Board of Nursing:

Therese B. Shipps, D.N.S., R.N.

Chair