

02                    DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
380                   STATE BOARD OF NURSING  
Chapter 9:        ADVISORY RULINGS

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**SUMMARY:** This chapter deals with the scope and authority of the Board of Nursing in issuing Advisory Rulings and states the procedures to be followed.

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**1.        Authority and Scope**

The Board of Nursing may issue advisory rulings pursuant to Title 5, Maine Revised Statutes, §9001, concerning the applicability of any statute or rule it administers to an existing factual situation. Advisory rulings will be issued at the Board's discretion and only upon request. Each request will be individually reviewed to determine whether an advisory ruling is appropriate. The Board may decline to issue an advisory ruling if the question is hypothetical, if there is insufficient experience upon which to base a ruling, or for any other reason the Board deems proper.

**2.        Submission**

Requests for advisory rulings shall be in writing and shall set forth in detail all facts pertinent to the question. The Board of Nursing may require additional information as necessary to complete a factual background for its ruling.

**3.        Consideration**

- A.        All requests for advisory rulings will be acknowledged by the Board within fifteen (15) days. The acknowledgment shall state whether a ruling will be given.

Alternatively, the acknowledgment may request additional information which is necessary to determine whether an advisory ruling is appropriate.

- B.        All advisory rulings shall be in writing and shall include a statement of the facts or assumptions or both upon which the rulings are based. The statement shall be sufficiently detailed to allow understanding of the basis of the opinion without reference to other documents. Advisory rulings shall be signed by the chief officer of the Board and shall be numbered in an appropriate serial manner.

**4. Disposition**

Each completed advisory ruling will be mailed to the requesting party and a copy will be kept by the Board in a file or binder established for this purpose. All completed advisory rulings are public documents and shall be available for public inspection during the Board's normal working hours. In addition, the Board may otherwise publish or circulate any advisory ruling as it deems appropriate.

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STATUTORY AUTHORITY:

32 M.R.S.A. section 2153

EFFECTIVE DATE:

June 23, 1978

REVISED AS TO FORM TO COMPLY WITH APA:

April 1979

EFFECTIVE DATE (ELECTRONIC CONVERSION):

September 24, 1996