

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1846

6
7 S.P. 723

In Senate, January 15, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

Referred to the Committee on Human Resources and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Require the Department of Human
18 Services to Calculate Nursing Staff
19 Ratios Taking into Account Both
20 Nursing Assistants and Certified
21 Nursing Assistants, Reimburse Nursing
22 Homes for Entry Level Personnel, to
23 Encourage Consistent Regulatory
24 Policies Governing such Personnel and
25 for Other Purposes.
26

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

29 22 MRSA §1812-C is enacted to read:

30 §1812-C. Nursing staff ratios and reimbursement of
31 nursing assistants and certified nursing
32 assistants in nursing homes

33 1. Nursing staff resident ratios. The depart-
34 ment shall calculate the nursing staff resident ratio
35 with respect to certified nursing assistants by tak-

1 ing into account both certified nursing assistants
2 and nursing assistants who:

3 A. Are employed in licensed nursing homes;

4 B. Are enrolled in an approved certified nursing
5 assistants' program which is consistent with the
6 provisions of the department's rules governing
7 the licensing and functioning of skilled nursing
8 facilities and intermediate care facilities; and

9 C. Have successfully completed the certified
10 nursing assistants' program within 6 months fol-
11 lowing the date of employment.

12 2. Reimbursement of nursing assistants. Nursing
13 homes shall be entitled to receive reimbursement un-
14 der the department's principles of reimbursement for
15 long-term care facilities for both certified nursing
16 assistants and nursing assistants who meet the crite-
17 ria set forth in subsection 1.

18 3. Training program expenses. Nursing homes
19 shall be entitled to receive reimbursement under the
20 department's principles of reimbursement for long-
21 term care facilities for all reasonable expenses as-
22 sociated with carrying out a certified nursing as-
23 stant educational program consistent with the cri-
24 teria of subsection 1.

25 4. Consistent policies. To the maximum extent
26 practicable, the department and the State Board of
27 Nursing shall adopt consistent rules with respect to
28 the employment and training of certified nursing as-
29 stants and other nursing personnel who are employed
30 by nursing homes.

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STATEMENT OF FACT

2 The intent of the bill is reflected in its title.
3 In July 1984, the Department of Human Services
4 promulgated amendments to its regulations governing
5 the licensing and functioning of skilled nursing fa-
6 cilities and intermediate care facilities which were
7 intended to clarify certain issues associated with
8 the employment of nursing assistants and certified
9 nursing assistants in nursing homes. In general,
10 these regulations were intended to authorize nursing
11 homes to employ individuals in certified nursing as-
12 sistants slots so long as these individuals success-
13 fully completed an approved certified nursing assist-
14 ants course within 6 months of the date of employ-
15 ment. Since that time, there has been some confusion
16 regarding the manner in which these individuals will
17 be counted toward the staffing patterns required in
18 the department's regulations. This bill clarifies
19 that these individuals shall be counted toward the
20 staffing patterns and that the department is required
21 to reimburse nursing homes for such personnel.

22 This bill also clarifies reimbursement for certi-
23 fied nursing assistants educational programs. Gener-
24 ally, these are administered by individual nursing
25 homes throughout the State subject to the approval of
26 the department and the State Board of Nursing. This
27 bill requires the department to reimburse homes for
28 the reasonable costs associated with these programs
29 and requires that the board and the department enact
30 consistent policies with respect to these programs
31 and related issues.

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