

# MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 723, L.D. 1846)  
2 (New Title)  
3 SECOND REGULAR SESSION  
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

7 Legislative Document

No. 2350

9 S.P. 937

In Senate, April 8, 1986

10 Reported by Senator Gill of Cumberland from the Committee on Human  
11 Resources and printed under Joint Rule 2. Original bill sponsored by Senator  
12 Bustin of Kennebec.

JOY J. O'BRIEN, Secretary of the Senate

13  
14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

19 AN ACT Concerning Nursing Staffs in Nursing  
20 Homes, Staff Ratios, Reimbursement,  
21 Policies and Delegation of Duties.  
22

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

25 Sec. 1. 22 MRSA §1812-C is enacted to read:

26 §1812-C. Nursing staff in nursing homes; reimburse-  
27 ment; delegation of duties; and policies

28 1. Reimbursement of nursing assistants. Nursing  
29 homes shall be entitled to receive reimbursement un-  
30 der the department's principles of reimbursement, in  
31 accordance with approved staffing patterns, for long-  
32 term care facilities for nursing assistants enrolled  
33 in training programs.

1           2. Training program expenses. Nursing homes  
2 shall be entitled to receive reimbursement under the  
3 department's principles of reimbursement for long-  
4 term care facilities, for all reasonable expenses as-  
5 sociated with carrying out a certified nursing as-  
6 istant educational program, consistent with the de-  
7 partment rules governing the licensing and function-  
8 ing of skilled nursing facilities and intermediate  
9 care facilities.

10           3. Delegation of nursing duties. A registered  
11 nurse in a skilled nursing facility or an intermedi-  
12 ate care facility may delegate the following func-  
13 tions to nursing assistants enrolled in training pro-  
14 grams:

15           A. Distributing clean linens;

16           B. Making unoccupied beds;

17           C. Distributing food trays, water and  
18 nourishments;

19           D. Escorting selected patients within the facil-  
20 ity;

21           E. Assisting patients with clothing;

22           F. Combing hair;

23           G. Assisting with feeding; and

24           H. Other similar functions that may be safely  
25 performed by a nursing assistant enrolled in a  
26 training program, provided that the nursing as-  
27 stant in training has satisfactorily demon-  
28 strated the ability to perform the delegated  
29 tasks.

30           These functions may be limited to selected residents.

31           4. Consistent policies. To the maximum extent  
32 practicable, the department and the State Board of  
33 Nursing shall adopt consistent rules with respect to  
34 the employment and training of nursing assistants and  
35 other nursing personnel who are employed by nursing  
36 homes.

1           Sec. 2. Report required. The Department of Human  
2 Services, in consultation with the Maine Health Care  
3 Association and Health Care Providers, Inc., shall  
4 report to the Joint Standing Committee on Human Re-  
5 sources no later than 2 months after the effective  
6 date of this Act concerning the availability of cer-  
7 tified nursing assistants for nursing homes in the  
8 State. This report shall include, but need not be  
9 limited to:

10           1. The number of certified nursing assistants  
11 currently employed in nursing homes;

12           2. The average number of additional nursing home  
13 assistants being certified each month in the State;

14           3. The aggregate number of certified nursing as-  
15 sistants necessary to meet the minimum staffing re-  
16 quirements of Maine nursing homes;

17           4. The additional number of certified nursing  
18 assistants required to maintain minimum staffing re-  
19 quirements in Maine nursing homes, taking into ac-  
20 count normal staff turnover and new entry into the  
21 market of nursing home assistants;

22           5. The number of nursing homes unable to meet  
23 the minimum staffing requirements due to lack of  
24 availability of certified nursing assistants; and

25           6. The reasons for the shortage, if any, of  
26 nursing home assistants necessary to adequately staff  
27 nursing homes in order to meet the minimum staffing  
28 requirements.

29 No later than 4 months after the effective date of  
30 this Act, the Department of Human Services, in con-  
31 sultation with the Maine Health Care Association and  
32 Health Care Providers, Inc., shall submit an addi-  
33 tional report to the joint standing committee of the  
34 Legislature having jurisdiction over human resources.  
35 This report shall include a recommendation concerning  
36 the recruitment, training and staffing requirements  
37 of certified nursing assistants for nursing homes and  
38 a plan to implement that recommendation, together  
39 with any necessary accompanying legislation. It is  
40 the intent of the Legislature that the standards of

1 care should not be lowered and the department's rec-  
2 ommendations should reflect that intent. This plan  
3 shall also discuss the effect it will have on the  
4 standard of care for nursing home residents and the  
5 consistency between department rules and the State  
6 Board of Nursing rules regarding nursing staff ra-  
7 tios with respect to certified nursing assistants and  
8 nursing assistants in training. This discussion in-  
9 cludes current rules and proposals to remove any in-  
10 consistencies that exist.

11 Both reports shall be submitted to the Maine Commit-  
12 tee on Aging at the same time they are submitted to  
13 the legislative committee. The Maine Committee on  
14 Aging shall submit any comments on these reports to  
15 the joint standing committee of the Legislature hav-  
16 ing jurisdiction over human resources within 3 months  
17 and 5 months, respectively, of the effective date of  
18 this Act.

19 STATEMENT OF FACT

20 This new draft, with new title, replaces the  
21 original bill. This new draft incorporates the provi-  
22 sion of the original bill which provided reimburse-  
23 ment to nursing homes for nurses in training, con-  
24 sistent with approved staffing patterns and reim-  
25 bursement for the training expenses of those nurses.  
26 It also retains the provisions requiring consistency  
27 for employment and training rules for nursing assist-  
28 ants employed in nursing homes.

29 The new draft requires the Department of Human  
30 Services to evaluate, in consultation with nursing  
31 home associations, the apparent lack of certified  
32 nursing assistants and recommend a resolution to any  
33 problems which it finds. The Maine Committee on Aging  
34 shall also receive these reports and submit its com-  
35 ments to the Joint Standing Committee on Human Re-  
36 sources.

1           The new draft specifies certain tasks that may be  
2   delegated to nursing assistants enrolled in training  
3   by a registered nurse.

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