

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 464

S.P. 160

In Senate, February 20, 1987

Reference to the Committee on Human Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator CLARK of Cumberland.

Cosponsored by Senator BRANNIGAN of Cumberland,
Representative CARROLL of Gray, Representative ALLEN of
Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Provide Qualified Nursing Assistant
2 Services.
3

4 Be it enacted by the People of the State of Maine as
5 follows:

6 Sec. 1. 22 MRSA §1812-C, sub-§4, as enacted by
7 PL 1985, c. 738, §1, is repealed.

8 Sec. 2. 22 MRSA §1812-C, sub-§§5 to 7 are en-
9 acted to read:

10 5. Rules; supervision and delegation; nursing
11 assistants. On or before December 31, 1987, the De-
12 partment of Human Services shall revise its rules or
13 promulgate rules concerning supervision and delega-
14 tion of tasks to certified nursing assistants and
15 nursing assistants in training employed by nursing

1 homes. The rules shall be consistent with the rules
2 of the State Board of Nursing.

3 6. Rules; maintenance of approved staffing pat-
4 tern. On or before December 31, 1987, the Department
5 of Human Services shall revise its rules or promul-
6 gate rules requiring any nursing home which has re-
7 ceived reimbursement for an approved staffing pattern
8 which exceeds the minimum staffing pattern outlined
9 in the rules to maintain that approved staffing pat-
10 tern as a condition of licensure.

11 7. Retention incentives. Nursing homes shall be
12 entitled to receive reimbursement under the depart-
13 ment's principles of reimbursement for costs related
14 to the hiring and retention of certified nursing as-
15 stants with 3 or more years of experience or who
16 have completed an advanced program or course.

17 Sec. 3. 32 MRSA §2102, sub-§8 is enacted to
18 read:

19 8. Certified Nursing Assistant. The term "cer-
20 tified nursing assistant" means a person who has com-
21 pleted a training program or course with a curriculum
22 approved by the State Board of Nursing.

23 Sec. 4. 32 MRSA §2104, sub-§4 is enacted to
24 read:

25 4. Approval of Nursing Assistant Training Cur-
26 riculum. An institution or facility desiring to con-
27 duct an assistant to nurses' education program, to
28 prepare individuals for certification, shall apply to
29 the board and submit evidence that:

30 A. It is prepared to carry out the prescribed
31 assistant to nurses curriculum; and

32 B. It is prepared to meet those standards for
33 on-site supervision and delegation of tasks as
34 shall be established by this chapter and by the
35 board.

36 The board shall issue a notice of approval of the
37 curriculum submitted. The board shall issue such
38 rules concerning training of assistants to nurses as

1 it deems necessary to ensure quality of health care
2 to the patient.

3 Sec. 5. 32 MRSA §2202-A is enacted to read:

4 §2202-A. Certificates; nursing assistants

5 The board shall issue certificates attesting to
6 the competency of individuals to act as assistants to
7 nurses. The certificate shall indicate the satisfac-
8 tory completion of a course with a curriculum ap-
9 proved by the board.

10 Certificates shall continue in effect unless re-
11 voked by the board.

12 The board shall maintain a register of the names
13 of all individuals certified to act as assistants to
14 nurses.

15 The board may revoke the certificate of an as-
16 stant and remove the name of the assistant from the
17 register of certified nursing assistants following a
18 hearing in accordance with section 2105-A, subsection
19 1-A.

20 Persons certified prior to the effective date of
21 this section shall be issued new certificates by the
22 board.

23 STATEMENT OF FACT

24 Certified nurses aids (CNA's) provided 90% of the
25 direct care to residents of nursing homes. In recent
26 months much attention has been focused on the diffi-
27 culties which nursing homes experience in hiring per-
28 sons willing to perform the work which is required of
29 CNA's. Much of the debate has centered on compensa-
30 tion which allows the industry to compete with fast
31 food chains and local supermarkets for a larger share
32 of the labor pool. However, the problem of CNA
33 availability is not limited to pay issues. Persons
34 who work as CNA's point to problems related to work-
35 ing conditions and public perception of this work as
36 equally important factors.

1 The bill seeks to supplement the debate regarding
2 compensation with several equally important issues of
3 the public policy. If passed the proposed legisla-
4 tion would:

5 1. Clearly establish the State Board of Nursing
6 as a single source of certification upon completion
7 of a standardized curriculum of nurse assistant
8 training. Currently, certificates are issued from a
9 variety of training courses offered through adult ed-
10 ucation and vocational-technical institute programs
11 as well as in-house programs offered by nursing
12 homes. These courses vary significantly in hours of
13 training, from 100 to 200 hours, and in the content
14 of the curriculum offered;

15 2. Establish a register of certified nurse as-
16 sistants and provide a system for revocation of the
17 certificate for cause;

18 3. Require the Department of Human Services to
19 develop a reimbursement system to provide an incen-
20 tive payment to facilities for recruiting and retain-
21 ing the CNA's with work experience and advanced
22 training;

23 4. Require the Department of Human Services to
24 promulgate rules regarding nurse supervision and del-
25 egation of tasks to CNA's in nursing homes which are
26 consistent with the regulations of the State Board of
27 Nursing; and

28 5. Require that nursing homes which receive ad-
29 ditional reimbursement to support a staffing pattern
30 which is higher than the minimum required must meet
31 that higher staffing pattern as a condition of li-
32 censing.

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