MAINE STATE LEGISLATURE

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(New Draft of S.P. 160, L.D. 464) FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1604

S.P. 533

In Senate, May 15, 1987

Reported by Senator Gauvreau of Androscoggin for the Committee on Human Resources and printed under Joint Rule 2. Original Bill sponsored by Senator Clark of Cumberland. Cosponsored by: Senator Brannigan of Cumberland, Representative Carroll of Gray, Representative Allen of Washington.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

1 2 3	AN ACT to Provide Qualified Nursing Assistant Services.
4 5	Be it enacted by the People of the State of Maine as follows:
6 7	<pre>Sec. 1. 22 MRSA §1812-C, sub-§4, as enacted by PL 1985, c. 738, §1, is repealed.</pre>
8 9	Sec. 2. 22 MRSA §1812-C, sub-§§5 and 6 are enacted to read:
10	5. Rules; supervision of and delegation to nurs-
11 12 13	ing assistants. The Department of Human Services shall revise its rules or adopt rules concerning supervision of and delegation of tasks to certified
13	pervision of and delegation of tasks to tertified

- nursing assistants and nursing assistants in training. The rules shall be developed and adopted jointly by the department and the State Board of Nursing and shall be consistent with other relevant rules.
- 6. Rules; maintenance of approved staffing pat-5 6 tern. The department shall revise its rules or adopt rules to require documentation when any nursing home receives reimbursement for an approved staffing pattern which exceeds the minimum staffing level and 7 8 9 fails to meet that approved staffing level for one year. Failure to meet the minimum staffing requirements as set forth in the Regulations Governing the 10 11 12 13 Licensure of Long-Term Care Facilities shall be cause 14 for licensure sanctions permitted under law and 15 rules.
- 18
 8. Certified nursing assistant. "Certified nurs19 ing assistant" means a person who has successfully
 20 completed a training program or course with a curric21 ulum prescribed by the State Board of Nursing or a
 22 person who was certified prior to the effective date
 23 of this subsection.

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- Sec. 4. 32 MRSA §2104, sub-§4 is enacted to read:
- 4. Approval of nursing assistant training curriculum and faculty. An educational institution or health care facility desiring to conduct an educational program for assistants to nurses to prepare individuals for certification shall apply to the Department of Educational and Cultural Services and submit evidence that it is prepared to:
- A. Carry out the curriculum for the assistants
 to nurses as prescribed by the State Board of
 Nursing;
 - B. Meet those standards for on-site supervision and delegation of tasks as established by the State Board of Nursing; and

1	C. Meet those standards for educational program-
2	ming and faculty as established by the Department
3	of Educational and Cultural Services. The Depart-
4	ment of Educational and Cultural Services shall
5	issue a notice of approval of the program submit-
6	ted and the proposed faculty.

The Department of Educational and Cultural Services shall approve a facility-offered program if the ex-8 isting educational delivery system cannot respond in 10 10 working days.

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

§2202-A. Certificates; nursing assistants

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The Department of Educational and Cultural vices shall issue certificates attesting to the competency of individuals to act as assistants The certificate shall indicate the satisfactory completion of a course with a curriculum prescribed by the State Board of Nursing.

Department of Educational and Cultural Services shall maintain a register of names of all individuals certified to act as assistants to nurses.

32 MRSA §2151, as amended by PL 1985, c. Sec. 6. 819, Pt. A, §§29 and 30, is further amended to read:

A State Board of Nursing, as established by Title

§2151. Appointment; term; removal

5, section 12004, subsection 1, shall consist members who shall be appointed by the Governor. the board shall be professional nurses. members of Two members shall be licensed practical nurses. of the nurse members of the board must be a nurse who currently practicing long-term care nursing. Two members shall be representatives of the public. cept to fill vacancies in unexpired terms, all appointments shall be for a term of 5 years after such appointment or until their successors have been duly appointed and qualified. No person may be for more than one reappointment. Any vacancy on the board shall be filled for the unexpired term by appointment of another member by the Governor.

- members of the board may be removed from office for cause by the Governor.
- 3 Sec. 7. Adoption of rules. The Department of Hu-4 man Services shall revise or adopt the rules required 5 by this Act by December 31, 1987.

STATEMENT OF FACT

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7 Certified nurses aides provide 90% of the direct 8 care to residents of nursing homes. In recent months, 9 much attention has been focused on the difficulties which nursing homes experience in hiring persons willing to perform the work which is required of cer-10 1.1 12 tified nurses aides. Much of the debate has centered 13 on compensation which allows the industry to compete 14 with fast food chains and local supermarkets for a larger share of the labor pool. The problem of the 15 16 availability of certified nurses aides is not limited 17 to pay issues. Persons who work as certified aides point to problems related to working conditions 18 19 and public perception of this work as equally impor-20 tant factors.

This new draft seeks to supplement the debate regarding compensation with several equally important issues of public policy. This new draft:

- 1. Clearly establishes the State Board of Nursing as a single source of certification upon completion of a standardized curriculum of nurse assistant training. Currently, certificates are issued from a variety of training courses offered through adult education and vocational-technical institute programs, as well as in-house programs offered by nursing homes. These courses vary significantly in hours of training, from 100 hours to 200 hours, and in the content of the curriculum offered;
- Establishes a register of certified nursing
 assistants and provides a system for revocation of
 the certificate for cause;

Τ	3. Requir	es the Depa	rtment of	Human Ser	vices to
2	promulgate rul	es regarding	nurse su	pervision .	and del-
. 3	egation of tas	ks to certif	ied nurse	s aides in	nursing
4	homes which ar	e consistent	with t	he rules	of the
5	State Board of	Nursing;			
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- 4. Requires that nursing homes which receive additional reimbursement support a staffing pattern which is higher than the minimum required, but nursing homes that fail to meet that higher staffing pattern for a period of one year shall be documented by the department; and
- 12 5. Requires that one nurse member of the State 13 Board of Nursing be currently practicing long-term 14 care nursing.

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