

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 nursing assistants and nursing assistants in train-
2 ing. The rules shall be developed and adopted jointly
3 by the department and the State Board of Nursing and
4 shall be consistent with other relevant rules.

5 6. Rules; maintenance of approved staffing pat-
6 tern. The department shall revise its rules or adopt
7 rules to require documentation when any nursing home
8 receives reimbursement for an approved staffing pat-
9 tern which exceeds the minimum staffing level and
10 fails to meet that approved staffing level for one
11 year. Failure to meet the minimum staffing require-
12 ments as set forth in the Regulations Governing the
13 Licensure of Long-Term Care Facilities shall be cause
14 for licensure sanctions permitted under law and
15 rules.

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

18 8. Certified nursing assistant. "Certified nurs-
19 ing assistant" means a person who has successfully
20 completed a training program or course with a curric-
21 ulum prescribed by the State Board of Nursing or a
22 person who was certified prior to the effective date
23 of this subsection.

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

26 4. Approval of nursing assistant training cur-
27 riculum and faculty. An educational institution or
28 health care facility desiring to conduct an educa-
29 tional program for assistants to nurses to prepare
30 individuals for certification shall apply to the De-
31 partment of Educational and Cultural Services and
32 submit evidence that it is prepared to:

33 A. Carry out the curriculum for the assistants
34 to nurses as prescribed by the State Board of
35 Nursing;

36 B. Meet those standards for on-site supervision
37 and delegation of tasks as established by the
38 State Board of Nursing; and

1 C. Meet those standards for educational program-
2 ing 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.

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

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

12 §2202-A. Certificates; nursing assistants

13 The Department of Educational and Cultural Ser-
14 vices shall issue certificates attesting to the com-
15 petency of individuals to act as assistants to
16 nurses. The certificate shall indicate the satisfac-
17 tory completion of a course with a curriculum pre-
18 scribed by the State Board of Nursing.

19 The Department of Educational and Cultural Ser-
20 vices shall maintain a register of names of all indi-
21 viduals certified to act as assistants to nurses.

22 Sec. 6. 32 MRSA §2151, as amended by PL 1985, c.
23 819, Pt. A, §§29 and 30, is further amended to read:

24 §2151. Appointment; term; removal

25 A State Board of Nursing, as established by Title
26 5, section 12004, subsection 1, shall consist of 9
27 members who shall be appointed by the Governor. Five
28 members of the board shall be professional nurses.
29 Two members shall be licensed practical nurses. One
30 of the nurse members of the board must be a nurse who
31 is currently practicing long-term care nursing. Two
32 members shall be representatives of the public. Ex-
33 cept to fill vacancies in unexpired terms, all ap-
34 pointments shall be for a term of 5 years after such
35 appointment or until their successors have been duly
36 appointed and qualified. No person may be eligible
37 for more than one reappointment. Any vacancy on the
38 board shall be filled for the unexpired term by the
39 appointment of another member by the Governor. Any

1 3. Requires the Department of Human Services to
2 promulgate rules regarding nurse supervision and del-
3 egation of tasks to certified nurses aides in nursing
4 homes which are consistent with the rules of the
5 State Board of Nursing;

6 4. Requires that nursing homes which receive ad-
7 ditional reimbursement support a staffing pattern
8 which is higher than the minimum required, but nurs-
9 ing homes that fail to meet that higher staffing pat-
10 tern for a period of one year shall be documented by
11 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.

15

2742050787