

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 956, L.D. 1324, Bill, "An Act Relating to the Status of Nursing Professions in Maine"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 5 MRSA §12004-I, sub-§7-A is enacted to read:

7-A. Education Maine Choice Expenses Only 20-A MRSA
Advisory Board for Nonstate §12658
Employees

Sec. 2. 20-A MRSA c. 430-A is enacted to read:

CHAPTER 430-A

MAINE CHOICE PROGRAM

§12651. Maine Choice Program

1. Establishment. There is established the Maine Choice Program to recognize secondary school graduates who show strong academic ability and to provide financial assistance for post-secondary education of secondary school students. The program shall recognize secondary school students and post-secondary students enrolled in programs in health care subject areas who demonstrate academic ability to complete the program, and shall disburse interest-free loans as described in section 12653. The commissioner shall administer the program.

2. Allocation of funds. At least 50% of the funds loaned under this program shall be made available to students enrolled in nursing programs. The remainder of the funds loaned shall be made available to students in allied health occupation programs, including nurse practitioner and physician's assistant programs.

1
3 §12652. Maine Choice Scholars

5 Each year graduating secondary school students and
7 individuals enrolled in post-secondary education programs who
9 show evidence of academic achievement may be nominated or may
11 apply for recognition as Maine Choice Scholars. Nominations and
13 applications shall be submitted to the commissioner at a time and
15 in a format to be determined by rule of the commissioner. The
17 Maine Choice Advisory Board shall determine the finalists.

19 The Governor shall announce the names of those individuals
21 who are recognized as Maine Choice Scholars.

23 §12653. Allocation of funds

25 1. Loans. Pursuant to rules adopted under section 12659,
27 the commissioner may grant to students recognized under section
29 12652 interest-free loans for post-secondary education of up to
31 \$2,500 per academic year. The loans shall be made from the fund
33 established in section 12657. The loans may not exceed a total
35 of \$12,500 per student for post-secondary education. Loans shall
37 be for one academic year and shall be automatically renewed if
39 the recipient maintains a grade point average of 2.5 based on a
41 4.0 grade point system or a passing grade in courses based on a
43 pass-fail grading system. Students whose instruction does not
45 fall within a strict semester structure shall be eligible for a
47 maximum of \$12,500 in loans for their post-secondary education
49 based on loan disbursement guidelines promulgated by the
51 commissioner.

31 §12654. Eligibility requirements

33 1. Eligibility for post-secondary education loans.
35 Post-secondary education loans shall be given only to secondary
37 school graduates who are residents of Maine, who have been
39 recognized as Maine Choice Scholars and who have met other
41 eligibility criteria established by rule of the commissioner.
43 Preference shall be given to students enrolled in a health care
45 program which has been determined to be in an underserved health
47 care region or subject area. For the purpose of this chapter,
49 "underserved health care region or subject area" means a
51 geographic area underserved by health care professionals, an
underserved health care specialty subject area, a population
group underserved by health care professionals or any combination
of these in the State.

Underserved health care subject areas shall include any
undergraduate work that may be required to complete an advanced
degree in an underserved health care specialty subject area.

1 2. Determination of underserved health care regions or
2 subject areas. The Maine Choice Advisory Board shall make a
3 determination of underserved health care regions and subject
4 areas by considering the following:

5 A. Statistics on current employment patterns detailing the
6 level of qualified applicants for health care positions
7 available in underserved regions or subject areas;

8 B. Numbers of students currently enrolled in programs
9 leading to health care professions; and

10 C. Projected need for health care professionals within the
11 State within the next 5 to 10 years and other criteria
12 deemed necessary by the board.

13 3. Change of status. If a loan recipient is enrolled in a
14 program which was determined to be in an underserved health care
15 region or subject area and the program is later determined under
16 subsection 2 not to be underserved, the eligibility of that
17 recipient for loans pursuant to this chapter shall not be
18 affected, except when a recipient discontinues enrollment in the
19 program prior to completing the program and reenrolls at a time
20 when the health care region or subject area is no longer
21 underserved.

22 §12655. Payment provisions

23 Payment of loans granted under section 12653 shall be made
24 each semester to the institution in which the loan recipient is
25 enrolled for credit to the recipient's account. Payment shall be
26 made within 60 days following receipt of evidence by the
27 commissioner that the loan recipient has become enrolled at the
28 post-secondary educational institution.

29 If a loan recipient withdraws from an institution and is
30 entitled to a refund of tuition, fees or other charges, the
31 institution shall pay to the State from that refund a sum equal
32 to the portion of the loan paid to the student for the portion of
33 the academic year that the student did not complete. That refund
34 shall be credited to the fund established in section 12657.

35 §12656. Repayment provisions

36 1. Forgiveness of loan. Each recipient of a loan granted
37 under section 12653 shall be relieved of the obligation to repay
38 1/4 of the loan for each completed year of employment in the
39 State in the health care profession in which the recipient is
40 educated. This employment must be completed within 5 years of
41 the recipient's graduation from the post-secondary educational
42 institution. Failure to fulfill the requirements of this

1 subsection shall obligate the recipient to repay the unforgiven
2 portion of the loan to the State under the terms of this section.

3
4 2. Time for repayment. The recipient of a loan granted
5 under section 12653 shall repay the loan to the State upon the
6 recipient's graduation or withdrawal from a post-secondary
7 educational institution according to a schedule established by
8 the commissioner. The total annual repayment shall be determined
9 by dividing the loan amount by the number of years the recipient
10 attended the post-secondary educational institution and requiring
11 the recipient to repay 1/4 of that amount each year until the
12 loan is repaid. Due dates for repayments shall be set by the
13 commissioner.

14 3. Deferment. A recipient of a loan granted under section
15 12653 may seek a deferment of the annual principal payments for a
16 period not to exceed 2 years. A request for deferment shall be
17 made to the commissioner who shall determine if the deferment
18 request is reasonable and shall grant the request upon making
19 that determination. The decision of the commissioner shall be
20 final.

21
22 4. Change of program. If a recipient who was enrolled in a
23 program in an underserved health care region or subject area
24 changes that course of study to a program not in an underserved
25 health care region or subject area, the recipient shall repay the
26 State for the total amount of loans received by that recipient in
27 the manner provided in subsections 2 and 3.

28 **§12657. Nonlapsing revolving fund**

29
30 A nonlapsing, interest-earning revolving fund, known as the
31 Maine Choice Fund, is created to implement this chapter. Any
32 unexpended balance in the fund shall be carried over for
33 continued use under this chapter. Loan repayments under section
34 12656 shall be invested by the Treasurer of State, as provided by
35 law, with the earned income to be added to the fund. The
36 revolving fund may receive, invest and expend money from gifts,
37 grants, bequests and donations, in addition to money appropriated
38 by the State.

39
40 **§12658. Maine Choice Advisory Board**

41
42 1. Establishment. There is established as authorized in
43 Title 5, section 12004-I, the Maine Choice Advisory Board for the
44 purposes of this chapter.

45
46 2. Membership. The advisory board shall consist of 10
47 members, including: the Commissioner of Educational and Cultural
48 Services or the commissioner's designee, the Commissioner of
49 Human Services or the commissioner's designee, the Commissioner
50 of Labor or the commissioner's designee, the Director of the
51 Department of Health and Human Resources or the commissioner's

1 State Planning Office or the director's designee, a member of the
2 Maine Health Policy Advisory Council appointed by its chair, 2
3 representatives of the nursing profession appointed by the
4 Governor, 2 representatives of other allied health professions
5 appointed by the Governor and one consumer appointed by the
6 Governor.

7
8 3. Terms of membership. The terms of office of members
9 appointed by the Governor shall be 3 years. Upon expiration of a
10 member's term, the member shall serve until reappointed or until
11 a successor is appointed. A vacancy shall be filled for the
12 unexpired term in the same manner in which the initial
13 appointment is made.

14 4. Meetings. The advisory board shall meet as necessary
15 and may be convened at the call of the chair or any 3 members.

16 5. Quorum. Six members of the advisory board constitute a
17 quorum.

18 6. Compensation. Members of the advisory board shall serve
19 without compensation. Members who are not state employees shall
20 receive expenses in accordance with Title 5, chapter 379.

21 7. Powers and duties. The advisory board shall make the
22 determinations of underserved health care regions and subject
23 areas required in section 12654 and shall determine finalists for
24 Maine Choice Program loans as required in section 12652. The
25 advisory board may perform other functions which are necessary to
26 carry out those duties.

27 §12659. Rules

28 The commissioner shall adopt rules in accordance with the
29 Maine Administrative Procedure Act, Title 5, chapter 375, to
30 implement this chapter.

31 Sec. 3. 22 MRSA §256 is enacted to read:

32 §256. Health care occupations manual

33 The Department of Labor shall compile and annually update a
34 health care occupations manual to be completed by September 1,
35 1990. The manual shall provide the following information:

- 36 1. Listing. A listing of all health care occupations;
37
38 2. Description. A brief description of each occupation;
39
40 3. Education. Minimum education requirements;
41
42

1 forfeiture of \$100 may be adjudged. Each day constitutes a
2 separate violation.

3

4 **Sec. 6. 26 MRSA §2157, sub-§2, ¶D** is enacted to read:

5

6 D. Facilities which are at their financial cap and are
7 unable to participate in this plan on a voluntary basis may
8 apply for funds from the Department of Human Services.

9

10 **Sec. 7. 26 MRSA §2158**, as enacted by PL 1987, c. 777, §3, is
11 amended to read:

12 **§2158. Repeal**

13 This chapter is repealed 3 5 years after the effective date
14 of this section.

15

16 **Sec. 8. 32 MRSA §2104-A** is enacted to read:

17

18 **§2104-A. Nurse orientation in institutions**

19

20 A nurse who is employed in a hospital or nursing home and
21 involved in direct patient care shall, at the beginning of the
22 nurse's employment, participate in an individualized controlled
23 learning experience adjusted for competency based upon practice
24 standards and protocols. Each hospital or nursing home shall
25 develop a plan with the employee for compliance with this section
26 which shall contain a mutually agreed upon completion date. A
27 copy of the plan shall be made a part of the nurse's personnel
28 file. The staffing plan for the hospital or nursing home shall
29 reflect current trainee competence.

30

31 **Sec. 9. Nursing research and practice center.** The Department of
32 Human Services, in consultation with the Maine Health Policy
33 Advisory Council, shall issue a request for proposals for
34 research related to the nursing profession and to establish a
35 nursing research and practice center within the State.

36

37 The Maine Health Policy Advisory Council shall establish a
38 proposal review committee to assist the department with
39 representatives of providers of nursing education in various
40 educational settings, representatives of professional
41 organizations of nurses and other interested parties.

42

43 The request shall indicate that acceptable areas for
44 research include the following: effects that alternative models
45 of nursing have on nurse-to-patient ratios and staff mix; the
46 impact of advances in medical technology on nurse staffing, level
47 and mix; comparative studies of predominantly female professions
48 and health professions, including nursing, to further the
49 understanding of the factors influencing career decisions;
50 examination of the direct and indirect effects of various payment

51

1 strategies on the number, mix and compensation levels of nursing
 2 personnel in all health care settings; the effects of salary and
 3 benefit packages on nurse supplies and demand, as well as
 4 recruitment and retention; strategies for eliminating salary
 5 compression; other issues concerning recruitment and retention of
 6 health care professions, including, but not limited to, the image
 7 of nursing; the value of apprenticeship programs; and
 8 development of a methodology for determining the advantages and
 9 disadvantages of costing out nursing services.

11 **Sec. 10. Appropriation.** The following funds are appropriated
 12 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF		
Higher Education Services		
21	(1)	(1)
22	Personal Services \$22,516	\$32,584
23	All Other 5,000	7,000
24	<hr/>	<hr/>
25	TOTAL \$27,516	\$39,584
Maine Choice Program		
29	All Other	\$200,000
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES		
33	<hr/>	<hr/>
34	TOTAL \$27,516	\$239,584
LABOR, DEPARTMENT OF		
Administration - Labor		
39	Personal Services \$25,000	
40	All Other 10,000	
41		
42	Provides funds for compiling	
43	a state health care	
44	occupations manual.	
DEPARTMENT OF LABOR		
47	<hr/>	
48	TOTAL \$35,000	
HUMAN SERVICES, DEPARTMENT OF		
Health Occupations Training Loan Pay-Back Program		

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1			
3	All Other	\$100,000	\$100,000
5	Expansion of Health		
7	Occupations Training, or HOT,		
9	Loan Pay-Back Program. For		
11	use by facilities which have		
	reached their financial caps.		
	Office of Health Planning		
	and Development		
13	Positions	(.5)	(.5)
15	Personal Services	\$14,000	\$23,000
17	All Other	20,000	30,000
17	TOTAL	\$34,000	\$53,000
19	Provides funds for a		
21	part-time Health Planner II		
23	position and for activities		
25	related to the issuance of a		
27	request for proposals for a		
	nursing-related research and		
	a nursing and research		
	practice center.		
	DEPARTMENT OF HUMAN SERVICES		
29	TOTAL	<u>\$134,000</u>	<u>\$153,000</u>
31	MAINE HEALTH POLICY ADVISORY		
33	COUNCIL		
	Health Policy Advisory Council		
35	All Other	\$70,294	\$81,095
37	Capital Expenditures	2,000	
39	Provides funds to contract		
41	for services, general office		
43	expenses, travel, phone,		
45	computer and data supplies		
47	and services, printing and		
49	postage to monitor the		
51	recommendations of the		
	Commission to Study the		
	Status of Nursing Professions		
	in Maine and for activities		
	related to advising the		
	Department of Human Services		
	regarding the nursing		
	research and the		

1 establishment of a nursing
2 research and practice center.

3 MAINE HEALTH POLICY ADVISORY
4 COUNCIL

5 TOTAL \$72,294 \$81,095

6
7
8
9 TOTAL APPROPRIATIONS \$268,810 \$473,679

10 Sec. 11. Allocation. The following funds are allocated from
11 Other Special Revenue funds to carry out the purposes of this Act.

12
13
14 1989-90 1990-91

15 EDUCATIONAL AND CULTURAL
16 SERVICES, DEPARTMENT OF

17
18 Maine Choice Program

19
20 All Other \$150,000

21
22 Authorizes expenditure of all
23 but \$50,000 for the second
24 year of the biennium, of the
25 General Fund appropriations
26 for the Maine Choice Fund,
27 with the intent of making the
28 fund self-sufficient through
29 its interest-earning
30 capacity.'

31
32
33 STATEMENT OF FACT

34
35 This amendment makes changes to the Maine Choice Program to
36 provide that loans may be made to Maine residents who are not
37 graduates of a Maine secondary school. It provides that at least
38 50% of the loans be made to students enrolled in nursing programs
39 and establishes an advisory board to determine eligibility for
40 loans as well as to determine regions and subject areas which are
41 underserved. It also provides that employment in an underserved
42 region or subject area relieves the student of 1/4 of the loan.

43
44 The amendment requires temporary nurse agencies to register
45 with the state and provides a \$100 fine for failing to register.
46 It also provides a \$100 fine for home health agencies which fail
47 to obtain a license as required by law.

48
49 The amendment makes changes to the Health Occupations
50 Training Program to provide funds to enable facilities which have
51

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1 reached their financial cap to participate in the program. It
also extends the program for an additional 3 years.

3

5 The amendment deletes the provisions of the original bill to
establish nursing ladder scholarships.

7

9 The amendment requires hospitals and nursing homes to
establish individualized orientation programs for new nurses and
to adjust staffing plans accordingly.

11

13 The amendment requires the Department of Human Services, in
consultation with the Maine Health Policy Advisory Council, to
issue requests for proposals for nursing research and a nursing
research and practice center. It also maintains funding for the
15 Maine Health Policy Advisory Council to monitor the
recommendations of the Commission to Study the Status of Nursing
17 Professions in Maine.

Reported by the Committee on Human Resources
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House
6/9/89 (Filing No. H-453)