MAINE STATE LEGISLATURE

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4	(Filing No. H-446)
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8	STATE OF MAINE HOUSE OF REPRESENTATIVES
10	115TH LEGISLATURE FIRST REGULAR SESSION
12	COMMITTEE AMENDMENT " $\hat{\mathcal{H}}$ " to H.P. 805, L.D. 1159, Bill, "A
14	Act to Clarify and Expand Reciprocity in the Certification o Nursing Assistants and Require the State Board of Nursing t
16	Issue Certificates for Nursing Assistants"
18	Amend the bill by striking out all of the title an substituting the following:
20	'An Act Concerning Nursing Assistants'
22	Further amend the bill by striking out everything after th
24	enacting clause and before the statement of fact and inserting i its place the following:
26	'Sec. 1. 22 MRSA §1812-F is enacted to read:
28	§1812-F. Maine Registry of Certified Nursing Assistants
30	1. Established. The Maine Registry of Certified Nursing
32	Assistants is established in compliance with federal and state requirements. The Department of Human Services shall maintain
34	the registry.
36	<u>2. Contents.</u> The Maine Registry of Certified Nursing Assistants must contain a listing of nursing assistants who have
38	successfully completed a nursing assistant training program, hole a certificate of training and meet the eligibility requirements
40	established by the State Board of Nursing. The listing must include, for any nursing assistant listed, a notation of:
42	A. Any convictions of abuse, neglect or misappropriation of
44	property of a resident, client or patient; and

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- B. Any specific documented findings by the state survey agency of abuse, neglect or misappropriation of property of a resident, client or patient. For purposes of this section, "state survey agency" means the agency specified under 42 United States Code, Sections 1395aa and 1396 responsible for determining whether institutions and agencies meet requirements for participation in the State's Medicare and Medicaid programs.
- 3. Eligibility requirements for listing. The State Board of Nursing shall adopt rules pursuant to the Maine Administrative Procedure Act defining eligibility requirements for listing on the Maine Registry of Certified Nursing Assistants, including rules regarding temporary listing of nursing assistants who have received training in another jurisdiction. The board shall submit a report of the adopted rules to the joint standing committee of the Legislature having jurisdiction over business legislation matters by January 15, 1992.
 - Sec. 2. 32 MRSA §2102, sub-§8, as enacted by PL 1987, c. 195, §3, is repealed and the following enacted in its place:
- 8. Certified nursing assistant. "Certified nursing assistant" means a person whose duties are assigned by a registered professional nurse and who:
 - A. Has successfully completed a training program or course with a curriculum prescribed by the State Board of Nursing, holds a certificate of training from that program or course and is listed on the Maine Registry of Certified Nursing Assistants; or
- B. Was certified before September 29, 1987 and is listed on the Maine Registry of Certified Nursing Assistants.
- Sec. 3. 32 MRSA §2102, sub-§9 is enacted to read:
- 38 <u>9. Maine Registry of Certified Nursing Assistants.</u> "Maine Registry of Certified Nursing Assistants" has the same meaning as in Title 22, section 1812-F.
- Sec. 4. 32 MRSA §2104, sub-§4, as amended by PL 1989, c. 700, Pt. A, §145, is further amended to read:
- 4. Approval and monitoring of nursing assistant training

 46 curriculum and faculty. An educational institution or health

 care facility desiring to conduct an educational program for

 48 nursing assistants te--nurses to prepare individuals for

 eeftification a certificate of training and subsequent listing on

 50 the Maine Registry of Certified Nursing Assistants shall apply to

 the Department of Education and submit evidence that--it--is

 prepared-te:

2 4	A. Garry That it is prepared to carry out the curriculum for the nursing assistants to-nurses as prescribed by the State Board of Nursing;
7	State board of Mursing,
6	B. Meet That it is prepared to meet those standards for on-site-supervision-and-delegation-of-tasks-as established
8	by the State Board of Nursing; and
10	C. Meet <u>That it is prepared to meet</u> those standards for educational programming and faculty as established by the
12	Department of Education The Department of Education shall issue a notice of approval of the program submitted and the
14	proposed-faculty-; and
16	D. With respect to an application by a health care facility, that an educational institution can not provide a
18	nursing assistant training program within 30 days of the application date.
20	The Department of Education shall approveafacility offered
22	program if the existing educational delivery system eannot respond in -10 working days issue a notice of approval to any
24	educational institution or health care facility that meets the requirements of this subsection.
26	The Department of Education shall consult with the State Board of
28	Nursing in approving and monitoring of nursing assistant training programs.
30	Sec. 5. 32 MRSA §2202-A, as amended by PL 1989, c. 700, Pt.
32	A, §146, is repealed.
34	FISCAL NOTE
36	This bill requires the State Board of Nursing to promulgate rules defining eligibility requirements for listing on the Maine
38	Registry of Certified Nursing Assistants. The costs associated with rulemaking can be absorbed within existing resources of the
40	State Board of Nursing.'
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44	STATEMENT OF FACT
46	The original bill shifts the responsibility for certifying nursing assistants from the Department of Education to the State
48	Board of Nursing and establishes a program for temporary certification.
50	This amendment establishes the Maine Registry of Certified
52	Nursing Assistants in accordance with the requirements of the

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COMMITTEE AMENDMENT " A" to H.P. 805, L.D. 1159

- federal Omnibus Budget Reconciliation Act of 1987. By adoption of rules, the Board of Nursing is to determine eligibility for listing on the registry and to provide for the temporary listing of nursing assistants who have received training in another jurisdiction. This registry is to include an indication as to whether the person registered has been convicted of certain types of crimes or has been found by the Department of Human Services to be guilty of certain infractions.
- The amendment adds to the definition of "certified nursing assistant" a requirement that the person be listed in the registry.
- The amendment also clarifies that the Department of Education must approve all programs from educational institutions that meet the qualifications and may approve only those programs from health care facilities that are not provided by an educational institution. The amendment gives the State Board of Nursing a consultive role regarding courses proposed by the Department of Education.

Reported by the Committee on Business Legislation Reproduced and distributed under the direction of the Clerk of the House (5/28/91) (Filing No. H-446)