

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 805, L.D. 1159, Bill, "An Act to Clarify and Expand Reciprocity in the Certification of Nursing Assistants and Require the State Board of Nursing to Issue Certificates for Nursing Assistants"

Amend the bill by striking out all of the title and substituting the following:

'An Act Concerning Nursing Assistants'

Further 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. 22 MRSA §1812-F is enacted to read:

§1812-F. Maine Registry of Certified Nursing Assistants

1. Established. The Maine Registry of Certified Nursing Assistants is established in compliance with federal and state requirements. The Department of Human Services shall maintain the registry.

2. Contents. The Maine Registry of Certified Nursing Assistants must contain a listing of nursing assistants who have successfully completed a nursing assistant training program, hold a certificate of training and meet the eligibility requirements established by the State Board of Nursing. The listing must include, for any nursing assistant listed, a notation of:

A. Any convictions of abuse, neglect or misappropriation of property of a resident, client or patient; and

2 B. Any specific documented findings by the state survey
3 agency of abuse, neglect or misappropriation of property of
4 a resident, client or patient. For purposes of this
5 section, "state survey agency" means the agency specified
6 under 42 United States Code, Sections 1395aa and 1396
7 responsible for determining whether institutions and
8 agencies meet requirements for participation in the State's
9 Medicare and Medicaid programs.

10 3. Eligibility requirements for listing. The State Board
11 of Nursing shall adopt rules pursuant to the Maine Administrative
12 Procedure Act defining eligibility requirements for listing on
13 the Maine Registry of Certified Nursing Assistants, including
14 rules regarding temporary listing of nursing assistants who have
15 received training in another jurisdiction. The board shall
16 submit a report of the adopted rules to the joint standing
17 committee of the Legislature having jurisdiction over business
18 legislation matters by January 15, 1992.

19 **Sec. 2. 32 MRSA §2102, sub-§8, as enacted by PL 1987, c. 195,**
20 **§3, is repealed and the following enacted in its place:**

21 8. Certified nursing assistant. "Certified nursing
22 assistant" means a person whose duties are assigned by a
23 registered professional nurse and who:

24 A. Has successfully completed a training program or course
25 with a curriculum prescribed by the State Board of Nursing,
26 holds a certificate of training from that program or course
27 and is listed on the Maine Registry of Certified Nursing
28 Assistants; or

29 B. Was certified before September 29, 1987 and is listed on
30 the Maine Registry of Certified Nursing Assistants.

31 **Sec. 3. 32 MRSA §2102, sub-§9 is enacted to read:**

32 9. Maine Registry of Certified Nursing Assistants. "Maine
33 Registry of Certified Nursing Assistants" has the same meaning as
34 in Title 22, section 1812-F.

35 **Sec. 4. 32 MRSA §2104, sub-§4, as amended by PL 1989, c. 700,**
36 **Pt. A, §145, is further amended to read:**

37 **4. Approval and monitoring of nursing assistant training**
38 **curriculum and faculty.** An educational institution or health
39 care facility desiring to conduct an educational program for
40 nursing assistants ~~to--nurses~~ to prepare individuals for
41 ~~certification~~ a certificate of training and subsequent listing on
42 the Maine Registry of Certified Nursing Assistants shall apply to
43 the Department of Education and submit evidence that--it--is
44 prepared--to:

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

2 federal Omnibus Budget Reconciliation Act of 1987. By adoption
of rules, the Board of Nursing is to determine eligibility for
4 listing on the registry and to provide for the temporary listing
of nursing assistants who have received training in another
6 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
8 to be guilty of certain infractions.

10 The amendment adds to the definition of "certified nursing
assistant" a requirement that the person be listed in the
12 registry.

14 The amendment also clarifies that the Department of
Education must approve all programs from educational institutions
16 that meet the qualifications and may approve only those programs
from health care facilities that are not provided by an
18 educational institution. The amendment gives the State Board of
Nursing a consultive role regarding courses proposed by the
20 Department of Education.

Reported by the Committee on Business Legislation
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