

# MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1602, L.D. 2228, Bill, "An Act to Implement the Recommendations of the Task Force on Registration of In-home Personal Care and Support Workers"

Amend the bill in section 1 by striking out all of the first line (page 1, line 3 in L.D.) and inserting in its place the following:

'Sec. 1. 22 MRSA §1717 is enacted to read:'

Further amend the bill in section 1 in that part designated "§1717." in subsection 2 in the first line (page 1, line 41 in L.D.) by striking out the following: "July" and inserting in its place the following: 'August'

Further amend the bill in section 1 in that part designated "§1717." by striking out all of subsections 3 to 5 (page 1, lines 46 to 48 and page 2, lines 1 to 17 in L.D.) and inserting in their place the following:

'3. Prohibited contracting and employment. A personal care agency may not hire under a long-term contract or employ permanently as unlicensed assistive personnel an individual who has worked as a certified nursing assistant and has been the subject of an annotation by the state survey agency for a substantiated complaint or conviction of abuse, neglect or misappropriation of funds in a health care setting.

4. Penalty. A person who operates a personal care agency without registering with the department commits a civil violation

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2 for which a forfeiture may be adjudged of \$500 per day of  
3 operations.'

4 Further amend the bill in section 1 by striking out all of  
5 that part designated "~~\$1718.~~" (page 2, lines 19 to 42 in L.D.)

6  
7 Further amend the bill by inserting at the end before the  
8 summary the following:

10 **FISCAL NOTE**

12 **1998-99**

14 **REVENUES**

16 General Fund \$1,750

18  
19 The Department of Human Services will incur some minor  
20 additional costs to register personal care agencies and to  
21 prepare the required report. These costs can be absorbed within  
22 the department's existing budgeted resources. The department  
23 will also experience an increase in General Fund revenue from  
24 registration fees estimated to be \$1,750 in fiscal year 1998-99.

26 The Department of Public Safety will incur some minor  
27 additional costs to assist the Department of Human Services with  
28 the required report. These costs can be absorbed within the  
29 department's existing budgeted resources. If the Department of  
30 Human Services adopts rules that require the State Bureau of  
31 Identification to conduct background checks, the additional costs  
32 to the Department of Public Safety will depend on the timing and  
33 implementation of this system. If background checks are required  
34 by the State Bureau of Identification prior to July 1, 1999, the  
35 State Bureau of Identification will require additional General  
36 Fund appropriations for temporary staff until the bureau has  
37 implemented an automated system. The amounts can not be  
38 determined at this time.

40 The additional workload and administrative costs associated  
41 with the minimal number of new cases filed in the court system  
42 can be absorbed within the budgeted resources of the Judicial  
43 Department. The collection of additional fines may increase  
44 General Fund revenue by minor amounts.'

46  
48 **SUMMARY**

49 This amendment amends the bill. It retains the provisions  
50 of the bill that require personal care agencies to register with

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2 the Department of Human Services. It prohibits personal care  
3 agencies from hiring under a long-term contract or employing  
4 permanently as unlicensed assistive personnel individuals who  
5 have worked as certified nursing assistants and about whom  
6 annotations have been made for a complaint or conviction on the  
certified nursing assistant registry. It adds a fiscal note to  
the bill.

**COMMITTEE AMENDMENT**