

MAINE STATE LEGISLATURE

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DATE: 5-21-03

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 579, L.D. 780, Bill, "An Act To Amend the Maine Registry of Certified Nursing Assistants"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the delivery of high-quality care for persons who are elderly or disabled depends in large part on the personal qualifications of the person delivering the care; and

Whereas, persons seeking to employ certified nursing assistants to deliver care to persons who are elderly or disabled need timely and accurate information about the qualifications of those potential workers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

COMMITTEE AMENDMENT

2 'Sec. 1. 22 MRSA §1812-G, sub-§§4 and 5, as enacted by PL
3 1997, c. 465, §2, are amended to read:

4 **4. Verification of credentials and training.** The
5 department shall verify the credentials and training of all
6 certified-nursing-assistants applicants to the Maine Registry of
7 Certified Nursing Assistants.

8 **5. Verifying certified nursing assistant listing.** A health
9 care institution, facility or organization employing that employs
10 a certified nursing assistant shall, before hiring a certified
11 nursing assistant, verify with the Maine Registry of Certified
12 Nursing Assistants that the certified nursing assistant is listed
13 on the Maine Registry of Certified Nursing Assistants.

14 **Sec. 2. 22 MRSA §1812-G, sub-§§6 to 9** are enacted to read:

15 **6. Registry notations.** Except as otherwise provided in
16 this section:

17 **A. An individual may not be employed in a hospital, nursing**
18 **facility, home health agency or assisted housing program as**
19 **a certified nursing assistant if that individual has been**
20 **convicted in a court of law of a crime involving abuse,**
21 **neglect or misappropriation of property in a health care**
22 **setting; and**

23 **B. An individual may not be employed in a hospital, nursing**
24 **facility, home health agency or assisted housing program as**
25 **a certified nursing assistant if that individual:**

26 **(1) Has been the subject of a complaint involving**
27 **abuse or neglect that was substantiated by the**
28 **department pursuant to its responsibility to license**
29 **hospitals, nursing facilities, home health agencies and**
30 **assisted housing programs and that was entered on the**
31 **Maine Registry of Certified Nursing Assistants; or**

32 **(2) Has been the subject of a complaint involving the**
33 **misappropriation of property in a health care setting**
34 **that was substantiated by the department and entered on**
35 **the Maine Registry of Certified Nursing Assistants.**

36 **7. Time limit on consideration of prior criminal**
37 **conviction.** Except as otherwise provided in this section, an
38 individual may not be employed in a hospital, home health agency
39 or assisted housing program as a certified nursing assistant if
40 that individual has a prior criminal conviction within the last
41 10 years of:
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2 A. A crime for which incarceration of 3 years or more may
3 be imposed under the laws of the state in which the
4 conviction occurred; or

6 B. A crime for which incarceration of less than 3 years may
7 be imposed under the laws of the state in which the
8 conviction occurred involving sexual misconduct or involving
9 abuse, neglect or exploitation in a setting other than a
10 health care setting.

12 8. Exception. The restrictions on employment under
13 subsections 6 and 7 do not apply to an individual listed and
14 active on the Maine Registry of Certified Nursing Assistants
15 prior to the effective date of this subsection, as long as the
16 individual meets other state and federal requirements for
17 certified nursing assistants and continues to maintain an active
18 status by timely reregistration as required by the rules.

20 9. Notification. A nursing assistant training program must
21 notify applicants to that program of the restrictions under
22 subsections 6 and 7 prior to the acceptance of any applicant.

24 **Emergency clause.** In view of the emergency cited in the
25 preamble, this Act takes effect when approved.'

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SUMMARY

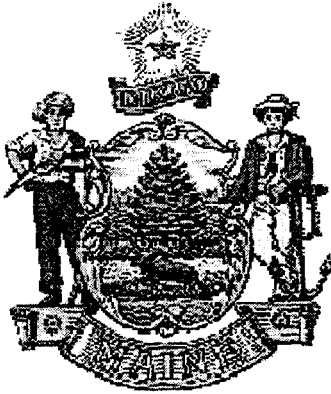
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32 This amendment replaces the bill. It specifies the health
33 care settings in which employment restrictions on certified
34 nursing assistants apply. It clarifies that the entity
35 responsible for substantiating allegations of abuse or neglect is
36 the Department of Human Services. It clarifies language
 regarding misappropriation of property and adds an emergency
 preamble and emergency clause to the bill.

FISCAL NOTE REQUIRED

(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 780

An Act To Amend the Maine Registry of Certified Nursing Assistants

LR 0798(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Human Services in implementing this bill can be absorbed by the department utilizing existing budgeted resources.