



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 780

H.P. 579

House of Representatives, February 18, 2003

An Act To Amend the Maine Registry of Certified Nursing Assistants

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. Mac Jarland

MILLICENT M. MacFARLAND Clerk

Presented by Representative ANDREWS of York. Cosponsored by President DAGGETT of Kennebec and Representatives: KANE of Saco, SHIELDS of Auburn.

_	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 22 MRSA §1812-G. sub-§§4 and 5. as enacted by PL 1997.
4	c. 465, §2, are repealed.
6	Sec. 2. 22 MRSA §1812-G. sub-§§6 to 9 are enacted to read:
8	6. Verification. The department shall verify the credentials and training of all certified nursing assistants, and
10	a health care institution, facility or organization employing a certified nursing assistant shall, before hiring a certified
12	nursing assistant, verify with the Maine Registry of Certified Nursing Assistants that the certified nursing assistant is listed
14	on the Maine Registry of Certified Nursing Assistants.
16	7. Employment restrictions. Except as otherwise provided in this section:
18	A. An individual may not be employed in a health care
20	entity as a certified nursing assistant if that individual:
22	(1) Has been convicted by a court of law of a crime involving abuse or neglect; or
24	(2) Has been convicted by a court of law of a crime
26	involving misappropriation of funds of a health care entity;
28	B. An individual may not be employed in a health care
30	entity as a certified nursing assistant if that individual:
32	(1) Has had a complaint involving abuse or neglect that was substantiated by the department and entered on
34	the Maine Registry of Certified Nursing Assistants; or
36	(2) Has had a complaint involving the misappropriation of funds of a health care entity that was substantiated
38	by the department and entered on the Maine Registry of Certified Nursing Assistants; or
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42	C. An individual may not be employed in a health care entity as a certified nursing assistant if that individual has a prior criminal conviction within the last 10 years of:
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46	(1) A crime for which incarceration of 3 years or more may be imposed;
48	(2) A crime involving sexual misconduct for which incarceration of less than 3 years may be imposed; or
50	incurceración or ress chan s years may be imposed; or

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	(3) A crime involving abuse, neglect or exploitation
2	in a setting other than a health care setting for which
	incarceration of less than 3 years may be imposed.
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	8. Exception. The employment restrictions under subsection
6	7 do not apply to an individual listed and active on the Maine
	<u>Registry of Certified Nursing Assistants prior to the effective</u>
8	<u>date of this subsection, provided that the individual meets other</u>
	state and federal requirements and continues to maintain an
10	active status by timely reregistration as required by the rules.
12	9. Notification. All nursing assistant training programs
	<u>must notify applicants of the requirements of subsection 7 prior</u>
14	to the acceptance of any applicant into a nursing assistant
	<u>training program.</u>
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18	SUMMARY

20 This bill requires the Maine Registry of Certified Nursing Assistants to bar an individual from working in a health care 22 entity as a certified nursing assistant if that individual has been convicted by a court of law of, or has had a complaint 24 substantiated by the Department of Human Services involving, abuse, neglect or misappropriating funds in a health care 26 entity. The bill bars individuals with serious criminal convictions from being employed in a health care entity as certified nursing assistants. The bill also requires training 28 programs for nursing assistants to notify applicants about this restriction prior to acceptance into a program. 30