

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1704

H.P. 1205

House of Representatives, January 6, 2010

**An Act To Amend the Laws Regarding Authority over and
Oversight of Certified Nursing Assistant Educational Programs**

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator ALFOND of Cumberland and
Representatives: BERRY of Bowdoinham, EVES of North Berwick, NELSON of Falmouth,
PIEH of Bremen, Speaker PINGREE of North Haven, ROTUNDO of Lewiston, STUCKEY of
Portland, SUTHERLAND of Chapman.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §2164, sub-§3**, as amended by PL 1993, c. 306, §5 and PL
3 2003, c. 689, Pt. B, §6, is further amended to read:

4 **3. Certification.** Participants who complete training under this section with a 200-
5 hour curriculum approved by the Department of ~~Education~~ Health and Human Services to
6 include both theoretical and practical training receive a statewide certificate granted by
7 the Department of ~~Education~~ Health and Human Services. This certificate or a certificate
8 issued under subsection 4 is required for employment as an activities coordinator in this
9 State after December 31, 1993, except that a person employed as an activities coordinator
10 on the ~~effective date of this chapter~~ October 9, 1991 who has completed a training
11 program approved by the Department of Health and Human Services is not required to
12 obtain a certificate under this section.

13 **Sec. 2. 26 MRSA §2164, sub-§4**, as amended by PL 1993, c. 306, §5 and PL
14 2003, c. 689, Pt. B, §6, is further amended to read:

15 **4. Reciprocity.** Certification may also be issued to candidates who can document
16 completion of comparable training and experience in accordance with rules adopted by
17 ~~the Commissioner of Education and the Commissioner of Health and Human Services~~
18 after consultation with the activities coordinator board of a state health care association.

19 **Sec. 3. 32 MRSA §2104, sub-§4**, as amended by PL 1993, c. 600, Pt. A, §114, is
20 further amended to read:

21 **4. Approval and monitoring of nursing assistant training curriculum and**
22 **faculty.** An educational institution or health care facility desiring to conduct an
23 educational program for nursing assistants to prepare individuals for a certificate of
24 training and subsequent listing on the Maine Registry of Certified Nursing Assistants
25 must apply to the ~~Department of Education~~ Department of Health and Human Services
26 and submit evidence:

27 A. That it is prepared to carry out the curriculum for nursing assistants as
28 prescribed by the board;

29 B. That it is prepared to meet those standards established by the board;

30 C. That it is prepared to meet those standards for educational programming and
31 faculty as established by the ~~Department of Education~~ Department of Health and
32 Human Services; and

33 D. With respect to an application by a health care facility, that an educational
34 institution cannot provide a nursing assistant training program within 30 days of the
35 application date.

36 The ~~Department of Education~~ Department of Health and Human Services shall issue a
37 notice of approval to an educational institution or health care facility that meets the
38 requirements of this subsection.

1 The Department of Education shall consult with the board in approving and monitoring of
2 nursing assistant training programs.

3 Sec. 4. 32 MRSA §2202-B, as amended by PL 1993, c. 435, §§11 to 13, is further
4 amended to read:

5 **§2202-B. Certification fee; disposition of fee; nursing assistants**

6 1. **Fees authorized.** The Commissioner of ~~Education~~ Health and Human Services
7 may assess fees for certification of nursing assistants, for the competency testing of
8 nursing assistants and for validation of test results to determine eligibility for certification
9 and charge fees for certificates issued and duplicated for out-of-state vocational
10 reciprocity, renewal of certificates and replacement of certificates.

11 2. **Amounts.** Amounts of fees are as follows:

12 A. For competency testing, ~~\$20~~ \$55, which must be included in the training course
13 fee;

14 B. For initial certificate, \$5;

15 C. For replacement certificate, \$5;

16 D. ~~For certificate of comparable training, \$10~~ For letter of verification of
17 completion of a certified nursing assistant program, \$20;

18 E. For converted certificate, \$5;

19 F. For renewal certificate, \$5; and

20 G. For validation of test results, \$5.

21 3. **Accounting.** The Commissioner of ~~Education~~ Health and Human Services shall:

22 A. Collect and account for testing and certification fees; and

23 B. Report and pay fees to the Treasurer of State to be credited to the General Fund.

24 4. **Staff.** The Commissioner of ~~Education~~ Health and Human Services shall employ
25 staff necessary to carry out the requirements of this section.

26 **SUMMARY**

27 This bill transfers the responsibility for approving the curriculum for and certificates
28 granted to activities coordinators in long-term care facilities from the Department of
29 Education to the Department of Health and Human Services.

30 The bill also transfers the responsibility and authority for the approval and
31 monitoring of nursing assistant training curricula, faculty and certification programs and
32 the Maine Registry of Certified Nursing Assistants from the Department of Education to
33 the Department of Health and Human Services.

34 The bill also transfers the authority to assess fees for certification of nursing
35 assistants, for the competency testing of nursing assistants and for validation of test

1 results to determine eligibility for certification and charge fees for certificates issued and
2 duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement
3 of certificates from the Commissioner of Education to the Commissioner of Health and
4 Human Services. The bill also increases the fees charged for competency testing and the
5 letter of verification of completion of a certified nursing assistant program.