

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 537

H.P. 420

House of Representatives, February 15, 2011

### **An Act To Expand Recertification Options for Certified Nursing Assistants**

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative WEBSTER of Freeport.  
Cosponsored by Senator JACKSON of Aroostook and  
Representatives: DOW of Waldoboro, DRISCOLL of Westbrook, EVES of North Berwick,  
GRAHAM of North Yarmouth, HERBIG of Belfast, HUNT of Buxton, PRESCOTT of  
Topsham, VOLK of Scarborough.

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

2 **Sec. 1. 22 MRSA §1812-G, sub-§3**, as amended by PL 2009, c. 215, §1, is  
3 further amended to read:

4 **3. Eligibility requirements for listing.** The State Board of Nursing shall adopt  
5 rules pursuant to the Maine Administrative Procedure Act defining eligibility  
6 requirements for listing on the registry, including rules regarding temporary listing of  
7 nursing assistants who have received training in another jurisdiction. The rules must  
8 require that reasonable accommodations are provided for persons with disabilities in any  
9 testing of nursing assistants. The rules must permit nursing assistants to work under the  
10 supervision of a registered professional nurse in a facility providing assisted living  
11 services as defined in chapter 1664 and must recognize work in those facilities for the  
12 purpose of qualifying for and continuing listing on the registry. The rules must permit a  
13 certified nursing assistant to work under the supervision of a registered professional nurse  
14 in a home care setting for 8 hours within 24 consecutive months for the purpose of  
15 continuing listing on the registry. ~~Rules adopted regarding the work of nursing assistants~~  
16 ~~in facilities providing assisted living services pursuant to this subsection~~ are routine  
17 technical rules as defined by Title 5, chapter 375, subchapter 2-A.

18 **Sec. 2. Demonstration project on recertification of certified nursing**  
19 **assistants.** The offices within the Department of Health and Human Services  
20 concerning elder services and licensing and regulatory services shall work together with  
21 licensed home health agencies and nursing facilities to design and implement a  
22 demonstration project on certified nursing assistant qualification for continued listing on  
23 the Maine Registry of Certified Nursing Assistants beginning January 1, 2012. The  
24 demonstration project must provide a mechanism by which a person who is working as an  
25 unlicensed assistive person, as defined in the Maine Revised Statutes, Title 22, section  
26 1812-G, subsection 1-A, paragraph C, may work or serve as a trainee in a licensed home  
27 health agency or nursing facility under required supervision in order to qualify for  
28 certification on the Maine Registry of Certified Nursing Assistants. The department shall  
29 report on the results of the demonstration project to the joint standing committee of the  
30 Legislature having jurisdiction over health and human services matters by January 1,  
31 2014.

32 **SUMMARY**

33 This bill expands the options for listing on the Maine Registry of Certified Nursing  
34 Assistants by:

35 1. Requiring reasonable accommodations for persons with disabilities for the  
36 certified nursing assistant test;

37 2. Allowing supervision of a certified nursing assistant by a registered nurse in a  
38 home care setting for the purposes of meeting the 8-hour certified nursing recertification  
39 requirement; and

1           3. Directing the offices within the Department of Health and Human Services  
2 concerning elder services and licensing and regulatory services to work together with  
3 licensed home health agencies and nursing facilities to design and implement a  
4 demonstration project on certified nursing assistant qualification for continued listing on  
5 the Maine Registry of Certified Nursing Assistants to allow a person who is working as  
6 an unlicensed assistive person to work or serve as a trainee in a licensed home health  
7 agency or nursing facility under required supervision in order to qualify for certification  
8 on the Maine Registry of Certified Nursing Assistants.