

# MAINE STATE LEGISLATURE

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Date: 5/24/13

L.D. 555  
(Filing No. H-241)

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 374, L.D. 555, "Resolve, Directing the Nursing Home Administrators Licensing Board To Amend Its Rules To Permit Certain Registered Nurses To Serve as Administrators of Nursing Facilities and To Change Provisions Governing Continuing Education Requirements"

Amend the resolve by striking out the title and substituting the following:

**'Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Consider Reforms of the Practices of the Nursing Home Administrators Licensing Board'**

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

**'Sec. 1. Nursing Home Administrators Licensing Board working group. Resolved:** That the Commissioner of Professional and Financial Regulation shall convene a working group to consider reforms of the practices of the Nursing Home Administrators Licensing Board, as established in the Maine Revised Statutes, Title 5, section 12004-A, subsection 23 and referred to in this resolve as "the board," regarding the licensure of nursing home administrators and report on any recommended legislation or proposed rules to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. The working group must include at least 2 licensed nursing home administrators and must include representatives of the board, the Maine Health Care Association, the Maine chapter of the American College of Health Care Administrators, the State's long-term care ombudsman program under Title 22, section 5106, subsection 11-C, the division of licensing and regulatory services within the Department of Health and Human Services and any other affected parties or interest groups identified by the commissioner; and be it further

**Sec. 2. Reform objectives. Resolved:** That the working group convened pursuant to section 1 shall consider how to accomplish the following reform objectives, including consideration of amendments to the board's rules if necessary to achieve these objectives, and the recommendation of enabling legislation if any is required.

**COMMITTEE AMENDMENT**

1 1. The working group shall consider the reforms necessary to allow a person with  
2 substantial experience at a licensed nursing facility, including but not limited to  
3 experience as a director of nursing or a director of clinical services, the opportunity to  
4 obtain a license as a nursing home administrator, if that person is pursuing a course of  
5 action to fulfill the educational requirements established by the board and has fulfilled all  
6 other applicable requirements for licensure established by the board, including without  
7 limitation a satisfactory score on the licensing examination and satisfactory completion of  
8 the administrator-in-training program; and

9 2. With regard to the board's administration of continuing education requirements, the  
10 working group shall consider the reforms necessary:

11 A. To allow licensed nursing home administrators to obtain as many continuing  
12 education credits as are offered at a conference or program of education with no limit  
13 on the total number of hours of course work actually completed as long as each hour  
14 has been approved for credit in accordance with the board's process for administering  
15 continuing education credits;

16 B. To ensure that the board provides determinations regarding the approval and  
17 allowability of continuing education credits within a reasonable time after the  
18 submission of a request by a licensed nursing home administrator;

19 C. To allow an opportunity for board approval of online seminars for continuing  
20 education credits; and

21 D. To allow a licensed nursing home administrator who is denied approval of  
22 continuing education credits by board staff to seek review of the denial by the board;  
23 and be it further

24 **Sec. 3. Report of working group. Resolved:** That the Commissioner of  
25 Professional and Financial Regulation shall convene the working group as soon as  
26 possible in order to provide a final report by November 30, 2013 to the Joint Standing  
27 Committee on Labor, Commerce, Research and Economic Development that summarizes  
28 the findings and recommendations of the working group. The Joint Standing Committee  
29 on Labor, Commerce, Research and Economic Development is authorized to introduce a  
30 bill in the Second Regular Session of the 126th Legislature concerning the objectives,  
31 findings and recommendations of the working group.'

32 **SUMMARY**

33 This amendment replaces the resolve. It requires the Commissioner of Professional  
34 and Financial Regulation to establish a working group to consider reforms of the Nursing  
35 Home Administrators Licensing Board's practices regarding the licensure of nursing  
36 home administrators and administration of continuing education requirements and report  
37 its findings to the Joint Standing Committee on Labor, Commerce, Research and  
38 Economic Development. It also enables the committee to introduce legislation in the  
39 Second Regular Session of the 126th Legislature to implement the findings and  
40 recommendations of the working group.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 126th MAINE LEGISLATURE

LD 555

LR 979(02)

**Resolve, Directing the Nursing Home Administrators Licensing Board To Amend Its Rules To Permit Certain Registered Nurses To Serve as Administrators of Nursing Facilities and To Change Provisions Governing Continuing Education Requirements**

**Fiscal Note for Bill as Amended by Committee Amendment A (H-241)**  
**Committee: Labor, Commerce, Research and Economic Development**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Additional costs to the Department of Professional and Financial Regulation associated with establishing the required workgroup to consider reforms of the Nursing Home Administrators Licensing Board's practices regarding the licensure of nursing home administrators and issuing the required report can be absorbed within existing budgeted resources.