

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 1064

S. P. 404

In Senate, March 29, 1945.

Reported by Senator Clough of Penobscot from the Committee on Public Health and laid on the table to be printed under Joint Rules.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT to Provide for Training and Licensing Nursing Attendants.

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

R. S., c. 63-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 63-A, to read as follows:

CHAPTER 63-A

LICENSED NURSING ATTENDANTS.

Sec. 1. Licensed nursing attendants.

I. Definition. As used in this chapter, "board" means the "board of registration of nurses".

II. Qualifications of applicants. An applicant for a license to practice as a licensed nursing attendant shall submit to the board written evidence, verified by oath, that the applicant:

- A.** Is 20 years of age;
- B.** Is of good moral character;
- C.** Is in good physical and mental health;
- D.** Has completed at least 1 year of high school or its equivalent and

such other preliminary qualification requirements as the board may prescribe; applicants over 30 years of age shall have completed at least the eighth grade or its equivalent;

E. Has successfully completed an accredited course for the training of licensed nursing attendants.

III. License.

A. By examination.

The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall, within 3 months, issue to the applicant a license to practice as a licensed nursing attendant.

B. Without examination.

1. Persons licensed under the laws of another state, etc. The board may issue a license to practice as a licensed nursing attendant without examination to any applicant who has been duly licensed or registered as a licensed nursing attendant, or a person entitled to perform similar services under a different title, under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for licensed nursing attendants in this state.

2. Waiver of certain requirements. Application for license under the provisions of this subparagraph must be made before August 1, 1947. The board may issue a license to practice as a licensed nursing attendant to any person who shall submit to the board written evidence, verified by oath, that said applicant:

a. Is 20 years of age;

b. Is of good moral character;

c. Is in good physical and mental health;

d. Has lived in and cared for the sick in this state for 2 years immediately prior to date of application, or can furnish satisfactory evidence to the board that he or she has performed similar services for that period of time in another state, territory, or foreign country which, in the opinion of the board, would qualify him or her for such license. The applicant must be endorsed by 2 licensed physicians who have personal knowledge of the appli-

cant's qualification and by 2 persons who have employed the applicant.

IV. Fee. The applicant applying for a license to practice as a licensed nursing attendant shall pay a fee of \$5 to the board.

V. Title and abbreviation. Any person who holds a license to practice as a licensed nursing attendant in this state shall have the right to use the title "Licensed Nursing Attendant" and abbreviation "L.N.A." No other person shall assume such title or use such abbreviation or other words, letters, signs, or figures to indicate that the person using the name is a licensed nursing attendant.

Sec. 2. Renewal of license. The license of every person licensed under the provisions of this chapter shall be in force from the date of issue thereof until 1 year from and after the 1st day of the following July. Such license may be renewed biennially. On or before May 1st the board shall mail an application for renewal of license to every person whose license is subject to renewal. The applicant shall fill in the application blank and return it to the board with a renewal fee of \$1 before July 1st. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the biennium beginning July 1st and expiring July 30th. Any licensee who allows his or her license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation of such failure to renew his or her license and on payment of all fees in arrears.

Sec. 3. Disposition of funds. All moneys received by the board under the provisions of this chapter shall be paid to the treasurer of state. The treasurer of state shall place the money to the credit of the board of registration of nurses fund. All amounts paid into this fund shall be held subject to the order of the board to be used only for the purpose of meeting the necessary expenses incurred in the performance of the purpose of this chapter, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing education in this state.

Sec. 4. Courses for training nursing attendants.

I. Application for accreditation. Any person or persons desiring to conduct a school for training nursing attendants shall apply to the board and submit evidence of being prepared to give a course of not less than 9 months nor more than 12 months and to meet the standards prescribed by the statutes and by the board for the training of nursing prescribed by the statutes and by the board for the training of nursing attendants.

II. Survey. A survey of the school which is planning to train nursing attendants shall be made by the board. If, in the opinion of the board, the requirements for an accredited course for the training of nursing attendants are met, it shall approve the school as an accredited school for the training of nursing attendants.

From time to time as deemed necessary by the board, it shall be the duty of the board to survey all schools of training of nursing attendants in the state. If the board determines that any accredited school for the training of nursing attendants is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall immediately be given to the school conducting the course. If defects are not corrected within a reasonable time, the school shall be removed from the list of accredited schools for licensed nursing attendants.

Sec. 5. Violation of provisions of chapter; penalties. It shall be unlawful for any person, including any corporation, association or individual, to:

I. Sell or fraudulently obtain or furnish any nursing attendant's diploma, license or record or aid or abet therein.

II. Use in connection with his or her name any designation tending to imply that he or she is a licensed nursing attendant unless duly licensed so to practice under the provisions of this chapter.

III. Practice as a licensed nursing attendant during the time his or her license issued under the provisions of this chapter shall be suspended or revoked.

Whoever violates any provision of this chapter or wilfully makes a false representation to the board shall be punished by a fine of not more than \$100 and shall have his or her license revoked; provided that nothing in this section shall apply to the acts of any person nursing the sick, who does not represent himself or herself to be a licensed nursing attendant. The board shall cause to be presented to the proper prosecuting officer evidence of any violation of this chapter and may incur any necessary expenses in the performance of this duty, which expenses shall be paid out of the receipts of said board.

Upon receipt of written complaint or information indicating the advisability of hearing and after hearing, said board may cancel or suspend the license of any licensed nursing attendant who may be found guilty of neglect of duty, or of inefficiency, or any act derogatory to the standing and morals of attendant nursing, but before any license shall be revoked, the

holder thereof shall be entitled to 30 days' notice of the charges against him or her, and to a full and fair hearing thereon.

Any license which has been canceled shall be returned by the holder thereof to the board, and upon failure of prompt return, shall be taken by any officer of the peace upon request of the board and returned to the board.'