

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

the position from which the judge retired, increases by 6% compounded annually, for each year or part of a year served subsequent to June 30, 1984, up to and including June 30, 1989. The total For each year or part of a year served after June 30, 1989, the allowance shall be increased by an amount equal to the cost-of-living factor granted the previous September, as determined pursuant to section 1358, compounded annually.

Sec. 4. 20-A MRSA §4, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 5. PL 1985, c. 693, §14 is repealed and the following enacted in its place:

Sec. 14. Effective date. Sections 2, 3 and 4 of this Act shall be applied retroactive to July 1, 1986.

Sec. 6. Effective date. The portion of this part amending the Maine Revised Statutes, Title 3, section 2, and Title 4, section 1352, subsection 4, shall take effect 90 days after the Legislature adjourns.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except for section 64 which shall take effect on July 1, 1986.

Effective April 18, 1986, unless otherwise indicated.

CHAPTER 738

S.P. 937 - L.D. 2350 -

AN ACT Concerning Nursing Staffs in Nursing Homes, Staff Ratios, Reimbursement, Policies and Delegation of Duties.

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

Sec. 1. 22 MRSA §1812-C is enacted to read:

§1812-C. Nursing staff in nursing homes; reimbursement; delegation of duties; and policies

1. Reimbursement of nursing assistants. Nursing homes shall be entitled to receive reimbursement under the department's principles of reimbursement, in

accordance with approved staffing patterns, for long-term care facilities for nursing assistants enrolled in training programs.

2. Training program expenses. Nursing homes shall be entitled to receive reimbursement under the department's principles of reimbursement for long-term care facilities, for all reasonable expenses associated with carrying out a certified nursing assistant educational program, consistent with the department rules governing the licensing and functioning of skilled nursing facilities and intermediate care facilities.

3. Delegation of nursing duties. A registered nurse in a skilled nursing facility or an intermediate care facility may delegate the following functions to nursing assistants enrolled in training programs:

- A. Distributing clean linens;
- B. Making unoccupied beds;
- C. Distributing food trays, water and nourishments;
- D. Escorting selected patients within the facility;
- E. Assisting patients with clothing;
- F. Combing hair;
- G. Assisting with feeding; and
- H. Other similar functions that may be safely performed by a nursing assistant enrolled in a training program, provided that the nursing assistant in training has satisfactorily demonstrated the ability to perform the delegated tasks.

These functions may be limited to selected residents.

4. Consistent policies. To the maximum extent practicable, the department and the State Board of Nursing shall adopt consistent rules with respect to the employment and training of nursing assistants and other nursing personnel who are employed by nursing homes.

Sec. 2. Report required. The Department of Human Services, in consultation with the Maine Health Care

Association and Health Care Providers, Inc., shall report to the Joint Standing Committee on Human Resources no later than 2 months after the effective date of this Act concerning the availability of certified nursing assistants for nursing homes in the State. This report shall include, but need not be limited to:

1. The number of certified nursing assistants currently employed in nursing homes;

2. The average number of additional nursing home assistants being certified each month in the State;

3. The aggregate number of certified nursing assistants necessary to meet the minimum staffing requirements of Maine nursing homes;

4. The additional number of certified nursing assistants required to maintain minimum staffing requirements in Maine nursing homes, taking into account normal staff turnover and new entry into the market of nursing home assistants;

5. The number of nursing homes unable to meet the minimum staffing requirements due to lack of availability of certified nursing assistants; and

6. The reasons for the shortage, if any, of nursing home assistants necessary to adequately staff nursing homes in order to meet the minimum staffing requirements.

No later than 4 months after the effective date of this Act, the Department of Human Services, in consultation with the Maine Health Care Association and Health Care Providers, Inc., shall submit an additional report to the joint standing committee of the Legislature having jurisdiction over human resources. This report shall include a recommendation concerning the recruitment, training and staffing requirements of certified nursing assistants for nursing homes and a plan to implement that recommendation, together with any necessary accompanying legislation. It is the intent of the Legislature that the standards of care should not be lowered and the department's recommendations should reflect that intent. This plan shall also discuss the effect it will have on the standard of care for nursing home residents and the consistency between department rules and the State Board of Nursing rules regarding nursing staff ratios with respect to certified nursing assistants and nursing assistants in training. This discussion in-

cludes current rules and proposals to remove any inconsistencies that exist.

Both reports shall be submitted to the Maine Committee on Aging at the same time they are submitted to the legislative committee. The Maine Committee on Aging shall submit any comments on these reports to the joint standing committee of the Legislature having jurisdiction over human resources within 3 months and 5 months, respectively, of the effective date of this Act.

Effective July 16, 1986.

CHAPTER 739

H.P. 1588 - L.D. 2233

AN ACT to Improve Child Welfare Services in Maine.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine, like the nation, is experiencing an increase in referrals alleging all types of child abuse and neglect; and

Whereas, ensuring that Maine children are protected from abuse and neglect is vitally important; and

Whereas, clarifying procedures used by the Department of Human Services and the courts to protect children from abuse and neglect is necessary; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §4002, sub-§1, as enacted by PL 1979, c. 733, §18, is amended to read: