

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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from any physical disability or condition which necessitates the use of a life jacket or similar device.

2. Public swimming pool defined. For the purposes of this section, a public swimming pool is any swimming pool which caters to, offers its facilities or services to or solicits or accepts patronage from the general public.

Effective September 29, 1987.

## CHAPTER 195

S.P. 533 — L.D. 1604

### AN ACT to Provide Qualified Nursing Assistant Services.

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

**Sec. 1.** 22 MRSA §1812-C, sub-§4, as enacted by PL 1985, c. 738, §1, is repealed.

**Sec. 2.** 22 MRSA §1812-C, sub-§§5 and 6 are enacted to read:

5. Rules; supervision of and delegation to nursing assistants. The Department of Human Services shall revise its rules or adopt rules concerning supervision of and delegation of tasks to certified nursing assistants and nursing assistants in training. The rules shall be developed and adopted jointly by the department and the State Board of Nursing and shall be consistent with other relevant rules.

6. Rules; maintenance of approved staffing pattern. The department shall revise its rules or adopt rules to require documentation when any nursing home receives reimbursement for an approved staffing pattern which exceeds the minimum staffing level and fails to meet that approved staffing level for one year. Failure to meet the minimum staffing requirements as set forth in the Regulations Governing the Licensure of Long-Term Care Facilities shall be cause for licensure sanctions permitted under law and rules.

**Sec. 3.** 32 MRSA §2102, sub-§8 is enacted to read:

8. Certified nursing assistant. "Certified nursing assistant" means a person who has successfully completed a training program or course with a curriculum prescribed by the State Board of Nursing or a person who was certified prior to the effective date of this subsection.

**Sec. 4.** 32 MRSA §2104, sub-§4 is enacted to read:

4. Approval of nursing assistant training curriculum and faculty. An educational institution or health care facility desiring to conduct an educational program for assistants to nurses to prepare individuals for certification

shall apply to the Department of Educational and Cultural Services and submit evidence that it is prepared to:

A. Carry out the curriculum for the assistants to nurses as prescribed by the State Board of Nursing;

B. Meet those standards for on-site supervision and delegation of tasks as established by the State Board of Nursing; and

C. Meet those standards for educational programming and faculty as established by the Department of Educational and Cultural Services. The Department of Educational and Cultural Services shall issue a notice of approval of the program submitted and the proposed faculty.

The Department of Educational and Cultural Services shall approve a facility-offered program if the existing educational delivery system cannot respond in 10 working days.

**Sec. 5.** 32 MRSA §2202-A is enacted to read:

§2202-A. Certificates; nursing assistants

The Department of Educational and Cultural Services shall issue certificates attesting to the competency of individuals to act as assistants to nurses. The certificate shall indicate the satisfactory completion of a course with a curriculum prescribed by the State Board of Nursing.

The Department of Educational and Cultural Services shall maintain a register of names of all individuals certified to act as assistants to nurses.

**Sec. 6.** 32 MRSA §2151, as amended by PL 1985, c. 819, Pt. A, §§29 and 30, is further amended to read:

§2151. Appointment; term; removal

A State Board of Nursing, as established by Title 5, section 12004, subsection 1, shall consist of 9 members who shall be appointed by the Governor. Five members of the board shall be professional nurses. Two members shall be licensed practical nurses. One of the nurse members of the board must be a nurse who is currently practicing long-term care nursing. Two members shall be representatives of the public. Except to fill vacancies in unexpired terms, all appointments shall be for a term of 5 years after such appointment or until their successors have been duly appointed and qualified. No person may be eligible for more than one reappointment. Any vacancy on the board shall be filled for the unexpired term by the appointment of another member by the Governor. Any members of the board may be removed from office for cause by the Governor.

**Sec. 7. Adoption of rules.** The Department of Human Services shall revise or adopt the rules required by this Act by December 31, 1987.

Effective September 29, 1987.