

## 22 §8606. PROHIBITED EMPLOYMENT

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**1. Criminal history record information.** An adult day care program shall obtain criminal history record information about applicants for positions as unlicensed assistive personnel as defined in section 1717, subsection 1, paragraph D and may not hire an individual who:

A. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants; [2003, c. 634, §10 (NEW).]

B. Has been convicted in a court of law of a crime involving abuse, neglect or misappropriation of property in a health care setting; or [2003, c. 634, §10 (NEW).]

C. Has a prior criminal conviction within the last 10 years of:

(1) A crime for which incarceration of 3 years or more may be imposed under the laws of the state in which the conviction occurred; or

(2) A crime for which incarceration of less than 3 years may be imposed under the laws of the state in which the conviction occurred involving sexual misconduct or involving abuse, neglect or exploitation in a setting other than a health care setting. [2003, c. 634, §10 (NEW).]

[2003, c. 634, §10 (NEW).]

#### SECTION HISTORY

2003, c. 634, §10 (NEW).

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