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**Public Law**  
**124th Legislature**  
**Second Regular Session**

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**Chapter 628**  
**H.P. 1205 - L.D. 1704**

**An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs**

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

**Sec. 1. 26 MRSA §2164, sub-§3,** as amended by PL 1993, c. 306, §5 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**3. Certification.** Participants who complete training under this section with a 200-hour curriculum approved by the Department of Education Health and Human Services to include both theoretical and practical training receive a statewide certificate granted by the Department of Education Health and Human Services. This certificate or a certificate issued under subsection 4 is required for employment as an activities coordinator in this State after December 31, 1993, except that a person employed as an activities coordinator on ~~the effective date of this chapter~~ October 9, 1991 who has completed a training program approved by the Department of Health and Human Services is not required to obtain a certificate under this section.

**Sec. 2. 26 MRSA §2164, sub-§4,** as amended by PL 1993, c. 306, §5 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**4. Reciprocity.** Certification may also be issued to candidates who can document completion of comparable training and experience in accordance with rules adopted by ~~the Commissioner of Education~~ and the Commissioner of Health and Human Services after consultation with the activities coordinator board of a state health care association.

**Sec. 3. 32 MRSA §2104, sub-§4,** as amended by PL 1993, c. 600, Pt. A, §114, is further amended to read:

**4. Approval and monitoring of nursing assistant training curriculum and faculty.**  
An educational institution or health care facility desiring to conduct an educational program for nursing assistants to prepare individuals for a certificate of training and subsequent listing on the Maine Registry of Certified Nursing Assistants must apply to the ~~Department of Education~~ Department of Health and Human Services and submit evidence:

- A. That it is prepared to carry out the curriculum for nursing assistants as prescribed by the board;
- B. That it is prepared to meet those standards established by the board;

C. That it is prepared to meet those standards for educational programming and faculty as established by the ~~Department of Education~~ Department of Health and Human Services; and

D. With respect to an application by a health care facility, that an educational institution cannot provide a nursing assistant training program within 30 days of the application date.

The ~~Department of Education~~ Department of Health and Human Services shall issue a notice of approval to an educational institution or health care facility that meets the requirements of this subsection.

~~The Department of Education shall consult with the board in approving and monitoring of nursing assistant training programs.~~

**Sec. 4. 32 MRSA §2202-B**, as amended by PL 1993, c. 435, §§11 to 13, is further amended to read:

**§ 2202-B. Certification fee; disposition of fee; nursing assistants**

**1. Fees authorized.** The Commissioner of ~~Education~~ Health and Human Services may assess fees for certification of nursing assistants, for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates.

**2. Amounts.** Amounts of fees are as follows:

A. For competency testing, ~~\$20~~ \$45, which must be included in the training course fee;

B. For initial certificate, \$5;

C. For replacement certificate, \$5;

D. ~~For certificate of comparable training, \$10~~ For letter of verification of completion of a certified nursing assistant program, \$20;

E. For converted certificate, \$5;

F. For renewal certificate, \$5; and

G. For validation of test results, \$5.

**3. Accounting.** The Commissioner of ~~Education~~ Health and Human Services shall:

A. Collect and account for testing and certification fees; and

B. Report and pay fees to the Treasurer of State to be credited to the General Fund.

**4. Staff.** The Commissioner of ~~Education~~ Health and Human Services shall employ staff necessary to carry out the requirements of this section.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF****PK-20 Curriculum, Instruction and Assessment Z081**

Initiative: Eliminates one vacant Office Assistant II position from the PK-20 Curriculum, Instruction and Assessment program due to the responsibilities related to the certification of activities coordinators and certified nursing assistants being transferred from the Department of Education to the Department of Health and Human Services.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2009-10</b>	<b>2010-11</b>
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$52,015)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>(\$52,015)</b>

<b>EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>(\$52,015)</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$52,015)</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)****Division of Licensing and Regulatory Services Z036**

Initiative: Appropriates funds for the costs of one Social Services Program Specialist II position to be established in the Division of Licensing and Regulatory Services to align the functions of the certified nursing assistant educational programs within one department.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$61,051
All Other	\$0	\$5,417
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$66,468</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	\$20,656
All Other	\$0	\$1,833
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$22,489</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF  
(FORMERLY DHS)**

<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$66,468</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$22,489</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$88,957</b>

<b>SECTION TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$66,468</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>(\$52,015)</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$22,489</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$36,942</b>

Effective July 12, 2010