§1812-G. Maine Registry of Certified Nursing Assistants and Direct Care Workers

1. Established. The Maine Registry of Certified Nursing Assistants and Direct Care Workers is established in compliance with federal and state requirements. The Department of Health and Human Services shall maintain the registry and make it accessible through a public website portal.
[PL 2015, c. 196, §9 (AMD).]

1-A. Definitions.

[PL 2015, c. 196, §9 (RP).]

1-B. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Abuse" means the infliction of injury, unreasonable confinement, intimidation or cruel punishment that causes or is likely to cause physical harm or pain or mental anguish; sexual abuse or sexual exploitation; or the intentional, knowing or reckless deprivation of essential needs. "Abuse" includes acts and omissions. [PL 2015, c. 196, §9 (NEW).]

B. "Certified nursing assistant" means an individual who has successfully completed an approved nursing assistant training program, holds a certificate of training and meets the eligibility requirements established by the State Board of Nursing for listing on the registry. [PL 2015, c. 196, §9 (NEW).]

C. "Direct access" means access to the property, personally identifiable information, financial information or resources of an individual or physical access to an individual who is a Medicare or Medicaid beneficiary or other individual served by a provider subject to this chapter. [PL 2015, c. 196, §9 (NEW).]

D. "Direct care worker" means an individual who by virtue of employment generally provides to individuals direct contact assistance with personal care or activities of daily living or has direct access to provide care and services to clients, patients or residents regardless of setting. "Direct care worker" does not include a certified nursing assistant employed in that person's capacity as a certified nursing assistant. [PL 2015, c. 196, §9 (NEW).]

E. "Disqualifying offense" means a substantiation for abuse, neglect or misappropriation of property, or a criminal conviction identified in rules adopted by the department that prohibits employment as a certified nursing assistant or a direct care worker in accordance with subsection 2-C. [PL 2023, c. 241, §1 (AMD).]

F. "Employer" means a person or licensed, certified or registered provider or other entity that employs certified nursing assistants and direct care workers to provide direct contact services in home, community or other health care or direct access settings. An individual who employs an unlicensed person to provide care for that individual is not an employer for the purposes of this section, except when required by rules adopted by the department. [PL 2023, c. 241, §2 (AMD).]

G. "Health care or direct access setting" means a setting in which individuals receive services that require direct access by a certified nursing assistant or a direct care worker or other employee in providing care and related services. [PL 2015, c. 196, §9 (NEW).]

G-1. "Immediate supervisor" means an individual who directly supervises a certified nursing assistant or a direct care worker at a personal care agency licensed under section 1717. [PL 2023, c. 309, §21 (NEW).]

H. "Misappropriation of property" means the deliberate misplacement, exploitation or wrongful, temporary or permanent use of a client's, patient's or resident's belongings or money without that person's consent. [PL 2015, c. 196, §9 (NEW).]

I. "Neglect" means a threat to a person's health or welfare by failure to provide goods or services necessary to avoid physical or mental injury or impairment or the threat of injury or impairment. [PL 2015, c. 196, §9 (NEW).]

J. "Nondisqualifying criminal conviction" means a criminal conviction identified in rules adopted by the department pursuant to subsection 18 that is included as a notation on the registry but does not prohibit employment as a certified nursing assistant. [PL 2023, c. 241, §3 (AMD).]

K. [PL 2023, c. 241, §4 (RP).]

L. "Registry" means the Maine Registry of Certified Nursing Assistants and Direct Care Workers established in subsection 1, which identifies individuals qualified and eligible for employment as a certified nursing assistant and individuals who are not eligible for employment as a certified nursing assistant or direct care worker due to notations for disqualifying offenses. [PL 2023, c. 241, §5 (AMD).]

M. "Substantiated finding" means an administrative determination made by the department after investigation of a complaint against a certified nursing assistant or a direct care worker of abuse, neglect or misappropriation of property of a client, patient or resident. [PL 2015, c. 196, §9 (NEW).]

N. "Unsubstantiated finding" means an administrative determination made by the department after investigation of a complaint against a certified nursing assistant or a direct care worker that no evidence of abuse, neglect or misappropriation of property of a client, patient or resident was found to support a substantiated finding. [PL 2015, c. 196, §9 (NEW).]

[PL 2023, c. 241, §§1-5 (AMD); PL 2023, c. 309, §21 (AMD).]

2. Contents.

[PL 2015, c. 196, §9 (RP).]

2-A. Registry listing. All active certified nursing assistants employed in the State must be listed on the registry. The registry must contain a listing of certified nursing assistants, direct care workers and immediate supervisors that are ineligible for employment based on notations for disqualifying offenses. Direct care workers who may be listed on the registry include but are not limited to the following:

A. Behavior specialists; [PL 2015, c. 196, §9 (NEW).]

B. Behavioral health professionals; [PL 2015, c. 196, §9 (NEW).]

C. Certified residential care aides; [PL 2015, c. 196, §9 (NEW).]

D. Certified residential medication aides; [PL 2015, c. 196, §9 (NEW).]

E. Direct support professionals; [PL 2015, c. 196, §9 (NEW).]

F. Mental health rehabilitation technicians; [PL 2015, c. 196, §9 (NEW).]

G. Mental health support specialists; [PL 2015, c. 196, §9 (NEW).]

H. Other qualified mental health professionals; [PL 2015, c. 196, §9 (NEW).]

I. Personal care attendants or personal support specialists; [PL 2023, c. 241, §6 (AMD).]

J. Registered medical assistants; [PL 2015, c. 196, §9 (NEW).]

K. Residential care specialists; [PL 2015, c. 196, §9 (NEW).]

L. Community health workers; and [PL 2015, c. 196, §9 (NEW).]

M. Other direct care workers described in rules adopted by the department pursuant to subsection 18. [PL 2015, c. 196, §9 (NEW).]

[PL 2023, c. 241, §6 (AMD); PL 2023, c. 309, §22 (AMD).]

2-B. Individual information. The registry must include information for each listed certified nursing assistant, direct care worker and immediate supervisor as required by rules adopted by the department pursuant to subsection 18.
[PL 2023, c. 309, §23 (AMD).]

2-C. Registry notations. The registry must include for a certified nursing assistant, a direct care worker and an immediate supervisor listed on the registry a notation of:

A. Disqualifying criminal convictions; [PL 2025, c. 305, Pt. C, §1 (RPR).]

B. Nondisqualifying criminal convictions, except that a notation is not required on the registry for Class D and Class E criminal convictions over 10 years old that did not involve as a victim of the act a patient, client or resident; and [PL 2025, c. 305, Pt. C, §1 (RPR).]

C. Substantiated findings, including but not limited to the following information:

(1) Documentation of an investigation of the certified nursing assistant, direct care worker or immediate supervisor, including the nature of the allegation and evidence supporting a determination that substantiates the allegation of abuse, neglect or misappropriation of property of a client, patient or resident;

(2) Documentation of substantiated findings of abuse, neglect or misappropriation of property of a client, patient or resident;

(3) If the certified nursing assistant, direct care worker or immediate supervisor appealed the substantiated finding, the date of the hearing; and

(4) The statement of the certified nursing assistant, direct care worker or immediate supervisor disputing the allegation of abuse, neglect or misappropriation of property of a client, patient or resident if the certified nursing assistant, direct care worker or immediate supervisor submitted such a statement. [PL 2025, c. 305, Pt. C, §1 (RPR).]

D. [PL 2025, c. 305, Pt. C, §1 (RP).]
[PL 2025, c. 305, Pt. C, §1 (RPR).]

3. Eligibility requirements for listing; certified nursing assistant. The State Board of Nursing shall adopt rules pursuant to the Maine Administrative Procedure Act defining eligibility requirements for listing on the registry as a certified nursing assistant, including rules regarding temporary listing of nursing assistants who have received training in another jurisdiction. The rules must permit certified nursing assistants to work under the supervision of a registered professional nurse in a facility providing assisted housing services as defined in chapter 1664 and must recognize work in those facilities for the purpose of qualifying for and continuing listing on the registry. Rules adopted regarding the work of certified nursing assistants in facilities providing assisted housing services are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 196, §9 (AMD).]

3-A. Listing on the registry; direct care worker. The department shall adopt routine technical rules regarding listing direct care workers on the registry, including but not limited to the following:

A. Direct care workers with disqualifying offenses must be listed on the registry; and [PL 2023, c. 241, §8 (RPR).]

B. The notation for direct care workers listed on the registry for substantiated findings must include the following information:

(1) Documentation of an investigation of a direct care worker, including the nature of the allegation and evidence supporting a determination that substantiates the allegation of abuse, neglect or misappropriation of property of a client, patient or resident;

(2) Documentation of substantiated findings of abuse, neglect or misappropriation of property of a client, patient or resident;

(3) If the direct care worker appealed the substantiated finding, the date of the hearing; and

(4) The statement of the direct care worker disputing the allegation of abuse, neglect or misappropriation of property of a client, patient or resident if the direct care worker submitted such a statement. [PL 2023, c. 241, §8 (RPR).]

[PL 2023, c. 241, §8 (RPR).]

3-B. Petition for removal of a substantiated finding of neglect or misappropriation of property. No sooner than 12 months after the date a substantiated finding of neglect or misappropriation of property is placed on the registry, a direct care worker may petition the department to remove the notation from the registry if the substantiated finding is a one-time occurrence and there is no pattern of neglect or misappropriation of property.
[PL 2025, c. 305, Pt. C, §2 (AMD).]

4. Department verification of credentials and training. The department may verify the credentials and training of certified nursing assistants listed on the registry.
[PL 2025, c. 305, Pt. C, §3 (RPR).]

4-A. Provider verification fee. The department may establish a provider verification fee not to exceed $25 annually per provider for verification of a certified nursing assistant's credentials and training. Providers may not pass the cost on to the individual certified nursing assistant. Provider verification fees collected by the department must be placed in a special revenue account to be used by the department to operate the registry, including but not limited to the cost of criminal history record checks. The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 305, Pt. C, §4 (RPR).]

5. Employment eligibility verification; certified nursing assistant. An employer, including a health care institution, facility or other organization that employs an individual as a certified nursing assistant, shall verify that the certified nursing assistant is listed as active and has no disqualifying notations on the registry.
[PL 2015, c. 196, §9 (AMD).]

5-A. Employment eligibility verification; direct access worker. An employer, including a health care institution, facility or other organization that employs an individual as a direct access worker, shall verify that the direct access worker has no disqualifying offenses.
[PL 2023, c. 241, §12 (AMD).]

6. Prohibited employment based on disqualifying offenses. An individual with a disqualifying offense, including a substantiated finding or a disqualifying criminal conviction, may not work as a certified nursing assistant, a direct care worker or an immediate supervisor, and an employer is subject to penalties for employing a disqualified or otherwise ineligible person in accordance with applicable federal or state laws.

A. [PL 2015, c. 494, Pt. A, §16 (RP).]

B. [PL 2015, c. 494, Pt. A, §16 (RP).]

[PL 2025, c. 305, Pt. C, §5 (RPR).]

6-A. Background check. Certified nursing assistants, direct care workers and immediate supervisors are subject to a background check as defined by rules adopted by the department and according to the following:

A. A training program for certified nursing assistants or direct care workers must secure or pay for a background check on each individual who applies for enrollment. The individual's current name

and all previous names are subject to the background check. A copy of the background check is given to the individual who, upon successful completion of the training, submits it with an application to be listed on the registry as a certified nursing assistant or a registered direct care worker.

(1) Prior to enrolling an individual, a training program for certified nursing assistants or direct care workers must notify individuals that a background check will be conducted and that certain disqualifying offenses, including criminal convictions, may prohibit an individual from working as a certified nursing assistant or a direct care worker. [PL 2025, c. 305, Pt. C, §6 (RPR).]

B. Pursuant to sections 1717, 1724, 2137, 2149-A, 7706, 8606 and 9005 and Title 34-B, section 1225, licensed, certified or registered providers shall secure and pay for a background check prior to hiring an individual who will work in direct contact with clients, patients or residents, including a certified nursing assistant, a direct care worker or an immediate supervisor. [PL 2025, c. 305, Pt. C, §6 (RPR).]

C. The department may secure a background check on certified nursing assistants, registered direct care workers and immediate supervisors on the registry every 2 years. [PL 2025, c. 305, Pt. C, §6 (RPR).]

D. A person or other legal entity that is not otherwise licensed by the department and that employs or places a certified nursing assistant or direct care worker to provide services allowing direct access shall secure and pay for a background check in accordance with state law and rules adopted by the department. [PL 2025, c. 305, Pt. C, §6 (RPR).]

[PL 2025, c. 305, Pt. C, §6 (RPR).]

6-B. Convictions within previous 10 years; impact on employment eligibility.

[PL 2025, c. 305, Pt. C, §7 (RP).]

6-C. Table of crimes. Department rules must include a table of crimes. Specific crimes listed on the table must be considered substantive offenses under Title 17-A, Part 2 or crimes identified in federal or state law that prohibit employment of an individual subject to this chapter. Convictions of specific crimes must be categorized in the table of crimes as disqualifying criminal convictions or nondisqualifying criminal convictions. Convictions in other jurisdictions for similar crimes must be identified as disqualifying or nondisqualifying convictions.

A. A disqualifying criminal conviction prohibits employment as a certified nursing assistant or a direct access worker.

(1) An individual with a disqualifying criminal conviction is subject to an employment ban of 5, 10 or 30 years. The department shall adopt rules that specify disqualifying criminal convictions that prohibit employment for 5 years, disqualifying criminal convictions that prohibit employment for 10 years and disqualifying criminal convictions that prohibit employment for 30 years. [PL 2025, c. 305, Pt. C, §8 (RPR).]

B. Nondisqualifying criminal convictions do not prohibit employment as a certified nursing assistant, a direct care worker or an immediate supervisor. [PL 2025, c. 305, Pt. C, §9 (RPR).]

[PL 2025, c. 305, Pt. C, §§8, 9 (AMD).]

6-D. Petition for removal of an employment ban; criminal conviction.

[PL 2025, c. 305, Pt. C, §10 (RP).]

7. Time limit on consideration of prior criminal conviction.

[PL 2015, c. 196, §9 (RP).]

8. Exception; certified nursing assistant convictions prior to June 2, 2003.

[PL 2023, c. 241, §19 (RP).]

9. Notification.
[PL 2015, c. 196, §9 (RP).]

10. Complaint investigation. The department may investigate complaints and allegations against certified nursing assistants, direct care workers or immediate supervisors of abuse, neglect, exploitation or misappropriation of property of a client, patient or resident.
[PL 2025, c. 305, Pt. C, §11 (RPR).]

11. Issue a decision. After an investigation under subsection 10, the department shall issue a written decision that the allegation of abuse, neglect or misappropriation of property of a client, patient or resident is unsubstantiated or substantiated. Each allegation of abuse, neglect or misappropriation of property must be considered separately. A substantiated finding must be based on factors established by department rules. The written decision must include at least the following information:

A. Whether the allegation is unsubstantiated or substantiated; [PL 2015, c. 196, §9 (NEW).]

B. A description of the factors supporting a substantiated finding; [PL 2015, c. 196, §9 (NEW).]

C. If a notation of a substantiated finding is entered on the registry; [PL 2015, c. 196, §9 (NEW).]

D. A description of the employment prohibition, if any; and [PL 2015, c. 196, §9 (NEW).]

E. Notice of the right to appeal the department's decision pursuant to subsection 12. [PL 2015, c. 196, §9 (NEW).]

[PL 2023, c. 241, §21 (AMD).]

12. Right to hearing; appeal. In accordance with department rules, a certified nursing assistant, a registered direct care worker or an immediate supervisor may request an administrative hearing to appeal a substantiated finding under subsection 11.
[PL 2023, c. 309, §33 (AMD).]

13. Substantiated finding; lifetime employment ban. A certified nursing assistant, a registered direct care worker or an immediate supervisor with a notation of a substantiated finding on the registry is banned for life from employment as a certified nursing assistant, a direct care worker or an immediate supervisor.
[PL 2025, c. 305, Pt. C, §12 (RPR).]

14. Registration requirements; direct care workers.

[PL 2023, c. 241, §23 (RP).]

15. Department review of application; decision.

[PL 2023, c. 241, §24 (RP).]

16. Renewal of registration.
[PL 2023, c. 241, §25 (RP).]

17. Failure to renew registration prior to expiration.
[PL 2023, c. 241, §26 (RP).]

18. Rules. The department shall adopt rules necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 196, §9 (NEW).]

SECTION HISTORY

RR 1991, c. 2, §76 (RNU). PL 1991, c. 421, §1 (NEW). PL 1993, c. 247, §1 (AMD). PL 1995, c. 670, §B2 (AMD). PL 1995, c. 670, §D5 (AFF). PL 1997, c. 465, §§1,2 (AMD). PL 2001, c. 596, §B5 (AMD). PL 2001, c. 596, §B25 (AFF). PL 2003, c. 376, §§1,2 (AMD). PL 2003, c.

599, §4 (AMD). PL 2003, c. 599, §5 (AFF). PL 2003, c. 634, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 215, §1 (AMD). PL 2009, c. 590, §2 (AMD). PL 2011, c. 257, §2 (AMD). PL 2015, c. 196, §9 (AMD). PL 2015, c. 299, §§9, 10 (AMD). PL 2015, c. 494, Pt. A, §§16-18 (AMD). PL 2023, c. 241, §§1-26 (AMD). PL 2023, c. 309, §§21-34 (AMD). PL 2025, c. 305, Pt. C, §§1-12 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.