

## Notice of Agency Rule-making Proposal

**AGENCY:**

The Department of Health and Human Services, Division of Licensing and Regulatory Services

**RULE TITLE OR SUBJECT: (Repeal and Replace)** Rules Governing the Maine Registry of Certified Nursing Assistants, 10-144 C.M.R. Ch. 128.

**PROPOSED RULE NUMBER:**

(LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE):

**CONCISE SUMMARY:** The proposed rules replace the current Rules Governing the Maine Registry of Certified Nursing Assistants (CNA Registry). Pursuant to Public Law 2003, chapters 376, 416, 599, and 634; Resolves 2003 chapter 96; and revisions made to the Maine Board of Nursing rules (02-380 C.M.R. Ch. 5), the following provisions were amended: employment restrictions for crimes committed within the last 10 years (Sec. 2.5 ); CNA training course instructors must notify applicants about the employment restrictions (Sec. 3.2.1.2 ); the Bridge Examination process (Section 3.2.2); and registry notations of convictions and substantiated complaints (Sections 4.3.6 and 4.3.7). An annotated CNA may not work as a CNA, or as an unlicensed assistive personnel, for nursing facilities, hospitals, home health agencies, assisted housing programs, adult day services programs, personnel care agencies and placement agencies, or temporary nurse agencies (Sec. 2.5.4). As part of their application process, CNA training programs must secure, and pay for, a criminal background check on individuals who enroll in a training program (Sec. 3.2.1.3). The proposed rules include various technical, non-substantive changes relating to section numbering, intra-Departmental agency name changes, spelling, and usage.

**ECONOMIC IMPACT ON SMALL BUSINESSES.** [Applies to businesses with 20 or fewer employees.] DHHS has determined that the proposed rules that replace the repealed Rules Governing the Maine Registry of Certified Nursing Assistants can be implemented within existing resources and no economic impact statement is required.

**THIS RULE WILL \_\_\_ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES.**

**STATUTORY AUTHORITY:** 22 M.R.S.A. §§ 42 and 1812-G and 22-A M.R.S.A. §205; and Public Law 2003, chapters 376, 416, 599, and 634 and Resolves 2003 chapter 96.

**PUBLIC HEARING:** None scheduled unless requested by 5 or more interested persons.

**DEADLINE FOR COMMENTS:** March 27, 2009 at 5 pm.

**AGENCY CONTACT PERSON FOR INFORMATION ON THIS RULE:**

**CONTACT PERSON'S NAME:** Phyllis Powell, Assistant Director,  
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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT \_\_\_\_\_ DATE \_\_\_\_\_

**Catherine M. Cobb, Director,  
 Division of Licensing and Regulatory Services**

FUND 010 AGENCY 10A ORG 6719 APP 01 JOB \_\_\_\_\_ OBJT \_\_\_\_\_ AMOUNT \_\_\_\_\_