

**§1812-C. Nursing staff in nursing homes; reimbursement; delegation of duties; and policies**

**1. Reimbursement of nursing assistants.** Nursing homes shall be entitled to receive reimbursement under the department's principles of reimbursement, in accordance with approved staffing patterns, for long-term care facilities for nursing assistants enrolled in training programs. [PL 1985, c. 738, §1 (NEW).]

**2. Training program expenses.** Nursing homes shall be entitled to receive reimbursement under the department's principles of reimbursement for long-term care facilities, for all reasonable expenses associated with carrying out a certified nursing assistant educational program, consistent with the department rules governing the licensing and functioning of skilled nursing facilities and intermediate care facilities. [PL 1985, c. 738, §1 (NEW).]

**3. Delegation of nursing duties.** A registered nurse in a skilled nursing facility or an intermediate care facility may delegate the following functions to nursing assistants enrolled in training programs:

- A. Distributing clean linens; [PL 1985, c. 738, §1 (NEW).]
- B. Making unoccupied beds; [PL 1985, c. 738, §1 (NEW).]
- C. Distributing food trays, water and nourishments; [PL 1985, c. 738, §1 (NEW).]
- D. Escorting selected patients within the facility; [PL 1985, c. 738, §1 (NEW).]
- E. Assisting patients with clothing; [PL 1985, c. 738, §1 (NEW).]
- F. Combing hair; [PL 1985, c. 738, §1 (NEW).]
- G. Assisting with feeding; and [PL 1985, c. 738, §1 (NEW).]
- H. Other similar functions that may be safely performed by a nursing assistant enrolled in a training program, provided that the nursing assistant in training has satisfactorily demonstrated the ability to perform the delegated tasks. [PL 1985, c. 738, §1 (NEW).]

These functions may be limited to selected residents. [PL 1985, c. 738, §1 (NEW).]

**4. Consistent policies.** [PL 1987, c. 195, §1 (RP).]

**5. Rules; supervision of and delegation to nursing assistants.** The Department of Health and 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. [PL 1987, c. 195, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

**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. [PL 1987, c. 195, §2 (NEW).]

**6-A. Shared staffing.** The department shall permit staff in nursing facilities to be shared with facilities licensed to provide assisted housing services as long as there is a clear, documented audit trail and the staffing in the nursing facilities remains adequate to meet the needs of residents. Staffing to be shared may be based on the average number of hours used per week or month within the assisted

housing facility. In a facility licensed to provide assisted housing services under section 7801 in which 2 or more staff are required to be awake and on duty during a night shift, one of the staff may be shared with a nursing facility located in the same building without prior approval from the department, subject to the following provisions.

A. Prior notice must be given to the department. [PL 2003, c. 416, §2 (NEW).]

B. The assisted housing facility shall maintain its state minimum staffing ratio, and the nursing facility shall maintain its state minimum staffing ratio and its federal licensed nurse staffing requirement. [PL 2023, c. 176, §2 (AMD).]

C. The assisted housing facility and the nursing facility shall each post a notice informing the public that, although staffing is shared on the night shift, compliance with the minimum staffing requirements is maintained. [PL 2023, c. 176, §2 (AMD).]

D. The department may suspend the facility's ability to share staffing under this subsection if the most recent survey for either level of care indicates deficiencies that are related to resident care and that arise from the sharing of staff. [PL 2003, c. 416, §2 (NEW).]

[PL 2023, c. 176, §2 (AMD).]

#### **7. Health Occupations Training Project.**

[PL 1987, c. 777, §6 (RP).]

#### **SECTION HISTORY**

PL 1985, c. 738, §1 (NEW). PL 1987, c. 195, §§1,2 (AMD). PL 1987, c. 777, §2 (AMD). PL 1995, c. 670, §B1 (AMD). PL 1995, c. 670, §D5 (AFF). PL 2003, c. 416, §2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2023, c. 176, §2 (AMD).

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