

CHAPTER 8

PERSONNEL

8.A. Personnel Policies

The facility shall have policies that address all personnel practices.

8.B. Staff Qualifications

8.B.1. The facility must employ, on a full time, part time, or consultant basis those persons necessary to carry out the provisions of these regulations.

8.B.2. Staff must be licensed, certified, or registered in accordance with applicable State laws.

8.C. Employees

8.C.1. Nursing Staff

a. Licensed Staff

R.N.s and L.P.N.s must hold a current State of Maine license or permit, which must be verified prior to employment and upon each renewal.

b. Certified Nursing Assistant

1. A facility must not employ anyone as a nursing assistant for more than four (4) months, on a full-time, temporary, per diem, or other basis, unless that individual has completed a training and/or competency evaluation program that is based upon the standard curriculum established by the Maine State Board of Nursing and approved by the Department of Education, or has been granted reciprocity or has been deemed competent under Maine State Board of Nursing rules.

2. When an individual has not performed paid nursing services for a continuous period of twenty-four (24) consecutive months since the most recent completion of a training and competency evaluation program, the individual must meet qualifications for competency established by the Maine State Board of Nursing.

3. A facility may not use staff of outside agencies to perform nursing assistant duties, unless that person is a CNA.

4. The facility must check with the State of Maine Registry of Certified Nursing Assistants to assure that the prospective CNA is listed on the Registry and has no record of a conviction or a substantiated complaint of resident abuse, neglect or misappropriation of residents' funds or property.

c. Certified Nursing Assistant/Medications (CNA/M)

A CNA/M must be qualified as a CNA, as noted above, and also must have completed a course in the administration of medications as approved by the Department of Education, the curriculum of which has been established by the Maine State Board of Nursing.

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8.C.2. Non-Nursing Personnel

There shall be adequate numbers of non-nursing personnel to perform the necessary services and meet the needs of the residents and the facility. These persons shall not give resident care, unless staffing patterns, training, qualifications and job descriptions reflect the activities of such multi-purpose personnel.

8.C.3. In-Service Program

- a. There shall be an orientation program for all new employees that includes review of all applicable facility policies, including resident rights, job description, and related responsibilities.
- b. The facility must provide at least twelve (12) hours per year for CNA staff and periodic in-service education to all other employees.
- c. The in-service program shall be planned and include at least one program per year relating to resident rights, disaster preparedness, workplace safety and the identified educational needs of the staff.
- d. In-service education must include specific training for staff providing nursing and nursing related services to residents with cognitive impairments including but not limited to people with Alzheimer's or dementia and for those conditions which may be applicable to the resident population of the facility. For facilities with units specific to residents with Alzheimer's or dementia, refer to Chapter 23 of these Regulations.
- e. Records shall be maintained which indicate the content of and staff participation in all such orientation and staff development programs.

8.C.4. Employees with Contagious or Infectious Diseases

No licensed facility shall knowingly employ or otherwise permit any person to serve therein in any capacity if such person has a communicable or infectious disease or condition which would make him/her dangerous to the health and welfare of residents therein.

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8.C.5. Employment Restrictions

The facility must not employ individuals who have been convicted by a court of law or have had complaints substantiated by the Department of abusing, neglecting, or mistreating individuals or misappropriating funds or property in a health care or related setting.

8.C.6. Reporting of Abuse (or Suspicion of)

- a. The facility must ensure that all staff are knowledgeable of the State Mandatory Reporting Law and that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source and/or misappropriation of resident property, are reported immediately through established procedures, to the administrator of the facility and to other officials in accordance with State law.
- b. The facility must have evidence that all alleged violations were thoroughly and immediately investigated. Policies must address administrative procedures to be implemented to prevent further potential abuse while the investigation is in progress.
- c. The results of all investigations conducted in-house must be reported to the administrator or his designated representative and to other officials in accordance with State law as soon as completed. If the alleged violation is verified by the facility or the State Agency, appropriate corrective action must be taken. The reports shall be made available to the Department upon request.

8.C.7. Age Requirement

No person under the age of sixteen (16) shall fulfill the staffing requirements for CNAs.

8.C.8. Grievances

Employees may voice grievances and register complaints with the administrative staff or appropriate outside agencies without fear of reprisal or discharge and shall expect prompt response and disposition of the grievance. No facility may take any action toward an employee which would create a fear of reprisal or a fear of discharge.

8.D. Personnel Records

8.D.1. Employee Record on File

a. Employment History

A record shall be completed for each employee, kept on file in the facility, and shall be available to Department personnel for inspection. Each record shall contain documentation of references and checks, dates of employment, home address, education or background, social security number, occupational license number if applicable, past experience or type of employment, where previously employed, type

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of position employed for in this facility and last day employed (if no longer in present facility). The current occupational license number, when applicable, shall be on file.

b. In-services

Records shall be maintained of staff attendance at in-services and other educational programs.

c. Work Performance

A record shall be kept for each employee of signed performance evaluations.

d. Illness and Accidents

A record shall be kept for each employee of all illnesses and of all accidents occurring on duty.

e. Feeding Assistants

All nursing facilities shall maintain a record of the individuals who have successfully completed a State approved feeding assistance program. Feeding assistants shall not feed residents who require the assistance of staff with more specialized training, such as residents with recurrent lung aspirations, difficulty swallowing, on feeding tubes, and parenteral or IV feedings.

8.E. Weekly Time Schedule

Each facility shall post a dated employee weekly time schedule in a convenient place for employee use. This shall contain each employee's name, job title and location, hours of work and days off for each day of the week. Any changes in staff or hours of work are to be posted on the time schedule. These weekly time schedules shall be kept on file in the facility for one year and shall be available to Department personnel for inspection.

8.F. Laws of the Maine Department of Labor

The current regulations of the Maine Department of Labor shall be followed.

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8.G. Identification Badges

All direct care staff shall, at all times, wear identification badges reflecting their name and title, except in situations in which wearing an identification badge would create a safety hazard.