

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Health Occupations Revision Act of 1985 to establish and regulate the profession of certified nurse aides, to authorize the Mayor through rulemaking to grant expedited temporary licenses to nurse aides from Maryland and Virginia wishing to practice in the District; to amend the Department of Health Functions Clarification Act of 2001 to create an Advisory Committee on Nursing Assistive Personnel; and to amend the Direct Support Professional Payment Rate Act of 2020 to increase the minimum wage and tiered payment scale for direct support workers to on average 120% of the District minimum wage or living wage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Certified Nurse Aide Amendment Act of 2024”.

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 204 (D.C. Official Code § 3-1202.04) is amended by adding a new subsection (h) to read as follows:

“(h) Within 6 months of the effective date of this subsection, the Board shall provide recommendations to the Mayor for their consideration in developing and issuing rules governing nursing assistive personnel with the title of certified nurse aide, as described under section 907(d), in accordance with guidelines approved by the Advisory Committee on Certified Nurse Aides and Nursing Assistive Personnel.”.

(b) Section 907 (D.C. Official Code § 3-1209.07) is amended by adding subsection (d) to read as follows:

“(d) The Mayor shall, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue rules setting forth the standards of education and experience required to qualify as a certified nurse aide, which shall include:

“(1) Combining the registration or certification process for nurse aides and home-

health aides into one profession, which shall bear the title of certified nurse aide;

“(2) Establishing a transition process to ensure a person registered or certified in the District as a nurse aide or home-health aide before the effective date of this subsection shall be authorized to practice and represent themselves as a certified nurse aide; and

“(3) Creating a temporary license that would authorize a person licensed or certified and in good standing as a nurse aide or equivalent in Maryland or Virginia to practice as a certified nurse aide in the District; provided, that within 5 business days of the Board of Nursing receiving a complete application for a temporary license, the Department of Health shall notify the applicant of:

“(A) The temporary license being approved; or

“(B) The reasons why the application was denied and the necessary steps for approval.”.

Sec. 3. The Department of Health Functions Clarification Act of 2001, effective October 1, 2001 (D.C. Law 14-28; D.C. Official Code § 7-743.01 *et seq.*), is amended by adding a new section 4949b to read as follows:

“Sec. 4949b. Advisory Committee on Certified Nurse Aides and Nursing Assistive Personnel.

“(a) There is established an Advisory Committee on Certified Nurse Aides and Nursing Assistive Personnel (“Committee”), which shall consist of the following 5 members:

“(1) An individual who has experience working as a home-health aide or a certified nurse aide;

“(2) Two representatives of providers licensed in the District to provide certified nurse aide services, one of which shall represent home-health agencies and one of which shall represent certified nurse aide providers;

“(3) One representative from entities approved to train certified nurse aides; and

“(4) One representative from the Department of Health.

“(b) The Committee shall develop and submit recommendations to the Board of Nursing for the certification of certified nurse aides. The guidelines shall set forth the education and competency-based standards for certification, consistent with the requirements established under 42 C.F.R. § 483.152 and 42 C.F.R. § 484.80.

“(c) The Committee shall review barriers to the development and support of on-the-job training programs and registered apprenticeship programs of certified nurse aides, including certified nurse aides seeking advance credentials, and shall make recommendations on eliminating such barriers.

“(d) The Committee shall sunset 2 years after its first meeting.”.

Sec. 4. The Direct Support Professional Payment Rate Act of 2020, effective April 16,

ENROLLED ORIGINAL

2020 (D.C. Law 25-161; D.C. Official Code § 4-2001 *et seq.*), is amended as follows:

(a) Section 3(a) (D.C. Official Code § 4-2002(a)) is amended by striking the numeral “117.6%” both times it appears and inserting the numeral “120%” in its place.

(b) Section 5 (D.C. Official Code § 4-4004) is amended as follows:

(1) Subsection (a) is amended by striking the numeral “117.6%” wherever it appears and inserting the numeral “120%” in its place.

(2) Subsection (b) is amended by striking the numeral “117.6%” both times it appears and inserting the numeral “120%” in its place.

Sec. 5. Applicability.

(a) Section 4 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision identified in subsection (a) of this section.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and a 30-day period of congressional review

ENROLLED ORIGINAL

as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia