

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1102 Session of 2024

INTRODUCED BY ARGALL, BROOKS, BOSCOLA, GEBHARD, J. WARD, ROTHMAN, PENNYCUICK, CULVER, HUTCHINSON, FARRY, PHILLIPS-HILL, DUSH, MASTRIANO, LAUGHLIN AND ROBINSON, MARCH 12, 2024

SENATOR ARGALL, EDUCATION, AS AMENDED, APRIL 30, 2024

AN ACT

1 Amending the act of June 9, 1997 (P.L.169, No.14), entitled "An
2 act providing for Statewide nurse aide training programs
3 relating to nursing facilities," providing for training for
4 long-term care, for criteria for nurse aides and for
5 limitation on department.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 9, 1997 (P.L.169, No.14), known
9 as the Nurse Aide Resident Abuse Prevention Training Act, is
10 amended by adding sections to read:

11 Section 3.1. Training for long-term care.

12 ~~(a) Duties of department.~~—The department shall: <--

13 (1) Develop and implement a long-term care curriculum
14 for nurse aides.

15 (2) Establish qualifications for individuals to conduct
16 training of the long-term care curriculum. The qualifications
17 shall include, at a minimum, that an instructor must be a
18 registered nurse or a licensed practical nurse under the
19 supervision of a registered nurse as defined in 49 Pa. Code §

1 21.1 (relating to definitions).

2 (3) Establish a training program to implement a train-
3 the-trainer model so that trainers are able to deliver the
4 long-term care curriculum to nurse aides in this
5 Commonwealth. If the training of a nurse aide is performed by
6 a registered nurse or a licensed practical nurse under the
7 general supervision of a registered nurse:

8 (i) the registered nurse must be available to the
9 licensed practical nurse; and

10 (ii) the registered nurse must have a minimum of two
11 years of nursing experience, with at least 12 months of
12 employment in a long-term care nursing facility.

13 (4) Review an A FACILITY'S application for approval to <--
14 enroll in ESTABLISH a training program. If the department <--
15 fails to approve an initial application within 45 calendar
16 days of receipt, the application shall be deemed approved. If
17 the department fails to approve a revised application within
18 15 days of receipt, the application shall be deemed approved.

19 ~~(b) Eligibility for admittance to examination.~~ <--

20 ~~Notwithstanding any other provision of law to the contrary, an~~
21 ~~individual who is a student nurse or graduate nurse shall be~~
22 ~~admitted to sit for the nurse aide examination if the individual~~
23 ~~demonstrates that the individual has completed courses through a~~
24 ~~nursing program that is equivalent to the requirements of the~~
25 ~~nurse aide training program.~~

26 Section 3.2. Criteria for nurse aides.

27 (a) General rule.--In order to become a nurse aide in this
28 Commonwealth, an individual must:

29 (1) Successfully complete a State-approved nurse aide
30 curriculum and training program or the long-term care

1 curriculum for nurse aides and achieve a minimum score,
2 established by the department, on the nurse aide competency
3 examination, which shall consist of:

4 (i) a written portion that may be taken, at the
5 option of the individual, in person or remotely over the
6 Internet; and

7 (ii) a skills-demonstrated portion approved by the
8 department and administered at a site and instructor
9 approved by the department.

10 (2) Be a graduate of an accredited registered nurse or
11 licensed practical nursing program and achieve a minimum
12 score, established by the department, on the nurse aide
13 competency examination.

14 ~~(3) Be a student of an accredited registered nurse or~~ <--
15 ~~licensed practical nursing program who obtains a passing~~
16 ~~grade in a fundamentals of nursing course or equivalent and~~
17 ~~achieves a minimum score, established by the department, on~~
18 ~~the nurse aide competency examination.~~

19 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BE A <--
20 STUDENT NURSE OR GRADUATE NURSE THAT HAS COMPLETED COURSES
21 THROUGH A NURSING PROGRAM THAT IS EQUIVALENT TO THE
22 REQUIREMENTS OF THE NURSE AIDE TRAINING PROGRAM AND ACHIEVES
23 A MINIMUM SCORE AS REQUIRED BY THE DEPARTMENT ON THE NURSE
24 AIDE COMPETENCY EXAMINATION.

25 (b) Facility proctoring of the competency evaluation.--

26 (1) The competency evaluation may, at the PROSPECTIVE <--
27 nurse aide's option, be conducted at the facility in which
28 the PROSPECTIVE nurse aide is or will be employed unless the <--
29 facility is described in 42 CFR 483.151(b) (2) (relating to
30 state review and approval of nurse aide training and

1 competency evaluation programs).

2 (2) The department may permit the competency evaluation
3 to be proctored by facility personnel if the department finds
4 that the procedure adopted by the facility ensures that the
5 competency evaluation program:

6 (i) is secure from tampering;

7 (ii) is standardized and scored by a testing,
8 educational or other organization approved by the
9 department; and

10 (iii) requires no scoring by facility personnel.

11 Section 3.3. Limitation on department.

12 The department may not impose on a provider of a State-
13 approved nurse aide program a waiting period between approval of
14 the training program and the offering of any portion of the
15 training online. AS AUTHORIZED UNDER SECTION 9. <--

16 Section 2. This act shall take effect ~~in six months.~~ AS <--

17 FOLLOWS:

18 (1) THE ADDITION OF SECTION 3.1(1), (2) AND (3) OF THE
19 ACT SHALL TAKE EFFECT IN ONE YEAR.

20 (2) THE ADDITION OF SECTION 3.2(B) OF THE ACT SHALL TAKE
21 EFFECT IN 60 DAYS.

22 (3) The remainder of this act shall take effect in 30
23 days.