

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1268 Session of
2020

INTRODUCED BY J. WARD, LANGERHOLC, AUMENT, MENSCH, PITTMAN,
COLLETT, REGAN, PHILLIPS-HILL, ARGALL, BROWNE, FONTANA,
MARTIN, KILLION, MUTH, STEFANO, BREWSTER AND BARTOLOTTA,
AUGUST 31, 2020

REFERRED TO EDUCATION, AUGUST 31, 2020

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 findings;
4 further providing for definitions; providing for
5 certification of COVID-19 temporary nurse aides; and making
6 an editorial change.

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

9 Section 1. The findings and declarations immediately
10 preceding the enacting clause of the act of June 9, 1997
11 (P.L.169, No.14), known as the Nurse Aide Resident Abuse
12 Prevention Training Act, are repealed:

13 [The General Assembly finds and declares that nurse aides in
14 this Commonwealth are required to successfully complete a State-
15 approved training and evaluation in order to be employed as a
16 nurse aide in a skilled nursing facility or nursing facility in
17 this Commonwealth. Further, it is recognized that the purpose of
18 the training, as mandated by the Omnibus Budget Reconciliation
19 Act of 1987 (Public Law 100-203, 101 Stat. 1330), is to ensure

1 that nurse aides have the education, practical knowledge and
2 skills needed to care for residents of facilities participating
3 in the Medicare and Medicaid programs. The General Assembly
4 declares as a matter of public policy that the training effort
5 must give specific emphasis to identifying abusive situations,
6 understanding what abuse is and learning methods and techniques
7 to further prevent resident abuse from actually occurring.]

8 Section 2. The act is amended by adding a section to read:

9 Section 1.1. Findings.--

10 The General Assembly finds that:

11 (1) Nurse aides in this Commonwealth are required to
12 successfully complete a State-approved training and
13 evaluation in order to be employed as a nurse aide in a
14 skilled nursing facility or nursing facility in this
15 Commonwealth.

16 (2) The purpose of the training, as mandated by the
17 Omnibus Budget Reconciliation Act of 1987 (Public Law 100-
18 203, 101 Stat. 1330), is to ensure that nurse aides have the
19 education, practical knowledge and skills needed to care for
20 residents of facilities participating in the Medicare and
21 Medicaid programs.

22 (3) During the COVID-19 pandemic, Federal and State
23 regulatory and statutory provisions have been waived to
24 assist in the hiring of nurse aides.

25 (4) Individuals have served admirably and
26 compassionately in this capacity and have demonstrated
27 through accelerated training and experience adequate
28 competency to transition to fully registered status as a
29 nurse aide.

30 (5) As a matter of public policy, the training effort

1 must give specific emphasis to identifying abusive
2 situations, understanding what abuse is and learning methods
3 and techniques to further prevent resident abuse from
4 actually occurring.

5 (6) As a matter of public policy, the State-approved
6 training program should take into account training and
7 experience acquired during the COVID-19 pandemic to
8 transition these individuals to placement on the State's
9 nurse aide registry.

10 Section 3. Section 2 of the act is amended by adding
11 definitions to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 "CMS." The Centers for Medicare and Medicaid Services.

18 "COVID-19." The Coronavirus Disease 2019, an infectious
19 disease caused by severe acute respiratory syndrome coronavirus
20 2 that was first identified during December 2019 in Wuhan,
21 China.

22 * * *

23 "Hiring entity." A nursing facility or other health care
24 facility in which a nurse aide has been hired to perform nurse
25 aide duties.

26 * * *

27 "Temporary nurse aide." A nurse aide who has been hired
28 under the processes authorized according to Federal and State
29 waivers provided under the Federal and State emergency
30 declarations related to COVID-19.

1 Section 4. The act is amended by adding a section to read:

2 Section 9.1. Certification of COVID-19 temporary nurse aides.

3 (a) Eligibility.--Notwithstanding the State-approved nurse
4 aide training programs, the department shall deem an individual
5 as satisfying the requirement of completing a nurse aide
6 training and competency evaluation program approved by the State
7 if:

8 (1) The individual successfully completed a training
9 program and competency assessment authorized under the CMS
10 COVID-19 pandemic waiver, including online training and an
11 online examination.

12 (2) The individual completed a minimum of 80 hours of
13 temporary nurse aide or supervised practical nurse aide
14 training, on-the-job training or regular in-service nurse
15 aide education during the declared COVID-19 emergency under
16 the supervision of a licensed or registered nurse.

17 (3) The individual's competency has been established by
18 one of the following:

19 (i) the successful completion of the State nurse
20 aide examination;

21 (ii) certification by a site administrator
22 responsible for assessing the individual's competency
23 skills as part of an approved apprenticeship program; or

24 (iii) through an assessment in all areas of required
25 nurse aide training as provided for in 42 CFR 483.152(b)
26 (relating to requirements for approval of a nurse aide
27 training and competency evaluation program) by the hiring
28 entity.

29 (b) Registry.--Individuals who meet the eligibility
30 provisions in subsection (a) shall be deemed to have completed

1 all nurse aide training and competency evaluation program
2 requirements and shall be placed on the State nurse aide
3 registry.

4 (c) Implementation.--The department shall incorporate this
5 section as part of the State-approved nurse aide training
6 programs.

7 Section 5. This act shall take effect immediately.