

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1516 Session of
2001

INTRODUCED BY PISTELLA, SCHULER, C. WILLIAMS, E. Z. TAYLOR,
GRUCELA, MANDERINO, COSTA, GEORGE, CAPPELLI, DERMODY, BEBKO-
JONES, BELFANTI, BROWNE, CALTAGIRONE, CAWLEY, CORRIGAN, COY,
DeLUCA, DeWEESE, FRANKEL, FREEMAN, HALUSKA, HARHAI, JAMES,
LAUGHLIN, LEDERER, MELIO, PIPPY, PRESTON, READSHAW, ROBINSON,
RUBLEY, SHANER, SOLOBAY, STABACK, STEELMAN, J. TAYLOR,
TRELLO, TRICH, WALKO, WOJNAROSKI, YOUNGBLOOD, YUDICHAK AND
SAMUELSON, MAY 3, 2001

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES,
HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 22, 2001

AN ACT

1 Providing for a direct care advanced training program, for
2 tuition reimbursement and financial payments for direct care
3 employees upon program completion; conferring powers and
4 duties on the Department of Education; and making an
5 appropriation.

6 The General Assembly finds and declares as follows:

7 It is the intent of the General Assembly to ~~create a career~~ <—
8 ~~path~~ ESTABLISH A FOUNDATION FOR CAREER LADDERS IN PENNSYLVANIA <—
9 for direct care staff employed by long-term care facilities in
10 an effort to enhance ~~patient care delivery as well as patient~~ <—
11 CONSUMER CARE DELIVERY AS WELL AS CONSUMER and family <—
12 satisfaction by improving employee recruitment, training and
13 retention.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Short title.

1 This act shall be known and may be cited as the Direct Care
2 Advanced Training Act.

3 Section 2. Definitions.

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

7 "Department." The Department of Education of the
8 Commonwealth.

9 "Direct care employee." The term is limited to an individual
10 who is EMPLOYED, CONTRACTED OR REFERRED IN OR BY A FACILITY AS a <—
11 nurse aide who has successfully completed the State-approved
12 nurse aide training program and is certified and whose name is
13 listed in the Department of Health Nurse Aide Registry.

14 ~~"Long term care facility."~~ "FACILITY." A facility licensed <—
15 by the Commonwealth to provide long-term care ACROSS THE LONG- <—
16 TERM CONTINUUM. The term includes, but is not limited to, a
17 long-term care nursing home FACILITY, personal care home and <—
18 ~~adult daily living center.~~ HOME, OLDER ADULT LIVING CENTER, HOME <—
19 HEALTH CARE AGENCY, A HEALTH CARE FACILITY AND A HOME CARE
20 AGENCY.

21 "HEALTH CARE FACILITY." THIS TERM INCLUDES, BUT IS NOT
22 LIMITED TO, A GENERAL, CHRONIC DISEASE OR OTHER TYPE OF
23 HOSPITAL, A HOME HEALTH CARE AGENCY, A HOME CARE AGENCY, A
24 HOSPICE, A LONG-TERM CARE NURSING FACILITY, CANCER TREATMENT
25 CENTERS USING RADIATION THERAPY ON AN AMBULATORY BASIS, AN
26 AMBULATORY SURGICAL FACILITY OR A BIRTH CENTER REGARDLESS OF
27 WHETHER SUCH HEALTH CARE FACILITY IS OPERATED FOR PROFIT,
28 NONPROFIT OR BY AN AGENCY OF THE COMMONWEALTH OR LOCAL
29 GOVERNMENT. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO LICENSE
30 OTHER HEALTH CARE FACILITIES AS MAY BE NECESSARY DUE TO

1 EMERGENCE OF NEW MODES OF HEALTH CARE. WHEN THE DEPARTMENT SO
2 FINDS, IT SHALL PUBLISH ITS INTENTION TO LICENSE A PARTICULAR
3 TYPE OF HEALTH CARE FACILITY IN THE PENNSYLVANIA BULLETIN IN
4 ACCORDANCE WITH ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
5 THE REGULATORY REVIEW ACT. THE TERM DOES NOT INCLUDE AN OFFICE
6 USED PRIMARILY FOR THE PRIVATE PRACTICE OF A HEALTH CARE
7 PRACTITIONER, NOR A PROGRAM WHICH RENDERS TREATMENT OR CARE FOR
8 DRUG OR ALCOHOL ABUSE OR DEPENDENCE UNLESS LOCATED WITHIN A
9 HEALTH FACILITY, NOR A FACILITY PROVIDING TREATMENT SOLELY ON
10 THE BASIS OF PRAYER OR SPIRITUAL MEANS. THE TERM DOES NOT
11 INCLUDE A FACILITY WHICH IS CONDUCTED BY A RELIGIOUS
12 ORGANIZATION FOR THE PURPOSE OF PROVIDING HEALTH CARE SERVICES
13 EXCLUSIVELY TO CLERGYMEN OR OTHER PERSONS IN A RELIGIOUS
14 PROFESSION WHO ARE MEMBERS OF A RELIGIOUS DENOMINATION.

15 "HOME CARE AGENCY." AN ORGANIZATION OR PART THEREOF,
16 EXCLUSIVE OF A HOME HEALTH CARE AGENCY, THAT SUPPLIES, ARRANGES,
17 SCHEDULES OR REFERS INDIVIDUALS TO PROVIDE ACTIVITIES OF DAILY
18 LIVING OR INSTRUMENTAL ACTIVITIES OF DAILY LIVING ON AN HOURLY,
19 SHIFT OR CONTINUAL BASIS TO ANY PERSON IN THE PERSON'S PLACE OF
20 RESIDENCE OR OTHER INDEPENDENT LIVING ENVIRONMENT FOR WHICH THE
21 ORGANIZATION RECEIVES A FEE, CONSIDERATION OR COMPENSATION OF
22 ANY KIND. THE TERM DOES NOT INCLUDE DURABLE MEDICAL EQUIPMENT
23 PROVIDERS OR VOLUNTEER PROVIDERS.

24 "HOME HEALTH CARE AGENCY." AN ORGANIZATION OR PART THEREOF
25 STAFFED AND EQUIPPED TO PROVIDE NURSING AND AT LEAST ONE
26 THERAPEUTIC SERVICE TO PERSONS WHO ARE DISABLED, AGED, INJURED
27 OR SICK IN THEIR PLACE OF RESIDENCE OR OTHER INDEPENDENT LIVING
28 ENVIRONMENT. THE AGENCY MAY ALSO PROVIDE OTHER HEALTH-RELATED
29 SERVICES TO PROTECT AND MAINTAIN PERSONS IN THEIR PLACE OF
30 RESIDENCE OR OTHER INDEPENDENT LIVING ENVIRONMENT.

1 "LONG-TERM CARE NURSING FACILITY." AS DEFINED IN SECTION
2 802.1 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
3 HEALTH CARE FACILITIES ACT.

4 "OLDER ADULT DAILY LIVING CENTER." AS DEFINED IN SECTION 2
5 OF THE ACT OF JULY 11, 1990 (P.L.499, NO.118), KNOWN AS THE
6 OLDER ADULT DAILY LIVING CENTERS LICENSING ACT.

7 "PERSONAL CARE HOME." AS DEFINED IN SECTION 1001 OF THE ACT
8 OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE
9 CODE.

10 "Qualified training site." Means a State-owned college or
11 university, The Pennsylvania State University, community
12 college, area vocational-technical school or other setting
13 approved by the Department of Education.

14 Section 3. Direct care advanced training.

15 (a) Program components.--The direct care advanced training
16 program shall consist of three categories of certification, as
17 follows:

18 (1) Behavioral care. The training requirements under
19 this certificate program shall focus on the additional
20 requirements of care delivery for patients with dementia,
21 Alzheimer's disease or mental illness; coping with stressful
22 situations and patients with behavioral problems;
23 understanding the signs of behavioral problems; and the
24 communication of information about behavioral problems to
25 supervisors.

26 (2) Restorative care. The training requirements under
27 this certificate program shall focus on ambulation, range of
28 motion, alignment, bowel and bladder training, transferring
29 and feeding methods.

30 (3) Leadership. The training requirements under this

1 certificate program shall include courses in team building
2 skills, supervision of peers, advanced communication skills,
3 organizational skills and certified nursing assistant service
4 delivery.

5 (b) Qualifications.--A direct care employee may not receive
6 any benefits or participate in any category of certification
7 under this act unless the DIRECT CARE employee has successfully <—
8 completed the ~~testing~~ CERTIFICATION requirements of the nurse <—
9 aide training program offered through the department.

10 (c) Limitation.--Following completion of a category of
11 certification, a direct care employee may not enroll in another
12 category of certification:

13 (1) Until the ~~long term care~~ facility has completed its <—
14 financial payment obligation under section 6.

15 (2) For at least 60 days following the final financial
16 payment by the ~~long term care~~ facility. <—

17 Section 4. Training.

18 (a) Categories of certification.--No later than 90 days
19 after the effective date of this act, the department shall, by
20 regulation, develop standardized training curriculum to meet the
21 minimum knowledge, education or training for each certification
22 category. The following shall apply:

23 (1) Each category of certification shall consist of a
24 minimum of 30 hours of classroom time.

25 (2) Each category of certification shall consist of a
26 minimum of 30 hours of practical training that leads to
27 demonstrated proficiency. Practical training may be performed
28 in either a ~~long term care facility listed under this act~~ <—
29 FACILITY or a training laboratory setting. <—

30 (3) In developing the standardized training curriculum

1 the department shall seek input from representatives of the
2 higher education community with knowledge in long-term care,
3 representatives from vocational-technical education
4 institutions, representatives of Pennsylvania nurses'
5 associations, representatives from the Pennsylvania long-term
6 care community and representatives from consumer interest
7 groups. The standardized training curriculum shall be
8 designed to facilitate the maximum provision of services that
9 can be provided by a nurse aide without violating the
10 practice acts of licensed health professionals.

11 (b) Standardized test.--The department shall establish a
12 standardized test for each category of certification that shall
13 be utilized by all qualified training sites. Each standardized
14 test must show a demonstrated proficiency in both classroom
15 training and practical training.

16 (c) Limitation.--The department may limit the number of
17 direct care employees per year per facility that can apply for
18 each category of certification.

19 Section 5. Tuition Reimbursement Program.

20 Not later than 30 days after the promulgation of regulations
21 under this act, the department shall establish a Tuition
22 Reimbursement Program and application guidelines for those
23 direct care employees enrolled in each advanced training
24 category that shall include the following:

25 (1) Tuition for each direct care employee enrolled shall
26 be paid by the ~~long-term-care~~ facility. <—

27 (2) The department and the ~~long-term-care~~ facility can <—
28 determine eligibility for tuition reimbursement before a
29 direct care employee enrolls in any of the category of
30 certification. However, the direct care employee must

1 successfully complete the requirements for each category of
2 certification before any tuition reimbursement claim can be
3 filed by the ~~long-term care~~ facility. <—

4 (3) A ~~long-term care~~ facility shall be eligible to <—
5 receive tuition reimbursement for a direct care employee
6 enrolled in each category of certification.

7 (4) The department shall only pay a claim for tuition
8 reimbursement upon a showing that the direct care employee
9 has successfully completed THE REQUIREMENTS OF each category <—
10 of certification.

11 (5) Tuition reimbursement shall be made in an amount
12 equal to one-half of the total costs paid by the ~~long-term~~ <—
13 ~~care~~ facility for each direct care employee enrolled in a
14 category of certification. Total costs shall include the cost
15 of each credit hour as well as books and materials required
16 to complete the course curriculum.

17 (6) The department shall pay within 30 days a claim for
18 tuition reimbursement filed by a ~~long-term care~~ facility in <—
19 accordance with this section.

20 (7) Nothing in this act shall prevent a ~~long-term care~~ <—
21 facility from seeking tuition reimbursement from any direct
22 care employee who does not successfully complete a category
23 of certification.

24 (8) Tuition reimbursement shall only be available to a
25 ~~long-term care~~ facility as long as funds are available <—
26 through the department.

27 Section 6. Financial payments.

28 (a) Payment to direct care employee.--A direct care employee
29 shall receive a financial payment of \$600 upon the successful
30 completion of each category of certification. This financial

1 payment shall be made by the ~~long term care~~ facility to the <—
2 direct care employee over a period not to exceed 90 days.

3 (b) Condition.--The direct care employee shall only receive
4 a financial payment as long as he is employed by the ~~long term~~ <—
5 ~~care~~ facility.

6 (c) Reimbursement by department.--Upon completion of the
7 payment under this section, the ~~long term care~~ facility shall <—
8 submit a claim for reimbursement for the facility's actual
9 financial payment to each direct care employee. The department
10 shall pay the claim within 30 days.

11 Section 7. Certification awarded.

12 Upon successful completion of THE REQUIREMENTS FOR each <—
13 category of certification, the direct care employee shall
14 receive a certificate from the qualified training site
15 indicating the individual's name, category of certification
16 completed, the qualified training site location and address and
17 the date of completion. The qualified training site shall also
18 provide a copy of the information to the long-term care
19 facility.

20 Section 8. Annual report.

21 The department shall prepare and submit an annual report to
22 the General Assembly on the program. The report shall include
23 pertinent information regarding the effectiveness of the
24 program, as well as findings and recommendations for changes
25 that may be necessary to improve the program's outcomes.

26 Section 9. Appropriation.

27 The sum of ~~\$1,700,000~~ \$2,125,000, or as much thereof as may <—
28 be necessary, is hereby appropriated to the Department of
29 Education for the fiscal year July 1, ~~2001, to June 30, 2002~~ <—
30 2002, TO JUNE 30, 2003, to carry out the provisions of this act. <—

1 This appropriation shall be allocated as follows:

2 (1) The sum of ~~\$500,000~~ \$625,000 is allocated for the <—
3 Tuition Reimbursement Program under this act.

4 (2) The sum of ~~\$1,200,000~~ \$1,500,000 is allocated for <—
5 financial payments under section 6.

6 ~~Section 9. Effective date.~~ <—
7 ~~This act shall take effect in 60 days.~~

8 SECTION 10. EFFECTIVE DATE. <—

9 THIS ACT SHALL TAKE EFFECT JULY 1, 2002, OR IMMEDIATELY,
10 WHICHEVER IS LATER.