
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1034 Session of
2007

INTRODUCED BY WOJNAROSKI, REICHLEY, GRUCELA, YOUNGBLOOD,
CALTAGIRONE, CAPPELLI, KULA, BAKER, NAILOR, DeWEESE, GEIST,
BELFANTI, FABRIZIO, FRANKEL, GEORGE, GINGRICH, HALUSKA,
HARHART, HENNESSEY, HESS, HORNAMAN, JAMES, KORTZ, KOTIK,
LEACH, MYERS, RAPP, SAMUELSON, SAYLOR, McILVAINE SMITH,
K. SMITH, STABACK AND WATSON, APRIL 5, 2007

REFERRED TO COMMITTEE ON EDUCATION, APRIL 5, 2007

AN ACT

1 Establishing the Direct Care Advanced Training Program;
2 providing for tuition reimbursement and financial payments
3 for direct care employees upon program completion; and
4 conferring powers and duties on the Department of Education.

5 The General Assembly finds and declares as follows:

6 It is the intent of the General Assembly to establish a
7 foundation for career ladders in Pennsylvania for direct care
8 staff providing long-term care services in an effort to enhance
9 consumer care delivery as well as consumer and family
10 satisfaction by improving employee recruitment, training and
11 retention.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Short title.

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

17 Section 2. Definitions.

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

4 "Department." The Department of Education of the
5 Commonwealth.

6 "Direct care employee." The term is limited to an individual
7 who is employed, contracted or referred by a State-funded or
8 licensed facility or provider to furnish long-term care services
9 to consumers.

10 "Facility." A facility licensed by the Commonwealth to
11 provide long-term care, including, but not limited to, a long-
12 term care nursing facility, personal care home, older adult
13 daily living center and home health care agency.

14 "Home and community-based services." Services provided in a
15 person's home or at a location in the community to assist
16 consumers in functioning as independently as possible.

17 "Home care agency." An organization or part thereof,
18 exclusive of a home health care agency, that supplies, arranges,
19 schedules or refers individuals to provide activities of daily
20 living or instrumental activities of daily living on an hourly,
21 shift or continual basis to any person in the person's place of
22 residence or other independent living environment for which the
23 organization receives a fee, consideration or compensation of
24 any kind. The term does not include durable medical equipment
25 providers or volunteer providers.

26 "Home health care agency." As defined in section 802.1 of
27 the act of July 19, 1979 (P.L.130, No.48), known as the Health
28 Care Facilities Act.

29 "Long-term care nursing facility." As defined in section
30 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the

1 Health Care Facilities Act.

2 "Older adult daily living center." As defined in section 2
3 of the act of July 11, 1990 (P.L.499, No.118), known as the
4 Older Adult Daily Living Centers Licensing Act.

5 "Personal care home." As defined in section 1001 of the act
6 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare
7 Code.

8 "Program." The Direct Care Advanced Training Program
9 established in section 3.

10 "Provider." An organization licensed or funded by the
11 Commonwealth to provide long-term care and support services,
12 including, but not limited to, a long-term care nursing
13 facility, licensed personal care home, adult day services
14 center, home health agency and home care agency or home and
15 community-based services.

16 "Qualified training site." A State-owned university, The
17 Pennsylvania State University and a community college, area
18 vocational-technical school or other setting approved by the
19 Department of Education.

20 Section 3. Direct Care Advanced Training Program.

21 (a) Program components.--An advanced training program for
22 direct care workers, to be known as the Direct Care Advanced
23 Training Program, is hereby established in the department. The
24 program shall consist of three categories of certification, as
25 follows:

26 (1) Behavioral care. The training requirements under
27 this certificate category shall focus on:

28 (i) The additional requirements of care delivery for
29 patients with dementia, Alzheimer's disease or mental
30 illness.

(ii) Coping with stressful situations and patients with behavioral problems.

(iii) Understanding the signs of behavioral problems.

(iv) The communication of information about behavioral problems to supervisors.

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

(3) Leadership. The training requirements under this certificate category shall include courses in team building skills, supervision of peers, advanced communication skills, organizational skills and direct care service delivery.

(b) Qualifications.--A direct care employee may receive benefits and participate in any category of certification under this act.

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

(1) Until the facility or provider has completed its financial payment obligation under section 6.

(2) For at least 60 days following the final financial payment by the facility or provider.

Section 4. Training.

(a) Categories of certification.--No later than 180 days after the effective date of this act, the department shall, by regulation, develop a standardized training curriculum and a set of core competencies that each direct care worker shall meet to demonstrate the worker's ability, knowledge, education, training

1 and skills for each certification category. The following shall
2 apply:

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

5 (2) Each category of certification shall consist of a
6 minimum of 30 hours of practical training that leads to
7 demonstrated proficiency. Practical training may be performed
8 in a facility, under the supervision of a provider or in a
9 training laboratory setting.

10 (3) In developing the standardized training curriculum
11 and set of core competencies the department shall seek input
12 from representatives of the higher education community with
13 knowledge in long-term care, representatives from vocational-
14 technical education institutions, representatives of
15 Pennsylvania nurses' associations, representatives from the
16 Pennsylvania long-term care community and representatives
17 from consumer interest groups. The standardized training
18 curriculum and set of core competencies shall be designed to
19 facilitate the maximum provision of services that can be
20 provided by a direct care employee without violating the
21 practice acts of licensed health professionals.

22 (b) Standardized test.--The department shall establish a
23 standardized test for each category of certification that shall
24 be utilized by all qualified training sites. Each standardized
25 test must show a demonstrated proficiency in both classroom
26 training and practical training of the core competencies of each
27 category.

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

1 Section 5. Tuition reimbursement program.

2 Not later than 30 days after the promulgation of regulations
3 under this act, the department shall establish a tuition
4 reimbursement program component and application guidelines for
5 those direct care employees enrolled in each advanced training
6 category. The following shall apply:

7 (1) Tuition for each direct care employee enrolled shall
8 be paid by the facility or provider.

9 (2) The department and the facility or provider may
10 determine eligibility for tuition reimbursement before a
11 direct care employee enrolls in any category of
12 certification. However, the direct care employee must
13 successfully complete the requirements for each category of
14 certification before any tuition reimbursement claim can be
15 filed by the facility or provider.

16 (3) A facility or provider shall be eligible to receive
17 tuition reimbursement for a direct care employee enrolled in
18 each category of certification.

19 (4) The department shall only pay a claim for tuition
20 reimbursement upon a showing that the direct care employee
21 has successfully completed the requirements of each category
22 of certification.

23 (5) Tuition reimbursement shall be made in an amount
24 equal to one-half of the total costs paid by the facility for
25 each direct care employee enrolled in a category of
26 certification. Total costs shall include the cost of each
27 credit hour, books and materials required to complete the
28 training program and staff replacement expenses incurred by
29 the facility or provider while the direct care employee is
30 receiving the training.

1 (6) The department shall pay within 30 days a claim for
2 tuition reimbursement filed by a facility or provider in
3 accordance with this section.

4 (7) Nothing in this act shall prevent a facility or
5 provider from seeking tuition reimbursement from any direct
6 care employee who does not successfully complete a category
7 of certification.

8 (8) Tuition reimbursement shall only be available to a
9 facility or provider as long as funds are available through
10 the department.

11 Section 6. Financial payments.

12 (a) Payment to direct care employee.--A direct care employee
13 shall receive a financial payment of \$600 upon the successful
14 completion of a category of certification. This financial
15 payment shall be made by the facility or provider to the direct
16 care employee over a period not to exceed 90 days.

17 (b) Condition.--The direct care employee shall only receive
18 a financial payment as long as the employee is employed by the
19 facility or provider.

20 (c) Reimbursement by department.--Upon completion of the
21 payment under this section, the facility or provider shall
22 submit a claim for reimbursement for the facility's or
23 provider's actual financial payment to each direct care
24 employee. The department shall pay the claim within 30 days.

25 Section 7. Certification awarded.

26 Upon successful completion of the requirements for a category
27 of certification, a direct care employee shall receive a
28 certificate from the qualified training site indicating the
29 individual's name, category of certification completed, the
30 qualified training site location and address and the date of

1 completion. The qualified training site shall also provide a
2 copy of the information to the long-term care facility or
3 provider.

4 Section 8. Annual report.

5 The department shall prepare and submit an annual report to
6 the General Assembly on the program. The report shall include
7 pertinent information regarding the effectiveness of the
8 program, as well as findings and recommendations for changes
9 that may be necessary to improve the program's outcomes.

10 Section 9. Effective date.

11 This act shall take effect in 90 days.