

NURSE AIDE RESIDENT ABUSE PREVENTION TRAINING ACT -
CERTIFICATION OF COVID-19 TEMPORARY NURSE AIDES
Act of Nov. 25, 2020, P.L. 1301, No. 138 **Cl. 35**
Session of 2020
No. 2020-138

SB 1268

AN ACT

Amending the act of June 9, 1997 (P.L.169, No.14), entitled "An act providing for Statewide nurse aide training programs relating to nursing facilities," providing for findings; further providing for definitions; providing for certification of COVID-19 temporary nurse aides; and making an editorial change.

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

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clause of the act of June 9, 1997 (P.L.169, No.14), known as the Nurse Aide Resident Abuse Prevention Training Act, are repealed:

[The General Assembly finds and declares that nurse aides in this Commonwealth are required to successfully complete a State-approved training and evaluation in order to be employed as a nurse aide in a skilled nursing facility or nursing facility in this Commonwealth. Further, it is recognized that the purpose of the training, as mandated by the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203, 101 Stat. 1330), is to ensure that nurse aides have the education, practical knowledge and skills needed to care for residents of facilities participating in the Medicare and Medicaid programs. The General Assembly declares as a matter of public policy that the training effort must give specific emphasis to identifying abusive situations, understanding what abuse is and learning methods and techniques to further prevent resident abuse from actually occurring.]

Section 2. The act is amended by adding a section to read:
Section 1.1. Findings.

The General Assembly finds that:

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

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

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

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

(5) As a matter of public policy, the training effort must give specific emphasis to identifying abusive situations, understanding what abuse is and learning methods and techniques to further prevent resident abuse from actually occurring.

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

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

Section 2. Definitions.

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

* * *

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

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

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

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

Section 4. The act is amended by adding a section to read:
Section 9.1. Certification of COVID-19 temporary nurse aides.

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

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

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

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

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

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

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

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

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

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

Section 5. This act shall take effect immediately.

APPROVED--The 25th day of November, A.D. 2020.

TOM WOLF