

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1102 Session of 2024

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

REFERRED TO EDUCATION, MARCH 12, 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

1 supervision of a registered nurse as defined in 49 Pa. Code §
2 21.1 (relating to definitions).

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

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

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

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

20 (b) Eligibility for admittance to examination.--

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

27 Section 3.2. Criteria for nurse aides.

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

30 (1) Successfully complete a State-approved nurse aide

1 curriculum and training program or the long-term care
2 curriculum for nurse aides and achieve a minimum score,
3 established by the department, on the nurse aide competency
4 examination, which shall consist of:

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

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

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

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

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

21 (1) The competency evaluation may, at the nurse aide's
22 option, be conducted at the facility in which the nurse aide
23 is or will be employed unless the facility is described in 42
24 CFR 483.151(b) (2) (relating to state review and approval of
25 nurse aide training and competency evaluation programs).

26 (2) The department may permit the competency evaluation
27 to be proctored by facility personnel if the department finds
28 that the procedure adopted by the facility ensures that the
29 competency evaluation program:

30 (i) is secure from tampering;

1 (ii) is standardized and scored by a testing,
2 educational or other organization approved by the
3 department; and

4 (iii) requires no scoring by facility personnel.

5 Section 3.3. Limitation on department.

6 The department may not impose on a provider of a State-
7 approved nurse aide program a waiting period between approval of
8 the training program and the offering of any portion of the
9 training online.

10 Section 2. This act shall take effect in six months.