

By: Powell, Alvarado

S.B. No. 1847

A BILL TO BE ENTITLED

AN ACT

relating to training requirements for certain individuals for inclusion in the nurse aide registry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 250.001, Health and Safety Code, is amended by adding Subdivisions (6), (7), and (8) to read as follows:

(6) "Commission" means the Health and Human Services Commission.

(7) "Executive commissioner" means the executive commissioner of the commission.

(8) "Nurse aide training program" means a nurse aide training and competency evaluation program that:

(A) is approved by the commission to train and evaluate an individual's ability to work as a nurse aide in a facility; and

(B) meets the requirements of Section 250.0035(a).

SECTION 2. Section 250.0035(a), Health and Safety Code, is amended to read as follows:

(a) To be listed on the nurse aide registry, an applicant must complete a nurse aide training program approved by the commission [~~Department of Aging and Disability Services~~] that includes:

(1) not less than 100 hours of course work as specified

1 by rule; and

2 (2) a competency evaluation on completion of the
3 training program.

4 SECTION 3. Chapter 250, Health and Safety Code, is amended
5 by adding Section 250.00351 to read as follows:

6 Sec. 250.00351. TRAINING REQUIREMENTS FOR CERTAIN
7 INDIVIDUALS; EXPEDITED TRAINING PROGRAM. (a) In this section,
8 "temporary nurse aide" means an individual who performs nurse aide
9 services under a waiver issued by the Centers for Medicare and
10 Medicaid Services during the coronavirus disease (COVID-19)
11 pandemic.

12 (b) The commission shall develop a process that allows a
13 temporary nurse aide to complete in an expedited manner a required
14 nurse aide training program. In developing the process, the
15 commission shall either:

16 (1) seek a waiver from the Centers for Medicare and
17 Medicaid Services under Subsection (c); or

18 (2) develop an expedited nurse aide training program
19 under Subsection (i).

20 (c) The executive commissioner may seek a waiver from the
21 Centers for Medicare and Medicaid Services that allows an
22 individual in accordance with this section to partly or wholly
23 satisfy the classroom training and clinical training hours required
24 for completion of a nurse aide training program with classroom and
25 clinical hours completed as a temporary nurse aide at a nursing
26 facility licensed under Chapter 242.

27 (d) An individual who works as a temporary nurse aide may

1 substitute:

2 (1) one hour of training accrued as a temporary nurse
3 aide at a nursing facility for one hour of required classroom
4 training through a nurse aide training program;

5 (2) two hours of work experience accrued as a
6 temporary nurse aide at a nursing facility for one hour of required
7 classroom training through a nurse aide training program; and

8 (3) one hour of work experience accrued as a temporary
9 nurse aide at a nursing facility for one hour of required clinical
10 training through a nurse aide training program.

11 (e) A nursing facility shall document the number of hours of
12 nurse aide training and work experience accrued by a temporary
13 nurse aide at the facility and provide the documentation to that
14 individual on request.

15 (f) A nurse aide training program shall accept a nursing
16 facility's documentation of the number of hours of training and
17 work experience accrued by a temporary nurse aide at the facility
18 and apply the documented hours toward the classroom training and
19 clinical training hours required by the training program in
20 accordance with Subsection (d).

21 (g) If an individual does not accrue a sufficient number of
22 training or work experience hours as a temporary nurse aide under
23 Subsection (d) to satisfy the total number of classroom training
24 and clinical training hours required to successfully complete the
25 nurse aide training program, the individual must complete the
26 remaining number of required hours through a nurse aide training
27 program.

1 (h) If an individual satisfies the total number of classroom
2 training and clinical training hours prescribed by Section
3 250.0035(a)(1) through training and work experience as a temporary
4 nurse aide under Subsection (d) and any training and clinical hours
5 completed under a nurse aide training program, a nurse aide
6 training program shall allow the individual to sit for the
7 competency evaluation required by Section 250.0035(a)(2). The
8 commission shall list in the nurse aide registry under Section
9 250.0035 each individual who passes the evaluation.

10 (i) In lieu of seeking a waiver from the Centers for
11 Medicare and Medicaid Services as provided by Subsection (c), the
12 executive commissioner by rule may develop and implement a nurse
13 aide training program that allows a temporary nurse aide to
14 complete in an expedited manner a required nurse aide training
15 program.

16 SECTION 4. To the extent allowed by federal law, a nursing
17 facility licensed under Chapter 242, Health and Safety Code, may
18 continue to employ an individual who performed nurse aide services
19 under a waiver issued by the Centers for Medicare and Medicaid
20 Services during the coronavirus disease (COVID-19) pandemic on or
21 before the effective date of this Act until the 60th day after the
22 date the waiver expires.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.