

By: Powell

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

11 (b) The executive commissioner shall seek a waiver from the
12 Centers for Medicare and Medicaid Services that allows an
13 individual in accordance with this section to partly or wholly
14 satisfy the classroom training and clinical training hours required
15 for completion of a nurse aide training program with classroom and
16 clinical hours completed as a temporary nurse aide at a nursing
17 facility licensed under Chapter 242.

18 (c) An individual who works as a temporary nurse aide may
19 substitute:

20 (1) one hour of training accrued as a temporary nurse
21 aide at a nursing facility for one hour of required classroom
22 training through a nurse aide training program;

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

26 (3) one hour of work experience accrued as a temporary
27 nurse aide at a nursing facility for one hour of required clinical

1 training through a nurse aide training program.

2 (d) A nursing facility shall document the number of hours of
3 nurse aide training and work experience accrued by a temporary
4 nurse aide at the facility and provide the documentation to that
5 individual on request.

6 (e) A nurse aide training program shall accept a nursing
7 facility's documentation of the number of hours of training and
8 work experience accrued by a temporary nurse aide at the facility
9 and apply the documented hours toward the classroom training and
10 clinical training hours required by the training program in
11 accordance with Subsection (c).

12 (f) If an individual does not accrue a sufficient number of
13 training or work experience hours as a temporary nurse aide under
14 Subsection (c) to satisfy the total number of classroom training
15 and clinical training hours required to successfully complete the
16 nurse aide training program, the individual must complete the
17 remaining number of required hours through a nurse aide training
18 program.

19 (g) If an individual satisfies the total number of classroom
20 training and clinical training hours prescribed by Section
21 250.0035(a)(1) through training and work experience as a temporary
22 nurse aide under Subsection (c) and any training and clinical hours
23 completed under a nurse aide training program, a nurse aide
24 training program shall allow the individual to sit for the
25 competency evaluation required by Section 250.0035(a)(2). The
26 commission shall list in the nurse aide registry under Section
27 250.0035 each individual who passes the evaluation.

1 (h) The executive commissioner shall adopt rules to
2 implement this section.

3 SECTION 4. As soon as possible after the effective date of
4 this Act, the executive commissioner of the Health and Human
5 Services Commission shall apply for and actively pursue from the
6 Centers for Medicare and Medicaid Services or another appropriate
7 federal agency the waiver as required by Section 250.00351, Health
8 and Safety Code, as added by this Act. The Health and Human
9 Services Commission may delay implementing this Act until the
10 waiver applied for under that section is granted.

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