

1-1 By: Powell S.B. No. 1847
1-2 (In the Senate - Filed March 12, 2021; March 26, 2021, read
1-3 first time and referred to Committee on Health & Human Services;
1-4 May 3, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 3, 2021, sent
1-6 to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|----------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | <u>X</u> | | | |
| 1-10 | <u>X</u> | | | |
| 1-11 | <u>X</u> | | | |
| 1-12 | <u>X</u> | | | |
| 1-13 | <u>X</u> | | | |
| 1-14 | <u>X</u> | | | |
| 1-15 | <u>X</u> | | | |
| 1-16 | <u>X</u> | | | |
| 1-17 | <u>X</u> | | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1847 By: Perry

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to training requirements for certain individuals for
1-22 inclusion in the nurse aide registry.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 250.001, Health and Safety Code, is
1-25 amended by adding Subdivisions (6), (7), and (8) to read as follows:

1-26 (6) "Commission" means the Health and Human Services
1-27 Commission.

1-28 (7) "Executive commissioner" means the executive
1-29 commissioner of the commission.

1-30 (8) "Nurse aide training program" means a nurse aide
1-31 training and competency evaluation program that:

1-32 (A) is approved by the commission to train and
1-33 evaluate an individual's ability to work as a nurse aide in a
1-34 facility; and

1-35 (B) meets the requirements of Section
1-36 250.0035(a).

1-37 SECTION 2. Section 250.0035(a), Health and Safety Code, is
1-38 amended to read as follows:

1-39 (a) To be listed on the nurse aide registry, an applicant
1-40 must complete a nurse aide training program approved by the
1-41 commission [Department of Aging and Disability Services] that
1-42 includes:

1-43 (1) not less than 100 hours of course work as specified
1-44 by rule; and

1-45 (2) a competency evaluation on completion of the
1-46 training program.

1-47 SECTION 3. Chapter 250, Health and Safety Code, is amended
1-48 by adding Section 250.00351 to read as follows:

1-49 Sec. 250.00351. TRAINING REQUIREMENTS FOR CERTAIN
1-50 INDIVIDUALS; EXPEDITED TRAINING PROGRAM. (a) In this section,
1-51 "temporary nurse aide" means an individual who performs nurse aide
1-52 services under a waiver issued by the Centers for Medicare and
1-53 Medicaid Services during the coronavirus disease (COVID-19)
1-54 pandemic.

1-55 (b) The commission shall develop a process that allows a
1-56 temporary nurse aide to complete in an expedited manner a required
1-57 nurse aide training program. In developing the process, the
1-58 commission shall either:

1-59 (1) seek a waiver from the Centers for Medicare and
1-60 Medicaid Services under Subsection (c); or

2-1 (2) develop an expedited nurse aide training program
2-2 under Subsection (i).

2-3 (c) The executive commissioner may seek a waiver from the
2-4 Centers for Medicare and Medicaid Services that allows an
2-5 individual in accordance with this section to partly or wholly
2-6 satisfy the classroom training and clinical training hours required
2-7 for completion of a nurse aide training program with classroom and
2-8 clinical hours completed as a temporary nurse aide at a nursing
2-9 facility licensed under Chapter 242.

2-10 (d) An individual who works as a temporary nurse aide may
2-11 substitute:

2-12 (1) one hour of training accrued as a temporary nurse
2-13 aide at a nursing facility for one hour of required classroom
2-14 training through a nurse aide training program;

2-15 (2) two hours of work experience accrued as a
2-16 temporary nurse aide at a nursing facility for one hour of required
2-17 classroom training through a nurse aide training program; and

2-18 (3) one hour of work experience accrued as a temporary
2-19 nurse aide at a nursing facility for one hour of required clinical
2-20 training through a nurse aide training program.

2-21 (e) A nursing facility shall document the number of hours of
2-22 nurse aide training and work experience accrued by a temporary
2-23 nurse aide at the facility and provide the documentation to that
2-24 individual on request.

2-25 (f) A nurse aide training program shall accept a nursing
2-26 facility's documentation of the number of hours of training and
2-27 work experience accrued by a temporary nurse aide at the facility
2-28 and apply the documented hours toward the classroom training and
2-29 clinical training hours required by the training program in
2-30 accordance with Subsection (d).

2-31 (g) If an individual does not accrue a sufficient number of
2-32 training or work experience hours as a temporary nurse aide under
2-33 Subsection (d) to satisfy the total number of classroom training
2-34 and clinical training hours required to successfully complete the
2-35 nurse aide training program, the individual must complete the
2-36 remaining number of required hours through a nurse aide training
2-37 program.

2-38 (h) If an individual satisfies the total number of classroom
2-39 training and clinical training hours prescribed by Section
2-40 250.0035(a)(1) through training and work experience as a temporary
2-41 nurse aide under Subsection (d) and any training and clinical hours
2-42 completed under a nurse aide training program, a nurse aide
2-43 training program shall allow the individual to sit for the
2-44 competency evaluation required by Section 250.0035(a)(2). The
2-45 commission shall list in the nurse aide registry under Section
2-46 250.0035 each individual who passes the evaluation.

2-47 (i) In lieu of seeking a waiver from the Centers for
2-48 Medicare and Medicaid Services as provided by Subsection (c), the
2-49 executive commissioner by rule may develop and implement a nurse
2-50 aide training program that allows a temporary nurse aide to
2-51 complete in an expedited manner a required nurse aide training
2-52 program.

2-53 SECTION 4. To the extent allowed by federal law, a nursing
2-54 facility licensed under Chapter 242, Health and Safety Code, may
2-55 continue to employ an individual who performed nurse aide services
2-56 under a waiver issued by the Centers for Medicare and Medicaid
2-57 Services during the coronavirus disease (COVID-19) pandemic on or
2-58 before the effective date of this Act until the 60th day after the
2-59 date the waiver expires.

2-60 SECTION 5. This Act takes effect immediately if it receives
2-61 a vote of two-thirds of all the members elected to each house, as
2-62 provided by Section 39, Article III, Texas Constitution. If this
2-63 Act does not receive the vote necessary for immediate effect, this
2-64 Act takes effect September 1, 2021.

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