By:  Powell S.B. No. 1847

(In the Senate - Filed March 12, 2021; March 26, 2021, read first time and referred to Committee on Health & Human Services; May 3, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 3, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Buckingham        X

Campbell          X

Hall              X

Miles             X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR S.B. No. 1847 By:  Perry

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 by rule; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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