

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB1436</b>
<b>Version:</b>	<b>CCS</b>
<b>Request Number:</b>	<b>3924</b>
<b>Author:</b>	<b>Rep. McEntire</b>
<b>Date:</b>	<b>5/19/2022</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

**Research Analysis**

The Conference Committee Substitute for SB1436 allows a nurse aide who has passed their background check and is eligible for employment by the Department and who currently works not less than 160 hours per month at the facility they are contracted or employed at may be contracted by one or more secondary facilities without an additional criminal history background check provided the criminal history check is dated not more than one year from the beginning of secondary employment, the secondary facility or facilities have common ownership with the primary, and the nurse aide works not more than 80 hours at secondary facilities. The hours worked at a secondary facility will available upon request for review or audit.

Until Nov. 1, 2025, if a facility uses an employer-based training and competency evaluation program, they may employ nurse aides enrolled in the program who are not yet certified. The trainee has four months to complete the training program and may be granted a one-time extension of the four-month training requirement if the requirement causes undue hardship due to unusual circumstances or illness, the trainee has demonstrated a good faith effort, and the extension meets conditions required by rules. Until Nov. 1, 2025, an employer-based training program for long term care aides will consist of at least 85 hours of training if it is subject to Centers for Medicare and Medicaid Services regulation and shall include the requirements specified in the CCS. If not subject to regulation by the Centers for Medicare and Medicaid Services, the program will consist of at least 120 hours of training and shall include the requirements listed in the CCS. The recertification requirements will allow nurse aides to renew by working or volunteering the equivalent of a single eight-hour shift.

If the facility is subject to federal regulations, it must comply with federal regulations. If not, the facility will ensure that the trainee is assigned a certified nurse aide as a mentor to oversee training, conduct evaluations, and provide direction and inspection. The plan of care cannot be altered without approval of the supervising licensed practical nurse or greater. After finishing nurse aide training and earning certification, they can begin the training to become a certified medication aide. Certified medication aides may administer oxygen as prescribed by an individual with that authority. The Commissioner of Health will establish rules to ensure the safety of medication administration by certified medication aides. Each facility will develop policies and procedures to comply with the provisions of the section and rules promulgated by the Commissioner. The State Commissioner of Health will promulgate rules governing employer-based training programs not later than Nov. 1, 2025.

The CCS adds to the State Department of Health's powers and duties the power to approve training and competency programs as well as to withdraw approval and administer competency exams to nurse aides who have completed the program. The State Commissioner of Health will promulgate rules and have the power to assess fees. The Commissioner is also to be notified of

the death of the certified nurse aide or trainee and to provide all information on the record of the certified nurse aide or training when a finding of abuse, exploitation or neglect is confirmed.

No later than Nov. 1, 2025, the State Commissioner of Health will promulgate rules governing employer-based training programs.

SB1436 requires that an employer provide for a criminal history background check before a nurse aide begins an employment or contract. The measure adds any crime resulting in the individual being put on the sex offender registry and human trafficking to the list of offenses that would result in the employer not hiring or contracting with the individual in question. Last, the measure also reduces the time elapsed requirement from 7 to 5 years as it relates to sentence completion for the included charges.

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### **Fiscal Analysis**

The measure is currently under review and impact information will be completed.

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### **Other Considerations**

None.