

Bill Summary
1st Session of the 58th Legislature

Bill No.:	SB 1436
Version:	CCR
Request No.:	3924
Author:	Sen. Garvin
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Bill Analysis

SB 1436 provides that a nurse aide that has passed a background check and been deemed eligible for employment by the State Department of Health who currently works not less than 160 hours per month at the facility they are contracted or employed at may be contracted by 1 or more secondary facilities without an additional criminal history background check. The criminal history check must not be dated more than 1 year from the beginning of secondary employment, the secondary facility or facilities must have common ownership with the primary, and the nurse aide must work not more than 80 hours at secondary facilities. The hours worked at a secondary facility will be available upon request for review or audit. If a facility uses an employer-based training and competency evaluation program, the facility may employ nurse aides enrolled in the program who are not yet certified until November 1, 2025. The trainee must complete the training program within 4 months and may be granted a 1-time extension 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.

The measure provides that 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 measure. 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 measure. 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 not subject to federal regulations, 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. Immediately after finishing nurse aide training and earning certification, a nurse aide can begin the training to become a certified medication aide. Certified medication aides may administer oxygen. The State Commissioner of Health will promulgate rules governing employer-based training programs not later than Nov. 1, 2025.

The State Commissioner of Health will promulgate rules governing employer-based training programs no later than November 1, 2025. 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. The measure also reduces the time elapsed requirement from 7 to 5 years as it relates to sentence completion for the included charges.

CCR Changes

The Conference Committee Report for SB 1436 completely substitutes engrossed language with the language described above

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