

FIRST REGULAR SESSION

HOUSE BILL NO. 817

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

1805H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 198.082, RSMo, and to enact in lieu thereof one new section relating to certified nursing assistants.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 198.082, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 198.082, to read as follows:

198.082. 1. Each **certified** nursing assistant hired to work in a skilled nursing or intermediate care facility after January 1, 1980, shall have successfully completed a nursing assistant training program approved by the ~~[department]~~ **state board of nursing** or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety days of the date of the **certified** nursing assistant's employment and which shall be completed within four months of employment. Training programs shall be offered at any facility licensed ~~[or approved]~~ by the department of health and senior services **and approved by the state board of nursing; any skilled nursing or intermediate care unit in a Missouri veterans home, as defined in section 42.002; or any hospital, as defined in section 197.020.** Training programs shall be ~~[which is most]~~ reasonably accessible to the enrollees in each class. The program may be established by ~~[the]~~ **a skilled nursing or intermediate care facility, unit, or hospital;** by a professional organization~~[-]~~; or by the department, and training shall be given by the personnel of the facility, **unit, or hospital;** by a professional organization~~[-]~~; by the department~~[-]~~; by any community college; or by the vocational education department of any high school.

2. As used in this section the term "**certified** nursing assistant" means an employee~~[-]~~ **who has completed the training required under subsection 1 of this section, who has passed**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **the certification exam, and** ~~[including a nurse's aide or an orderly,]~~ who is assigned by a skilled
19 nursing or intermediate care facility, **unit, or hospital** to provide or assist in the provision of
20 direct resident health care services under the supervision of a nurse licensed under the nursing
21 practice law, chapter 335.

22 **3.** This section shall not apply to any person otherwise **regulated or** licensed to perform
23 health care services under the laws of this state. It shall not apply to volunteers or to members
24 of religious or fraternal orders which operate and administer the facility, if such volunteers or
25 members work without compensation.

26 ~~[3.]~~ **4.** The training program ~~[after January 1, 1989, shall consist of at least the following:~~

27 ~~—— (1) A training program consisting]~~ **requirements shall be defined in regulation by the**
28 **State Board of Nursing and shall require** ~~[of]~~ at least seventy-five classroom hours of training
29 ~~[on basic nursing skills, clinical practice, resident safety and rights, the social and psychological~~
30 ~~problems of residents, and the methods of handling and caring for mentally confused residents~~
31 ~~such as those with Alzheimer's disease and related disorders,]~~ and one hundred hours supervised
32 and on-the-job training. **On-the-job training sites shall include supervised practical training**
33 **in a laboratory or other setting in which the trainee demonstrates knowledge while**
34 **performing tasks on an individual under the direct supervision of a registered nurse or a**
35 **licensed practical nurse.** The ~~[one hundred hours]~~ **training** shall be completed within four
36 months of employment and may consist of normal employment as nurse assistants **or hospital**
37 **nursing support staff** under the supervision of a licensed nurse~~]; and~~

38 ~~—— (2) Continuing in-service training to assure continuing competency in existing and new~~
39 ~~nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31,~~
40 ~~1989, an entire special retraining program established by rule or regulation of the department~~
41 ~~which shall contain information on methods of handling mentally confused residents and which~~
42 ~~may be offered on premises by the employing facility].~~

43 ~~[4.]~~ **5. Certified nursing** ~~[Nursing]~~ assistants who have not successfully completed the
44 nursing assistant training program prior to employment may begin duties as a **certified** nursing
45 assistant ~~[only after completing an initial twelve hours of basic orientation approved by the~~
46 ~~department]~~ and may provide direct resident care only if under the ~~[general]~~ **direct** supervision
47 of a licensed nurse prior to completion of the seventy-five classroom hours of the training
48 program.

49 **6.** The competency evaluation shall be performed in a facility, as defined in 42 CFR
50 **Sec. 483.5, or laboratory setting comparable to the setting in which the individual shall**
51 **function as a certified nursing assistant.**

52 **7.** Persons completing the training requirements of unlicensed assistive personnel
53 **under 19 CSR 30-20.125 or its successor regulation, and who have completed the**

54 competency evaluation, shall be allowed to sit for the certified nursing assistant
55 examination and be deemed to have fulfilled the classroom and clinical standards for
56 designation as a certified nursing assistant.

57 8. The department of health and senior services may offer additional training
58 programs and certifications to students who are already certified as nursing assistants
59 according to regulations promulgated by the department and curriculum approved by the
60 board.

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