

SECOND REGULAR SESSION

HOUSE BILL NO. 2028

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BERKOWITZ, WILSON (42), COPENHAVER, FARES,
LUETKEMEYER AND RICHARDSON (Co-sponsors).

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TED WEDEL, Chief Clerk

4715L.011

AN ACT

To repeal sections 198.082 and 198.526, RSMo, and to enact in lieu thereof three new sections relating to the Missouri career ladder initiative program.

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

Section A. Sections 198.082 and 198.526, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 198.082, 198.083 and 198.526, to read as
3 follows:

198.082. 1. Each nursing assistant hired to work in a skilled nursing or intermediate care
2 facility after January 1, 1980, shall have successfully completed a nursing assistant training
3 program approved by the department [or shall enroll in and begin the first available approved
4 training program which is scheduled to commence within ninety days of the date of the nursing
5 assistant's employment] **which shall be completed within one hundred twenty days of**
6 **employment.** Training programs shall be offered at a location most reasonably accessible to the
7 enrollees in each class. The program may be established **and carried out** by [the] a skilled
8 nursing or intermediate care facility, by a professional organization, or by the department, and
9 training shall be given by the personnel of the facility, by a professional organization, by the
10 department, by any junior college or by the vocational education department of any high school.
11 **No program shall offer or provide training pursuant to this section unless the department**
12 **has approved the program prior to the offering or provision of such training. If the facility**
13 **has been cited for a class I violation within the past twenty-four months, the facility may**
14 **continue its nursing assistant training program if such facility submits and the department**
15 **approves a plan for the department to provide technical assistance to such facility.**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 2. As used in this section the term "nursing assistant" means an employee, including a
17 nurse's aide or an orderly, who is assigned by a skilled nursing or intermediate care facility to
18 provide or assist in the provision of direct resident health care services under the supervision of
19 a nurse licensed under the nursing practice law, chapter 335, RSMo. This section shall not apply
20 to any person otherwise licensed to perform health care services under the laws of this state. It
21 shall not apply to volunteers or to members of religious or fraternal orders which operate and
22 administer the facility, if such volunteers or members work without compensation.

23 3. The training program after January 1, 1989, shall consist of at least the following:

24 (1) A training program consisting of at least seventy-five classroom hours of training on
25 basic nursing skills, clinical practice, resident safety and rights, the social and psychological
26 problems of residents, and the methods of handling and caring for mentally confused residents
27 such as those with Alzheimer's disease and related disorders, and one hundred hours supervised
28 and on-the-job training. The one hundred hours **shall be completed within one hundred**
29 **twenty days of employment and** may consist of normal employment as a nurse [assistants]
30 **assistant** under the supervision of a licensed nurse; and

31 (2) Continuing in-service training to assure continuing competency in existing and new
32 nursing skills. [All nursing assistants trained prior to January 1, 1989, shall attend, by August
33 31, 1989, an entire special retraining program established by rule or regulation of the department
34 which shall contain information on methods of handling mentally confused residents and which
35 may be offered on premises by the employing facility.]

36 4. Nursing assistants who have not successfully completed the nursing assistant training
37 program prior to employment may begin duties as a nursing assistant only after completing an
38 initial twelve hours of basic orientation approved by the department and may provide direct
39 resident care only if under the general supervision of a licensed nurse prior to completion of the
40 seventy-five classroom hours of the training program.

198.083. 1. The department of health and senior services shall establish a
2 **"Missouri Career Ladder Initiative Program" for certified nurse assistants. The primary**
3 **goals of the Missouri career ladder initiative program shall include the following:**

4 **(1) Improvement in the quality of care provided by nurse assistants;**

5 **(2) Promotion of skill development;**

6 **(3) Creation and institutionalization of career ladders and other workplace**
7 **practices that support and develop nurse assistant skills; and**

8 **(4) Improvement in employee retention in long-term care facilities.**

9 **2. The initial pilot program shall, subject to appropriations, be available to fifty**
10 **licensed long-term care facilities based on competitive grants provided by the department**
11 **of health and senior services. Any licensed long-term care facility may submit an**

12 application to the department to participate in the program and applicants will be selected
13 proportionately based on the ratio of rural to urban long-term care facilities in the state
14 and the criteria established in subsection 4 of this section.

15 **3. Facilities participating in the program shall:**

16 (1) In addition to the training requirements for nursing assistants in section
17 198.082, require all first-time nursing assistants to complete a mandatory one-week
18 orientation with a mentor. Such mentors shall be licensed health care staff of the facility
19 or certified nurse assistants who have been in good standing for a minimum of three years.
20 During the orientation, the first-time nurse assistants shall not have unsupervised contact
21 with residents, but may perform tasks under the supervision of their mentors; and

22 (2) Develop a three-level career ladder system for nurse assistants, with each level
23 consisting of a twelve-week program which includes a minimum of three hours per week
24 of class time. Grant moneys may be used for, but not limited to, the development of
25 curriculum, instructors, instructional materials, and technical assistance.

26 **4. The department shall establish by rule the criteria for the selection of grant**
27 **recipients pursuant to this section and shall, at a minimum, require participating facilities**
28 **to:**

29 (1) Provide compensation for at least fifty percent of the hours a nurse assistant
30 participates in training or instruction in connection with the Missouri career ladder
31 initiative program;

32 (2) Assist participating nurse assistants in developing career advancement plans;

33 (3) Increase nurse assistant compensation based on successful completion of each
34 of the three levels of the Missouri career ladder initiative program; and

35 (4) Report quarterly to the department on the progress of the facility's program,
36 including but not limited to, the number of nurse assistants participating in the program,
37 their career progression within the facility, and the certificates, degrees, or professional
38 status attained by participating nurse assistants.

39 **5. The department of health and senior services shall develop partnerships with**
40 **local workforce investment boards, community colleges, and other community-based**
41 **education and training providers and organizations to assist long-term care facilities and**
42 **their employees in fulfilling their training needs, including but not limited to identifying**
43 **sources of funding for such training, and encouraging and enhancing access to additional**
44 **and ongoing skill enhancement and career development in long-term care.**

45 **6. All facilities participating in the Missouri career ladder initiative program shall**
46 **provide standard education in the following subjects, to include but not be limited to,**
47 **communication with the elderly; proper use of restraints; nutrition; physiological aging**

48 issues; importance of activities of daily living; care plans; psychological issues with strong
49 emphasis on forms of dementia, including Alzheimer's disease; team approach to
50 caregiving; quality of care issues; safety issues for residents and nurse assistants; death and
51 bereavement; theories of aging and caregiving; leadership training; relationship building
52 within worker groups, residents, and resident families; time management; and diseases of
53 the elderly.

54 **7. No rule or portion of a rule promulgated under the authority of this section shall**
55 **become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

198.526. 1. Except as provided for in subsection 3 of this section, the [division of
2 aging] **department of health and senior services** shall inspect all facilities licensed by the
3 [division] **department** at least twice each year. Such inspections shall be conducted:

4 (1) Without the prior notification of the facility; and

5 (2) At times of the day, on dates and at intervals which do not permit facilities to
6 anticipate such inspections.

7 2. The [division] **department** shall annually reevaluate the inspection process to ensure
8 the requirements [of subsection 1] of this section are met.

9 **3. The department may reduce the frequency of inspections for residential care**
10 **facilities II, intermediate care facilities, and skilled nursing facilities to once a year if:**

11 (1) The facility is found to be in substantial compliance during an inspection;
12 except that, one or more revisits to an original inspection is not substantial compliance; and

13 (2) In the twenty-four months immediately preceding a finding of substantial
14 compliance, the facility has no substantiated complaints involving class I deficiencies.

15 **4. Notwithstanding any other provision of law to the contrary, the department may**
16 **inspect any facility at any time. The department may, but is not required, to conduct an**
17 **inspection in connection with the investigation of any complaint filed against any facility.**
18 **Federal laws and rules governing surveys of facilities are not affected by the provisions of**
19 **this or any other provision of state law.**