

Neutral Testimony

SB 453 – Requiring adult care home certified aides who take training courses to demonstrate certain skills to successfully complete such training courses and requiring licensed nurses to teach and evaluate such training courses.

**House Health and Human Services Committee
Scott Brunner, Deputy Secretary
Kansas Department for Aging and Disability Services**

March 8, 2022

Madam Chair and Members of the House Health and Human Services Committee,

Thank you for the opportunity to present neutral testimony on SB 453. I am Scott Brunner, Deputy Secretary for the Kansas Department for Aging and Disability Services. I oversee the Health Occupations Credentialing group within KDADS that approves Certified Nurse Aid courses. I hope to provide some clarity on the current training requirements for CNAs and what the language in SB 453 as amended by the Senate Committee would change.

Statutory changes proposed

The bill as amended makes three changes to current law. First, the bill changes the term “unlicensed employee” to “certified aide.” Unlicensed employee was used in the statute to differentiate between licensed nursing or building administrators from the other staff that would providing care to residents in long term care facilities. The bill adds Licensed Practical Nurses as possible instructors for CNA courses. LPNs would have to be under the supervision of a Registered Nurse. Finally, the bill allows a nurse with work experience outside a long-term care setting with chronically ill patients to sign off on the skills competency checklist for CNA students.

Guidelines for CNA training with the bill:

K.S.A. 39-936 describes the portion of certified nurse aide training that is relevant to describe authorized employees to provide care to residents in state licensed adult care homes. Federal law and regulations set the standards for training for CNAs and those requirements are mirrored in Kansas regulations. The statute doesn’t reflect the full federal requirements. K.S.A. 39-936 establishes the 40 hours of training under state law and then designates that the Secretary for Aging and Disability Services establishes the remaining training requirements for CNAs in Kansas. The KDADS regulations specify that a CNA must have the 40 hours of initial training, described as Part 1 of the course, and a skills checklist to demonstrate proficiency. At that point a student could provide some direct care to residents. That 40 hours of training fulfills both Federal and State Regulations and must be completed before an individual can provide direct care.

Individuals who fall within that required training are those:

- 1) who do not administer medications to residents, and
- 2) who have not completed a course of education and training relating to resident care and treatment approved by the Secretary for Aging and Disability Services (Secretary)
- 3) or are not participating in such a course.

The 40 hours of training to begin working is allowed under current law.

After completing the 40 hours of training, which includes the Nurse Aide Training and Competency Evaluation Program (NATCEP) competency checklist, an individual is considered a Trainee II. The instructor provides the Trainee II with their completed NATCEP checklist. That checklist is provided to the Adult Care Home as proof of completion of the 40 hours of training. Trainee II status is allowed for a one time 4-month period, from the beginning date of that individuals CNA course. Students as Trainee IIs can work in a long-term care setting providing care. After the 4-month timeframe, the student must complete the full CNA program and pass the state exam to become a certified nurse aide to continue providing resident care.

SB 453 does not change the hours required for CNA training or the minimum necessary training to allow a CNA student to work in a long-term care setting while completing their training. The change to identify these workers as “certified aides” instead of “unlicensed employees” may create some confusion in how employees are identified, but that does not change the current requirements for training, verification of skills, or oversight required under state and federal rules and regulations.

Training Requirements:

SB 453 would specifically authorize LPNs to teach or be an instructor for a CNA course. However, to follow both Federal and State Regulations, the LPN would be teaching under general supervision of a Registered Nurse who possess a minimum of 2 years of nursing experience, with at least 1 year providing care in a long-term care facility. State Regulations use the terminology, “Course Supervisors” for RN’s who have that mentioned experience.

A newly added section of this bill (2) (B) mentions a skills competency determination. The skills competency determination also is called the NATCEP checklist. This checklist is already in place and is required to be completed during Part 1 of the CNA course. This checklist must be successfully Administered and evaluated by a Registered Nurse with at least one year's experience in providing care for the elderly or the chronically ill of any age. The NATCEP checklist is the same checklist mentioned above that once completed gives the authority to work as a Trainee II.

Those requirements for training and skill evaluation for “unlicensed staff” or “certified aides,” as the bill refers to students, are in current law and are unchanged by SB 453.

Thank you for the opportunity to provide neutral testimony describing the training requirements for CNAs and the KDADS interpretation of the changes made by SB 453.

References: 42 C.F.R. 483.152 and 483.154, also within K.A.R. 26.50.10