

## **Training for Unlicensed Employees Working in Adult Care Homes—Certified Nurse Aide Training; Behavioral Sciences Regulatory Board Licensure Requirements; SB 453**

**SB 453** amends law concerning the required completion of 40 hours of training in basic resident care skills for unlicensed employees working in adult care homes, who provide direct, individual care to residents, who do not administer medications to residents, and who have not completed or are participating in a course of education and training relating to resident care and treatment approved by the Secretary for Aging and Disability Services (Secretary), referred to as “unlicensed employees” herein. The bill also amends licensure requirements for certain professions licensed by the Behavioral Sciences Regulatory Board (BSRB). Further, the bill adds an exception requiring the BSRB to accept master’s degrees from applicants for licensure who graduate from the Masters of Social Work Program at Fort Hays State University, which is currently pending accreditation. The exception applies retroactively and expires on July 1, 2023.

Regarding the training for unlicensed employees, the bill clarifies the 40 hours of training are a part of an approved certified nurse aide (CNA) training course required by the Secretary for unlicensed employees working in an adult care home. The bill specifies who may prepare, administer, and teach the first 40 hours and remaining hours of CNA training, where the training may be conducted, the timeframe for completion of the training, and who may evaluate the skills demonstration to confirm successful completion of the training course. The bill prohibits any unlicensed employees not making progress toward completion of the CNA training required by the Secretary within four months following completion of the first 40 hours of CNA training from providing direct, individual care to residents.

The bill also expands the entities authorized to prepare and administer the training to include a hospital, hospice, Program of All-Inclusive Care for the Elderly (PACE), or qualified course sponsor, and expands the premises at which the training could be conducted to include a hospital, hospice, or PACE.

### ***Training***

#### ***Required CNA Training***

The bill clarifies that any unlicensed employee who has not completed at least 40 hours of CNA training approved by the Secretary, or who is not making progress to complete the course of education and training required by the Secretary as a condition of continued employment by an adult care home within four months following completion of such 40 hours, is prohibited from providing direct, individual care to residents. The 40 hours of training required are a part of an approved CNA training course required by the Secretary for unlicensed employees working in an adult care home, with certain exceptions.

The bill clarifies the licensing agency cannot require unlicensed employees working in an adult care home licensed for the provision of services to people with intellectual disability to successfully complete the 40 hours of CNA training if the Secretary has granted an exception based on a finding that an approved training program for CNAs is in place for such adult care home.

**Course supervisor.** The bill requires the 40 hours of training and the remaining hours in the CNA training to be performed under the general supervision of a course supervisor. The bill requires the “course supervisor” to be defined in rules and regulations and approved by the Secretary. “Supervision” means the same as defined in the Kansas Nurse Practice Act relating to supervision of delegated nursing procedures.

The bill allows a hospital (as defined in law regarding licensing of hospitals), hospice, or PACE, as well as an adult care home or any other qualified course sponsor as in continuing law, to prepare and administer the 40 hours of training. The training may be conducted on the premises of an adult care home (continuing law), hospital, hospice, or PACE.

**Instructor qualifications.** Each instructor under the supervision of a course supervisor of the CNA training course is required to be licensed to practice in Kansas and in good standing. The bill defines “in good standing” to include the possession of a license, certificate, or registration that is subject to probation or non-disciplinary conditions, limitations, or restrictions, but does not include a license, certificate, or registration that is revoked, canceled, surrendered, or subject to pending license-related disciplinary action. If the records of the Kansas Department for Aging and Disability Services (KDADS) reflect an individual has a prohibiting offense, such license, certificate, or registration is not considered in good standing. Any license, certificate, or registration subject to disciplinary conditions, limitations, or restrictions remains under such.

#### *Course of Instruction*

Current law allows the licensing agency to require unlicensed employees working in an adult care home, with certain exceptions, after 90 days of employment to successfully complete an approved course of instruction and examination relating to resident care and treatment as a condition of continued employment by an adult care home. The bill allows a hospital, hospice, or PACE, as well as an adult care home or any other qualified person as in continuing law, to prepare and administer the course of instruction. The course of instruction prepared and administered by these entities may be conducted on the premises of the entity that prepared and is administering the course of instruction.

The bill clarifies the licensing agency may not require unlicensed employees working in an adult care home licensed for the provision of services to people with intellectual disability to successfully complete, after 90 days of employment, an approved course of instruction and examination relating to resident care and treatment as a condition of continued employment if such adult care home has been granted an exception by the Secretary upon a finding by the licensing agency that an appropriate training program for CNAs is in place.

**Evidence of training completion.** As evidence of successful completion of the training course, the bill requires unlicensed employees to demonstrate competency in a list of skills identified and prescribed by the Secretary. The bill requires the skills demonstration to be evaluated by a registered professional nurse licensed, including multi-state licensure privilege, and in good standing in Kansas, with at least one year of licensed nursing experience providing care for the elderly or chronically ill in a health care setting approved by the Secretary. “In good standing” has the same meaning as described for an instructor.

### ***State CNA Registry***

The bill amends the requirement that the Secretary establish a state registry containing information about unlicensed employees working in nursing homes who provide direct, individual care to residents and who do not administer medications and instead require the state registry contain information about CNAs. The bill clarifies an adult care home is not allowed to use an individual working as a CNA in an adult care home who provides direct, individual care to residents and who does not administer medications unless the facility has checked the state registry concerning such individual.

### ***CNA Refresher Course; Out-of-State CNA***

The bill replaces references to an “unlicensed employee” with “CNA” in current statute pertaining to completion of an approved refresher course and to employment in Kansas of a CNA working in an adult care home in another state without requiring an examination if the Secretary determines such other state requires training or examination, or both, at least equal to that required by Kansas.

### ***Direction for Care and Treatment***

The bill clarifies that all medical care and treatment must be given under the direction of a person licensed by the Board of Healing Arts to practice medicine and surgery.

### ***Behavioral Sciences Regulatory Board Licensure Requirements***

The bill adds to the list of requirements for licensure as a specialist clinical social worker an allowance for applicants who complete additional postgraduate supervised experience as determined by the BSRB in lieu of completing a graduate-level supervised clinical practicum, as required by continuing law.

The bill allows a master social worker, specialist clinical social worker, professional counselor, clinical professional counselor, marriage and family therapist, clinical marriage and family therapist, master’s level psychologist, clinical psychotherapist, or psychologist currently licensed in Kansas to be eligible to take a BSRB-approved examination for licensure as an addiction counselor.

### ***Exception for Fort Hays State University Social Work Program***

The bill adds a provision specifying an exemption for graduates from the Masters of Social Work Program at Fort Hays State University, which is currently pending accreditation. The bill allows such graduates to receive licensure as a master social worker without additional or alternative requirements, retroactively and until July 1, 2023, when the program anticipates achieving accreditation.