

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5089

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21911 (MCL 333.21911), as added by 2017 PA 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21911. (1) The department ~~may~~**shall** grant registration as
2 a nurse aide to an applicant who meets all of the following
3 requirements:

4 (a) Submits an application on a form and in a manner
5 prescribed by the department.

6 (b) Pays the fee prescribed in section 21919.

7 (c) ~~Demonstrates~~**Subject to subsection (4), demonstrates** to
8 the department that he or she has ~~successfully completed a~~**met both**
9 **of the following:**

1 **(i) Successfully completed a** nurse aide training program ~~and a~~
2 ~~competency examination approved by the department.~~**approved by the**
3 **department.**

4 **(ii) Is competent as demonstrated by successful completion of a**
5 **nurse aide competency examination approved by the department.**

6 (d) Meets the requirements for registration in rules
7 promulgated under section 21923.

8 (2) The department ~~may~~**shall** grant a permit as a nurse aide
9 trainer to an applicant who meets all of the following
10 requirements:

11 (a) Submits an application on a form and in a manner
12 prescribed by the department.

13 (b) Pays the fee prescribed in section 21919.

14 (c) Is a registered professional nurse licensed under article
15 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),
16 or who meets the requirements for a permit in rules promulgated
17 under section 21923.

18 (3) The department ~~may~~**shall** grant a permit as a nurse aide
19 training program to an applicant that meets all of the following
20 requirements:

21 (a) Submits an application on a form and in a manner
22 prescribed by the department.

23 (b) Pays the fee prescribed in section 21919.

24 (c) Meets the requirements for a permit in **42 CFR 483.152 and**
25 **in** rules promulgated under section 21923.

26 (d) Demonstrates to the department that the applicant's
27 curriculum is consistent with other nurse aide training programs as
28 provided by rules promulgated by the department under this part.

29 **(4) Except as provided under subsection (6), the department**

1 shall allow an applicant to complete a nurse aide competency
2 examination online or through remote means, or at a nursing care
3 facility that proctors the examination under 42 CFR 483.154. The
4 department shall allow the testing vendor to contract with the
5 staff of the nursing care facility to proctor a nurse aide
6 competency examination as provided under 42 CFR 483.154.

7 (5) Subject to subsection (6), the department shall not deny a
8 person a permit under subsection (3) solely because the nurse aide
9 training program allows individuals to complete curricula online or
10 through remote means, or counts the time an individual has worked
11 performing skills necessary of a nurse aide as time in training.

12 (6) The online option described under subsections (4) and (5)
13 does not apply to training required under 42 CFR 483.152(a)(3) or
14 to testing required under 42 CFR 483.154(b)(2).

15 (7) ~~(4)~~—A registration or permit is not transferable. A
16 certificate of registration or certificate of permit must state the
17 persons to which it applies.