

**SUBSTITUTE FOR
HOUSE BILL NO. 5089**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 21903, 21909, and 21911 (MCL 333.21903,
333.21909, and 333.21911), as added by 2017 PA 172, and by adding
section 21909a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21903. (1) "Certificate of permit" means a document
2 issued by the department as evidence of a permit.

3 (2) "Certificate of registration" means a document issued by
4 the department as evidence of registration.

5 (3) **"COVID-19 pandemic emergency" means the public health**
6 **emergency declared by the Secretary of the United States Department**
7 **of Health and Human Services resulting from the coronavirus disease**

1 **2019 (COVID-19) and the immediately following 4 months after the**
2 **public health emergency described under this subsection ends.**

3 (4) ~~(3)~~—"Fund" means the nurse aide registry fund created in
4 section 21921.

5 (5) ~~(4)~~—"Nurse aide" means an individual who holds a
6 registration. A nurse aide is not a health professional licensed
7 under article 15, a registered dietitian, or someone who volunteers
8 to provide nursing or nursing-related services without pay.

9 (6) ~~(5)~~—"Nurse aide trainer" means an individual who holds a
10 permit to provide training to a nurse aide candidate who is
11 enrolled in a nurse aide training program.

12 (7) ~~(6)~~—"Nurse aide training program" means an instructional
13 program that prepares a nurse aide candidate with the knowledge and
14 ability to practice as a nurse aide and that is offered by a person
15 that holds a permit.

16 Sec. 21909. An individual shall not engage in practice as a
17 nurse aide unless the individual holds a registration or is in
18 compliance with 42 CFR 483.35. ~~A~~**Except as provided in section**
19 **21909a, a** person shall not offer a nurse aide training program or
20 provide training or instruction to a nurse aide candidate unless
21 the individual holds a permit.

22 **Sec. 21909a. (1) An individual who is a registered**
23 **professional nurse licensed under article 15 may provide training**
24 **to a nurse aide candidate without a permit.**

25 **(2) This section applies only during a COVID-19 pandemic**
26 **emergency.**

27 Sec. 21911. (1) The department may grant registration as a
28 nurse aide to an applicant who meets all of the following
29 requirements:

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

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

4 (c) ~~Demonstrates~~ **Subject to subsections (4) and (5),**
5 **demonstrates** to the department that he or she has ~~successfully~~
6 ~~completed a~~ **met both of the following:**

7 (i) **Successfully completed a** nurse aide training program ~~and a~~
8 ~~competency examination approved by the department.~~ **approved by the**
9 **department.**

10 (ii) **Is competent as demonstrated by successful completion of**
11 **either of the following:**

12 (A) **A competency examination approved by the department.**

13 (B) **An assessment performed by 1 of the following if the**
14 **department determines that the assessment meets the requirements**
15 **for determining competency under federal law including, but not**
16 **limited to, 42 CFR 483.154 and any active guidance issued by the**
17 **federal Centers for Medicare and Medicaid Services:**

18 (I) **A site administrator responsible for assessing the**
19 **applicant's competency skills.**

20 (II) **The entity hiring the applicant.**

21 (d) ~~Meets~~ **Subject to subsection (4), meets** the requirements
22 for registration in rules promulgated under section 21923.

23 (2) The department may grant a permit as a nurse aide trainer
24 to an applicant who meets all of the following requirements:

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

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

28 (c) Is a registered professional nurse licensed under article
29 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),

1 or who meets the requirements for a permit in rules promulgated
2 under section 21923.

3 (3) The department may grant a permit as a nurse aide training
4 program to an applicant that meets all of the following
5 requirements:

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

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

9 (c) Meets the requirements for a permit in rules promulgated
10 under section 21923.

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

14 **(4) An applicant who does all of the following during a COVID-**
15 **19 pandemic emergency satisfies the requirements of subsection**
16 **(1) (c) (i) and (d) :**

17 (a) **Completes a minimum of 16 hours of online or classroom**
18 **instruction covering the training areas described in 42 CFR**
19 **483.152(b) including, but not limited to, all of the following:**

20 (i) **Psychosocial well-being, which includes resident rights,**
21 **confidentiality, and abuse.**

22 (ii) **Infection control with a focus on the prevention and**
23 **control of COVID-19.**

24 (iii) **Safety and emergency care, including, but not limited to,**
25 **the proper use of the Heimlich maneuver.**

26 (iv) **Assisting with activities of daily living, including**
27 **positioning, locomotion, and restorative care.**

28 (v) **Nutrition and hydration.**

29 (vi) **End of life and comfort care.**

- 1 (vii) Dementia care.
- 2 (viii) Communication and interpersonal skills.
- 3 (ix) Documentation and use of care plans.
- 4 (x) Promoting independence of residents.
- 5 (xi) Basic nursing skills.
- 6 (xii) Providing personal care and basic restorative services.
- 7 (xiii) Caring for cognitively impaired residents.
- 8 (xiv) Mental health and social service needs.
- 9 (b) Under the supervision of an individual who is a registered
10 professional nurse licensed under article 15, completes a minimum
11 of 80 hours of temporary nurse aide training, training on the job,
12 or in-service nurse aide education.
- 13 (5) The department shall allow an applicant to complete a
14 competency examination online or through remote means.
- 15 (6) The department shall not deny a person a permit as a nurse
16 aide training program solely because the program allows individuals
17 to complete curricula online or by other remote means, or counts
18 each hour an individual has worked performing skills necessary of a
19 nurse aide as 1 hour of training. This subsection does not apply to
20 training required under 42 CFR 483.152(a) (3) or (b) (1).
- 21 (7) ~~(4)~~—A registration or permit is not transferable. A
22 certificate of registration or certificate of permit must state the
23 persons to which it applies.