

HOUSE BILL NO. 5089

June 22, 2021, Introduced by Reps. Bollin and Frederick and referred to the Committee on Health Policy.

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

1 the department as evidence of registration.

2 (3) "COVID-19 pandemic emergency" means the public health
3 emergency declared by the Secretary of the United States Department
4 of Health and Human Services resulting from the coronavirus disease
5 2019 (COVID-19) and the immediately following 4 months after the
6 public health emergency described under this subsection ends.

7 (4) ~~(3)~~—"Fund" means the nurse aide registry fund created in
8 section 21921.

9 (5) ~~(4)~~—"Nurse aide" means an individual who holds a
10 registration. A nurse aide is not a health professional licensed
11 under article 15, a registered dietitian, or someone who volunteers
12 to provide nursing or nursing-related services without pay.

13 (6) ~~(5)~~—"Nurse aide trainer" means an individual who holds a
14 permit to provide training to a nurse aide candidate who is
15 enrolled in a nurse aide training program.

16 (7) ~~(6)~~—"Nurse aide training program" means an instructional
17 program that prepares a nurse aide candidate with the knowledge and
18 ability to practice as a nurse aide and that is offered by a person
19 that holds a permit.

20 Sec. 21909. An individual shall not engage in practice as a
21 nurse aide unless the individual holds a registration or is in
22 compliance with 42 CFR 483.35. ~~A~~**Except as provided in section**
23 **21909a**, a person shall not offer a nurse aide training program or
24 provide training or instruction to a nurse aide candidate unless
25 the individual holds a permit.

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

29 (2) **This section applies only during a COVID-19 pandemic**

1 **emergency.**

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

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

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

8 (c) ~~Demonstrates~~**Subject to subsection (4), demonstrates** to
9 the department that he or she has successfully completed a nurse
10 aide training program and a competency examination approved by the
11 department.

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

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

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

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

19 (c) Is a registered professional nurse licensed under article
20 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),
21 or who meets the requirements for a permit in rules promulgated
22 under section 21923.

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

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

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

29 (c) Meets the requirements for a permit in rules promulgated

1 under section 21923.

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

5 (4) An applicant who does all of the following during a COVID-
6 19 pandemic emergency satisfies the requirements of subsection
7 (1)(c) and (d):

8 (a) Completes a minimum of 16 hours of online or classroom
9 instruction covering the following subject areas:

10 (i) Psychosocial well-being, which includes resident rights,
11 confidentiality, and abuse.

12 (ii) Infection control with a focus on the prevention and
13 control of COVID-19.

14 (iii) Safety and emergency care, including proper use of the
15 Heimlich maneuver.

16 (iv) Assisting with activities of daily living, including
17 positioning, locomotion, and restorative care.

18 (v) Nutrition and hydration.

19 (vi) End of life and comfort care.

20 (vii) Dementia care.

21 (viii) Communication and interpersonal skills.

22 (ix) Documentation and use of care plans.

23 (b) Under the supervision of an individual who is a registered
24 professional nurse licensed under article 15, completes a minimum
25 of 80 hours of temporary nurse aide training, training on the job,
26 or in-service nurse aide education.

27 (c) Successfully completes 1 of the following to demonstrate
28 competency:

29 (i) The examination approved under subsection (1)(c).

1 (ii) Approval by a site administrator responsible for assessing
2 the applicant's competency skills as part of an approved
3 apprenticeship program.

4 (iii) An assessment by the entity hiring the individual that
5 measures all of the areas for training listed under 42 CFR
6 483.152 (b) .

7 (5) ~~(4)~~—A registration or permit is not transferable. A
8 certificate of registration or certificate of permit must state the
9 persons to which it applies.