

2022 -- S 2464

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO HUMAN SERVICES -- REGISTRATION OF NURSING ASSISTANTS

Introduced By: Senator Walter S. Felag

Date Introduced: March 01, 2022

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-17.9-2, 23-17.9-3 and 23-17.9-5 of the General Laws in Chapter
2 23-17.9 entitled "Registration of Nursing Assistants" are hereby amended to read as follows:

3 **23-17.9-2. Definitions -- Supervision of nursing assistants -- Inapplicability of chapter.**

4 (a) As used in this chapter:

5 (1) "Certifying agency" means the state department of health.

6 (2) "Director" means the director of the state department of health, or his or her designee.

7 (3) "Home care nursing assistant" is defined as a paraprofessional trained as an aide to a
8 nurse exclusively in a home care setting to give personal care and related health care and assistance
9 based on his or her level of preparation to homebound individuals who are sick, disabled,
10 dependent, or infirm. The director of the department of health shall, by regulation, license these
11 paraprofessionals as a separate licensure pursuant to this chapter than those licensed under § 23-
12 17.9-2(4). Home care nursing assistants shall be trained with a minimum of sixty (60) hours prior
13 to licensing examination and are exempt from training specific to any facility-based care.

14 ~~(3)~~(4) "Nursing assistant" is defined as a nurses' aide, or orderly, ~~or home health aide~~ who
15 is a paraprofessional trained to give personal care and related health care and assistance based on
16 his or her level of preparation to individuals who are sick, disabled, dependent, or infirmed and
17 who are residents of or who receive services from healthcare facilities licensed pursuant to chapter
18 17 of this title or receiving services from agencies licensed pursuant to chapter 17.7 of this title.
19 The director of the department of health may, by regulation, establish different levels of nursing

1 assistants.

2 (b) Nursing assistants shall be supervised by professional (registered nurses) and other
3 appropriate professional members of a healthcare facility or physician.

4 (c) Notwithstanding any provision of this chapter, nothing in this section shall apply to
5 those persons designated solely as personal-care attendants, or programs established and
6 administered for the purpose of providing personal-care-attendant service, established by chapter
7 8.1 of title 40.

8 (d) No provision of this chapter shall apply to those persons who are actively matriculated
9 in a bachelor of science in nursing, associate degree program in nursing, an accredited licensed
10 practical nursing program, or registered nurse course of study in a national league for nursing
11 accredited nursing program, provided those persons have completed a minimum of two (2) clinical
12 courses and provided those individuals are supervised by a R.N.

13 (e) No provision of this chapter or of the rules and regulations pertaining to Rhode Island
14 certificates of registration for nursing assistants, medication aides, and the approval of nursing
15 assistant and medication aide training programs, including the provisions related to medication
16 aides, shall apply to those persons who are actively matriculated in a bachelor of science in nursing,
17 associate degree program in nursing, an accredited licensed practical nursing program, or registered
18 nurse course of study in a national league for nursing accredited nursing program; provided, those
19 persons have completed a minimum of two (2) clinical courses and appropriate training in
20 medication administration and provided those individuals are supervised by a registered nurse.

21 **23-17.9-3. Training and competency evaluation program for levels of nursing**
22 **assistants.**

23 Standards for training and/or competency evaluation programs for nursing assistants and
24 exemptions for applicants from the requirements of training programs shall be consistent with
25 federal statutory and regulatory requirements and shall be defined according to the rules and
26 regulations promulgated by the department of health. The national standards pertaining to nursing
27 assistants, ~~nurse aides home health aides, and the national home caring council or its succeeding~~
28 ~~agency, (model curriculum and teaching guide for the instruction of homemaker home health aide)~~
29 and any other appropriate standards shall serve as guidelines in the development of regulatory
30 standards for other levels of nursing assistants as determined by the director. The department may
31 require a fee as set forth in § 23-1-54 as an application fee for biennial training and competency
32 evaluation program certification.

33 **23-17.9-5. Qualifying examination.**

34 Nursing assistants as defined in § 23-17.9-2 who are employed or have had experience as

1 a nursing assistant prior to the enactment of this chapter, and the effective date of the regulations
2 promulgated in relation to this chapter, shall pass the appropriate level of examination administered
3 by the department approved by the director in lieu of the training program. ~~Exempt from the~~
4 ~~qualifying examination are home health aides/homemakers who have successfully passed the~~
5 ~~qualifying examination and/or successfully completed an approved home health aide/homemaker~~
6 ~~program under the provisions of chapter 17.7 of this title and the regulations promulgated in relation~~
7 ~~to that chapter.~~ Also exempt from the qualifying examination are classes of individuals, regardless
8 of employment setting, who are exempted from examination by federal statute or regulations and
9 these exemptions shall be defined according to rules and regulations promulgated by the department
10 of health. Successful completion of the qualifying examination and the provisions of this section
11 shall be deemed satisfactory for employment as a nursing assistant. Unless exempted by rules and
12 regulations promulgated by the department of health, each application must be submitted with a
13 processing fee as set forth in § 23-1-54 to be paid by the employing facility or agency if the
14 applicant has been continuously employed by the facility for six (6) months prior to the application
15 or by another responsible party as defined in rules and regulations promulgated by the department
16 of health consistent with federal statutory and/or regulatory requirements; but, if the applicant is
17 unemployed, to be submitted by the applicant. If the applicant shall be continuously employed by
18 the same facility for six (6) months after the application, then the fee shall be directly refunded to
19 the applicant by the facility or agency. If federal statutory or regulatory requirements mandate that
20 the certifying agency conduct an examination of manual skills proficiency as a component of the
21 examination process to meet minimal federal compliance, a manual skills proficiency examination
22 may be required by rules and regulations promulgated by the department of health for all applicants
23 not otherwise exempted from the examination requirements. If a manual skills proficiency
24 examination is required to be conducted by the certifying agency as a component of the certifying
25 examination, each application shall be accompanied by a fee as set forth in § 23-1-54 to be paid by
26 the employing facility or agency if the applicant has been continuously employed by the facility
27 for six (6) months prior to the application or by another responsible party as defined in rules and
28 regulations promulgated by the department of health consistent with federal statutory and/or
29 regulatory requirements; but, if the applicant is unemployed, to be submitted by the applicant. If
30 the applicant shall be continuously employed by the same facility for six (6) months after the
31 application, then the fee shall be directly refunded on a pro rata basis between months six (6) and
32 twelve (12) to the applicant by the facility or agency.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES -- REGISTRATION OF NURSING ASSISTANTS

1 This act would establish the position of home care nursing assistants, who are
2 paraprofessionals licensed by the department of health to work exclusively in home care; would
3 require training specific to home-based care for vulnerable homebound patients; and would allow
4 greater opportunities for home care agencies to compete in the labor market in order to reduce long
5 wait lists for activities of daily living services and supports at home.

6 This act would take effect upon passage.

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