

2023 -- S 0100

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- REGISTRATION OF NURSING ASSISTANTS

Introduced By: Senator Walter S. Felag

Date Introduced: February 01, 2023

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**  
4 **chapter.**

5 (a) As used in this chapter:

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

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

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

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

1 director of the department of health may, by regulation, establish different levels of nursing  
2 assistants.

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

5 (c) Notwithstanding any provision of this chapter, nothing in this section shall apply to  
6 those persons designated solely as personal-care attendants, or programs established and  
7 administered for the purpose of providing personal-care-attendant service, established by chapter  
8 8.1 of title 40.

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

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

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

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

34 **23-17.9-5. Qualifying examination.**

1           Nursing assistants as defined in § 23-17.9-2 who are employed or have had experience as  
2 a nursing assistant prior to the enactment of this chapter, and the effective date of the regulations  
3 promulgated in relation to this chapter, shall pass the appropriate level of examination administered  
4 by the department approved by the director in lieu of the training program. ~~Exempt from the~~  
5 ~~qualifying examination are home health aides/homemakers who have successfully passed the~~  
6 ~~qualifying examination and/or successfully completed an approved home health aide/homemaker~~  
7 ~~program under the provisions of chapter 17.7 of this title and the regulations promulgated in relation~~  
8 ~~to that chapter. Also exempt~~ Exempt from the qualifying examination are classes of individuals,  
9 regardless of employment setting, who are exempted from examination by federal statute or  
10 regulations and these exemptions shall be defined according to rules and regulations promulgated  
11 by the department of health. Successful completion of the qualifying examination and the  
12 provisions of this section shall be deemed satisfactory for employment as a nursing assistant. Unless  
13 exempted by rules and regulations promulgated by the department of health, each application must  
14 be submitted with a processing fee as set forth in § 23-1-54 to be paid by the employing facility or  
15 agency if the applicant has been continuously employed by the facility for six (6) months prior to  
16 the application or by another responsible party as defined in rules and regulations promulgated by  
17 the department of health consistent with federal statutory and/or regulatory requirements; but, if  
18 the applicant is unemployed, to be submitted by the applicant. If the applicant shall be continuously  
19 employed by the same facility for six (6) months after the application, then the fee shall be directly  
20 refunded to the applicant by the facility or agency. If federal statutory or regulatory requirements  
21 mandate that the certifying agency conduct an examination of manual skills proficiency as a  
22 component of the examination process to meet minimal federal compliance, a manual skills  
23 proficiency examination may be required by rules and regulations promulgated by the department  
24 of health for all applicants not otherwise exempted from the examination requirements. If a manual  
25 skills proficiency examination is required to be conducted by the certifying agency as a component  
26 of the certifying examination, each application shall be accompanied by a fee as set forth in § 23-  
27 1-54 to be paid by the employing facility or agency if the applicant has been continuously employed  
28 by the facility for six (6) months prior to the application or by another responsible party as defined  
29 in rules and regulations promulgated by the department of health consistent with federal statutory  
30 and/or regulatory requirements; but, if the applicant is unemployed, to be submitted by the  
31 applicant. If the applicant shall be continuously employed by the same facility for six (6) months  
32 after the application, then the fee shall be directly refunded on a pro rata basis between months six  
33 (6) and 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

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- 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 and would
- 3   require training specific to home-based care for vulnerable homebound patients.
- 4           This act would take effect upon passage.

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