AN ACT relating to temporary nurse aides and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "COVID-19 pandemic" means the state of emergency declared by the Governor in response to COVID-19 on March 6, 2020, by Executive Order 2020-215; and

(b) "Temporary COVID-19 personal care attendant" or "PCA" means person who is employed and received training in a skilled nursing facility under a temporary accommodation made to address work load increases and staffing shortages caused by the COVID-19 pandemic by the Cabinet for Health and Family Services as authorized by KRS 214.020, Executive Order 2020-215, and the suspension of federal regulatory and statutory provisions by the Centers for Medicare and Medicaid Services.

(2) The Department for Medicaid Services shall accept the training requirements as included in the "Temporary COVID-19 Personal Care Attendant memorandum" issued April 14, 2020, by the Cabinet for Health and Family Services that are completed by a PCA who is in good standing with his or her employer after the COVID-19 state of emergency is rescinded by the Governor. The PCA shall be deemed a state registered nurse aide and shall be placed on the Kentucky Nurse Aide Registry if:

(a) A minimum of eighty (80) hours of PCA duties have been completed within a skilled nursing facility under the supervision of a licensed or registered nurse; and

(b) Competency has been established by the following:

1. Through an assessment in all areas of required nurse aide training as

provided for in 42 C.F.R. sec. 483.152(b) by an instructor who is a licensed nurse confirmed by the facility to have completed instructor training required by the Department for Medicaid Services; and

2. Successful completion of the nurse aide examination.

(3) The Department for Medicaid Services shall:

(a) Apply for any Medicaid waivers or state plan amendments necessary to implement subsection (2) of this section;

(b) Incorporate the provisions under subsection (2) of this section into the nurse aide training and competency evaluation program requirements; and

(c) Promulgate any administration regulation necessary to implement this subsection and subsection (2) of this section.

➔Section 2. Whereas the COVID-19 pandemic has had a devastating impact on the long-term care workforce, there is a great need for state-trained nurse aides in nursing facilities, the employment of temporary nurse aides during the COVID-19 pandemic has provided a unique opportunity to provide training for nurse aides, and there is a risk that those who served as personal care attendants during the COVID-19 pandemic may lose employment after the pandemic, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.