

FIRST REGULAR SESSION

SENATE BILL NO. 490

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIZZO.

Read 1st time February 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2425S.011

AN ACT

To repeal section 198.082, RSMo, and to enact in lieu thereof one new section relating to certified nursing assistants.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 198.082, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 198.082, to read as follows:

198.082. 1. Each **certified** nursing assistant hired to work in a skilled
2 nursing or intermediate care facility after January 1, 1980, shall have
3 successfully completed a nursing assistant training program approved by the
4 department or shall enroll in and begin the first available approved training
5 program which is scheduled to commence within ninety days of the date of the
6 **certified** nursing assistant's employment and which shall be completed within
7 four months of employment. Training programs shall be offered at any facility
8 licensed [or approved] by the department of health and senior services; **any**
9 **skilled nursing or intermediate care unit in a Missouri veterans home,**
10 **as defined in section 42.002; or any hospital, as defined in section**
11 **197.020. Training programs shall be** [which is most] reasonably accessible
12 to the enrollees in each class. The program may be established by [the] a skilled
13 nursing or intermediate care facility, **unit, or hospital;** by a professional
14 organization[.]; or by the department, and training shall be given by the
15 personnel of the facility, **unit, or hospital;** by a professional organization[.]; by
16 the department[.]; by any community college; or by the vocational education
17 department of any high school.

18 2. As used in this section the term "**certified** nursing assistant" means
19 an employee[.] **who has completed the training required under subsection**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 **1 of this section, who has passed the certification exam, and** [including
21 a nurse's aide or an orderly,] who is assigned by a skilled nursing or intermediate
22 care facility, **unit, or hospital** to provide or assist in the provision of direct
23 resident health care services under the supervision of a nurse licensed under the
24 nursing practice law, chapter 335.

25 **3.** This section shall not apply to any person otherwise **regulated or**
26 licensed to perform health care services under the laws of this state. It shall not
27 apply to volunteers or to members of religious or fraternal orders which operate
28 and administer the facility, if such volunteers or members work without
29 compensation.

30 **[3.] 4.** The training program [after January 1, 1989, shall consist of at
31 least the following:

32 (1) A training program consisting] **requirements shall be defined in**
33 **regulation by the department and shall require [of]** at least seventy-five
34 classroom hours of training [on basic nursing skills, clinical practice, resident
35 safety and rights, the social and psychological problems of residents, and the
36 methods of handling and caring for mentally confused residents such as those
37 with Alzheimer's disease and related disorders,] and one hundred hours
38 supervised and on-the-job training. **On-the-job training sites shall include**
39 **supervised practical training in a laboratory or other setting in which**
40 **the trainee demonstrates knowledge while performing tasks on an**
41 **individual under the direct supervision of a registered nurse or a**
42 **licensed practical nurse.** The [one hundred hours] **training** shall be
43 completed within four months of employment and may consist of normal
44 employment as nurse assistants **or hospital nursing support staff** under the
45 supervision of a licensed nurse[; and

46 (2) Continuing in-service training to assure continuing competency in
47 existing and new nursing skills. All nursing assistants trained prior to January
48 1, 1989, shall attend, by August 31, 1989, an entire special retraining program
49 established by rule or regulation of the department which shall contain
50 information on methods of handling mentally confused residents and which may
51 be offered on premises by the employing facility].

52 **[4.] 5. Certified nursing** [Nursing] assistants who have not
53 successfully completed the nursing assistant training program prior to
54 employment may begin duties as a **certified** nursing assistant [only after
55 completing an initial twelve hours of basic orientation approved by the

56 department] and may provide direct resident care only if under the [general]
57 **direct** supervision of a licensed nurse prior to completion of the seventy-five
58 classroom hours of the training program.

59 **6. The competency evaluation shall be performed in a facility, as**
60 **defined in 42 CFR Sec. 483.5, or laboratory setting comparable to the**
61 **setting in which the individual shall function as a certified nursing**
62 **assistant.**

63 **7. Persons completing the training requirements of unlicensed**
64 **assistive personnel under 19 CSR 30-20.125 or its successor regulation,**
65 **and who have completed the competency evaluation, shall be allowed**
66 **to sit for the certified nursing assistant examination and be deemed to**
67 **have fulfilled the classroom and clinical standards for designation as**
68 **a certified nursing assistant.**

69 **8. The department of health and senior services may offer**
70 **additional training programs and certifications to students who are**
71 **already certified as nursing assistants according to regulations**
72 **promulgated by the department and curriculum approved by the board.**

Bill ✓

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