

118TH CONGRESS
2^D SESSION

H. R. 9067

To amend titles XVIII and XIX of the Social Security Act to establish a waiver of certain training and certification requirements for specified skilled nursing facilities and nursing facilities.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2024

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles XVIII and XIX of the Social Security Act to establish a waiver of certain training and certification requirements for specified skilled nursing facilities and nursing facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Building America’s
5 Health Care Workforce Act”.

1 **SEC. 2. ESTABLISHING A WAIVER OF CERTAIN TRAINING**
2 **AND CERTIFICATION REQUIREMENTS FOR**
3 **SPECIFIED SKILLED NURSING FACILITIES**
4 **AND NURSING FACILITIES.**

5 (a) **MEDICARE.**—Section 1819 of the Social Security
6 Act (42 U.S.C. 1395i–3) is amended by adding at the end
7 the following new subsection:

8 “(1) **WAIVER OF CERTAIN TRAINING AND CERTIFI-**
9 **CATION REQUIREMENTS FOR SPECIFIED SKILLED NURS-**
10 **ING FACILITIES.**—

11 “(1) **ELECTION.**—

12 “(A) **STATES.**—A State may elect, in a
13 form and manner specified by the Secretary, for
14 the provisions of subsections (b) and (f) to be
15 applied in accordance with paragraph (2) with
16 respect to specified skilled nursing facilities (as
17 defined in paragraph (3)) located in such State.

18 “(B) **SPECIFIED SKILLED NURSING FA-**
19 **CILITIES.**—In the case of a specified skilled
20 nursing facility located in a State that has not
21 made the election described in subparagraph
22 (A), such facility may make such election with
23 respect to such facility in a form and manner
24 specified by the Secretary.

25 “(2) **WAIVERS.**—In the case of a specified
26 skilled nursing facility located in a State that has

1 made the election described in paragraph (1) (or,
2 with respect to a specified skilled nursing facility lo-
3 cated in a State that has not made such election, in
4 the case of such a facility that has made such elec-
5 tion), the Secretary shall—

6 “(A) apply subsection (b)(5)(A) as if the
7 reference to ‘4 months’ in such subsection were
8 instead a reference to ‘12 months’, except that
9 such reference shall continue to be treated as a
10 reference to ‘4 months’ for purposes of applying
11 the requirement specified in clause (i)(II) of
12 such subsection;

13 “(B) for purposes of determining whether
14 a nurse aide training and competency evalua-
15 tion program offered by or in such facility com-
16 plies with the requirements for such program
17 specified pursuant to subsection (f)(2)(A)(i),
18 allow such program to count any hours worked
19 by a nurse aide in a skilled nursing facility or
20 nursing facility (as defined in section 1919(a))
21 toward the 75 hours of initial training described
22 in subclause (II) of such subsection; and

23 “(C) in the case such facility is a facility
24 described in subparagraph (B)(iii)(I) of sub-
25 section (f)(2), apply subparagraph (A)(iv)(I) of

1 such subsection as if such facility were not a fa-
2 cility so described, but only if the State in
3 which the facility is located does not offer a
4 nurse aide competency evaluation (in person or
5 online) at least once per week or if availability
6 is limited.

7 “(3) SPECIFIED SKILLED NURSING FACILITY
8 DEFINED.—For purposes of this subsection, the
9 term ‘specified skilled nursing facility’ means a
10 skilled nursing facility that—

11 “(A) is located in an area of a State that
12 the State has designated as being a nurse aide
13 shortage area; and

14 “(B) has not received a citation for a defi-
15 ciency for providing a substandard quality of
16 care relating to direct patient care during the
17 preceding 2 years.”.

18 (b) MEDICAID.—Section 1919 of the Social Security
19 Act (42 U.S.C. 1396r) is amended by adding at the end
20 the following new subsection:

21 “(1) WAIVER OF CERTAIN TRAINING AND CERTIFI-
22 CATION REQUIREMENTS FOR SPECIFIED NURSING FA-
23 CILITIES.—

24 “(1) ELECTION.—

1 “(A) STATES.—A State may elect, in a
2 form and manner specified by the Secretary, for
3 the provisions of subsections (b) and (f) to be
4 applied in accordance with paragraph (2) with
5 respect to specified nursing facilities (as defined
6 in paragraph (3)) located in such State.

7 “(B) SPECIFIED NURSING FACILITIES.—In
8 the case of a specified nursing facility located in
9 a State that has not made the election de-
10 scribed in subparagraph (A), such facility may
11 make such election with respect to such facility
12 in a form and manner specified by the Sec-
13 retary.

14 “(2) WAIVERS.—In the case of a specified nurs-
15 ing facility located in a State that has made the
16 election described in paragraph (1) (or, with respect
17 to a specified nursing facility located in a State that
18 has not made such election, in the case of such a fa-
19 cility that has made such election), the Secretary
20 shall—

21 “(A) apply subsection (b)(5)(A) as if the
22 reference to ‘4 months’ in such subsection were
23 instead a reference to ‘12 months’, except that
24 such reference shall continue to be treated as a
25 reference to ‘4 months’ for purposes of applying

1 the requirement specified in clause (i)(II) of
2 such subsection;

3 “(B) for purposes of determining whether
4 a nurse aide training and competency evalua-
5 tion program offered by or in such facility com-
6 plies with the requirements for such program
7 specified pursuant to subsection (f)(2)(A)(i),
8 allow such program to count any hours worked
9 by a nurse aide in a nursing facility or skilled
10 nursing facility (as defined in section 1819(a))
11 toward the 75 hours of initial training described
12 in subclause (II) of such subsection; and

13 “(C) in the case such facility is a facility
14 described in subparagraph (B)(iii)(I) of sub-
15 section (f)(2), apply subparagraph (A)(iv)(I) of
16 such subsection as if such facility were not a fa-
17 cility so described, but only if the State in
18 which the facility is located does not offer a
19 nurse aide competency evaluation (in person or
20 online) at least once per week or if availability
21 is limited.

22 “(3) SPECIFIED NURSING FACILITY DE-
23 FINED.—For purposes of this subsection, the term
24 ‘specified nursing facility’ means a nursing facility
25 that—

1 “(A) is located in an area of a State that
2 the State has designated as being a nurse aide
3 shortage area; and

4 “(B) has not received a citation for a defi-
5 ciency for providing a substandard quality of
6 care relating to direct patient care during the
7 preceding 2 years.”.

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