

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**59**

**OFFERED BY MR. KELLER OF PENNSYLVANIA**

Add at the end the following new section:

1 **SEC. 11. PROVIDING FLEXIBILITY IN TRAINING AND COM-**  
2 **PETENCY REQUIREMENTS FOR SKILLED**  
3 **NURSING FACILITY AND NURSING FACILITY**  
4 **NURSING AIDES UNDER THE MEDICARE AND**  
5 **MEDICAID PROGRAMS.**

6 (a) IN GENERAL.—Sections 1819(b)(5) and  
7 1919(b)(5) of the Social Security Act (42 U.S.C. 1395i-  
8 3(b)(5), 1396r(b)(5)) are each amended—

9 (1) in subparagraph (A)(i)(I), by inserting “(or,  
10 in the case of a specified individual (as defined in  
11 subparagraph (H)(ii)), meets the requirement de-  
12 scribed in subparagraph (H)(i))” after “subsection  
13 (e)(1)(A)”; and

14 (2) by adding at the end the following new sub-  
15 paragraph:

16 “(H) COVID-19 TRAINING AND COM-  
17 PETENCY REQUIREMENT FLEXIBILITY.—

18 “(i) IN GENERAL.—For purposes of  
19 subparagraph (A)(i)(I), the requirement

1 described in this clause is, with respect to  
2 a specified individual (as defined in clause  
3 (ii)), that the individual demonstrates com-  
4 petency in work as a nursing aide  
5 through—

6 “(I) the successful completion of  
7 a nursing aide examination approved  
8 by the State;

9 “(II) certification of competency  
10 by a site administrator of a nursing  
11 aide apprenticeship program approved  
12 by the State; or

13 “(III) an assessment by the facil-  
14 ity in each of the areas and skills de-  
15 scribed in section 583.152(b) of title  
16 42, Code of Federal Regulations (or a  
17 successor regulation).

18 “(ii) SPECIFIED INDIVIDUAL DE-  
19 FINED.—For purposes of this subpara-  
20 graph, the term ‘specified individual’  
21 means an individual who, during the emer-  
22 gency period described in section  
23 1135(g)(1)(B)—

24 “(I) completed a nursing aide  
25 training program and competency as-

1                    assessment (whether online or other-  
2                    wise) approved by the State; and

3                                       “(II) completed a minimum of 80  
4                    hours of work as a temporary nurse  
5                    aide, in supervised practical nurse  
6                    aide training, in on-the-job nursing  
7                    aide training, or in in-service nursing  
8                    aide education, under the supervision  
9                    of a registered nurse or a licensed  
10                    practical nurse.”.

11            (b)        INCLUSION        ON        REGISTRY.—Section  
12 1819(e)(2)(A) and 1919(e)(2)(A) of the Social Security  
13 Act (42 U.S.C. 1395i–3(e)(2)(A), 1396r(e)(2)(A)) are  
14 each amended by inserting “, or any specified individual  
15 (as defined in clause (ii) of subsection (b)(5)(H)(ii)) who  
16 meets the requirement described in clause (i) of such sub-  
17 section” before the period at the end.

18            (c)        EDUCATIONAL AND OUTREACH ACTIVITIES.—  
19 The Secretary of Health and Human Services shall under-  
20 take outreach and educational activities for purposes of  
21 informing States of—

22                    (1) the effects of the amendments made by this  
23                    section; and

24                    (2) what actions States may take with respect  
25                    to the training and assessment of nursing aides in

- 1 such State that will comply with the provisions of
- 2 such amendments.

