

## **BILL ANALYSIS**

Senate Research Center  
82R3311 SLB-D

S.B. 795  
By: Nelson  
Health & Human Services  
3/18/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

For Texans who require long-term care, nurse aides provide direct care such as assistance with eating, bathing, and housekeeping.

Over the past five fiscal years, certified nurse aides under observation during licensing inspections of Texas nursing homes have not been able to demonstrate the proper skills to care for patients. In 2008, the Institute of Medicine recommended that certified nurse aide training be increased to 120 hours. Testimony before the United States Senate Special Committee on Aging has also urged Congress to require 120 hours of education and continuing education for direct-care workers such as nurse aides.

S.B. 795 improves the quality of long-term care by strengthening certified nurse aide training requirements. Specifically, S.B. 795 increases the number of hours required for a nurse aide certification program from the federal minimum of 75 hours to no less than 120 hours and no more than 359 hours. S.B. 795 also requires nurse aides to complete 12 hours of continuing education annually as a condition for certification renewal.

As proposed, S.B. 795 amends current law relating to regulation of nurse aides.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 250.0035, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 250, Health and Safety Code, by adding Section 250.0035, as follows:

Sec. 250.0035. TRAINING REQUIREMENTS; CONTINUING EDUCATION. (a) Requires an applicant, to be listed on the nurse aide registry, to complete a training program approved by the Department of Aging and Disability Services (DADS) that includes not less than 120 hours and not more than 359 hours of course work as specified by rule, and a competency evaluation on completion of the training program.

(b) Provides that a listing on the nurse aide registry expires on the second anniversary of the date of the listing. Requires a nurse aide to complete at least 12 hours of continuing education annually to renew the nurse aide's listing on the registry.

(c) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules as necessary to implement this section.

SECTION 2. (a) Requires the executive commissioner to adopt the rules necessary to implement Section 250.0035, Health and Safety Code, as added by this Act, not later than May 1, 2012.

(b) Makes application of Section 250.0035, as added by this Act, prospective to September 1, 2012.

(c) Provides that a person listed as a nurse aide on the nurse aide registry under Chapter 250 (Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly, Persons with Disabilities, or Persons With Terminal Illnesses), Health and Safety Code, before September 1, 2012, is entitled to continue to be included on the nurse aide registry without fulfilling any additional educational training or evaluation requirements established by the executive commissioner under Section 250.0035(a), Health and Safety Code, as added by this Act, if the person satisfies the other qualifications required by the executive commissioner and Chapter 250.

SECTION 3. Effective date: September 1, 2011.