To amend title XI of the Social Security Act to extend beyond the COVID–19 emergency period, with certain modifications, the Emergency Declaration Blanket Waiver relating to training and certification of nurse aides to alleviate burdens imposed on staff of skilled nursing facilities and nursing facilities.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2022

Mr. Guthrie (for himself, Ms. Dean, and Mr. McKinley) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 title XI of the Social Security Act to extend beyond the COVID–19 emergency period, with certain modifications, the Emergency Declaration Blanket Waiver relating to training and certification of nurse aides to alleviate burdens imposed on staff of skilled nursing facilities and nursing facilities.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. EXTENSION AND MODIFICATION OF COVID–19 EMERGENCY DECLARATION BLANKET WAIVER RELATING TO TRAINING AND CERTIFICATION OF NURSE AIDES FOR CERTAIN EMPLOYMENT AT NURSING FACILITIES.

Section 1135 of the Social Security Act (42 U.S.C. 1320b–5) is amended—

(1) in subsection (e)(1), by striking “A waiver” and inserting “Subject to subsection (h), a waiver”; and

(2) by adding at the end the following new subsection:

“(h) WAIVERS FOR NURSE AIDES IN TRAINING.—

“(1) IN GENERAL.—Notwithstanding sections 1819 and 1919, the emergency waiver of requirements under section 483.35(d) of title 42, Code of Federal Regulations, relating to training and certification of nurse aides for employment by skilled nursing facilities under title XVIII and nursing facilities under title XIX, granted by the Secretary under the COVID–19 Emergency Declaration Blanket Waivers for Health Care Providers pursuant to this section shall remain in effect, subject to para-
graph (2), for a period that is not less than 24 months after the date of the enactment of this subsection.

“(2) MODIFICATIONS.—For the period described in paragraph (1), the emergency waiver described in such paragraph shall be applied consistent with the following:

“(A) Notwithstanding sections 1819(f)(2) and 1919(f)(2), the waiver shall allow for time worked by a nurse aide during the emergency period described in subsection (g)(1)(B) to count toward the 75 hours minimum training described in sections 1819(f)(2)(A) and 1919(f)(2)(A).

“(B) Notwithstanding sections 1819(f)(2)(B)(iii)(I) and 1919(f)(2)(B)(iii)(I), for purposes of sections 1819 and 1919, a competency evaluation of a nurse aide may be conducted at the skilled nursing facility or nursing facility at which the aide is (or will be) employed if the State in which the facility is located does not offer such an evaluation (in person or online) at least once a week.

“(3) STUDY.—Not later than 1 year after the date of the enactment of this subsection, the Sec-
retary shall conduct a study, and submit to Congress
a report, on the appropriateness of maintaining the
waiver described in paragraph (1), as modified pur-
suant to paragraph (2). Such study shall include an
examination of the extent to which the waiver and
its continuation pursuant to this subsection, as
modified, alleviated the burdens imposed on staff of
skilled nursing facilities and nursing facilities.”.

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