

House File 402 - Introduced

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BY BERGAN

A BILL FOR

1 An Act relating to the direct care workforce, including the
2 expansion of the direct care workforce registry.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. LEGISLATIVE FINDINGS AND INTENT.

2 1. The general assembly finds that the novel coronavirus
3 pandemic has shed light on the importance of the state's direct
4 care workforce in providing essential direct care and supports
5 to vulnerable Iowans and has called attention to the need for
6 a coordinated effort to meet the demand for this essential
7 workforce. The direct care workforce is responsible for the
8 care of thousands of individuals of all ages and abilities
9 including older individuals and persons with disabilities in
10 providing assistance with daily activities, performing personal
11 tasks, and administering medications.

12 2. The intent of this Act is to enhance the portability of
13 continuing education, credentials, and certifications of the
14 direct care workforce; streamline data collection and analysis
15 to support interagency planning and legislative decision
16 making; and assist Iowans needing direct care workforce
17 services and supports and their families in living successfully
18 in their community of choice.

19 Sec. 2. DIRECT CARE WORKFORCE REGISTRY — INCLUSION OF ALL
20 CERTIFIED NURSE ASSISTANTS — PLAN FOR EXPANSION.

21 1. As used in this section:

22 a. "Department" means the department of inspections and
23 appeals.

24 b. "Direct care workforce" includes individuals employed
25 to provide direct care and supports to individuals of all ages
26 and abilities regardless of setting including but not limited
27 to certified nurse assistants, personal care assistants,
28 home care aides, hospice aides, medication aides, direct
29 support professionals, consumer directed attendant care
30 workers, universal workers, resident assistants, patient care
31 technicians, residential treatment workers, and others.

32 c. "Direct care workforce registry" means the registry of
33 nurse aides required to be established and maintained by a
34 state pursuant to 42 C.F.R. §483.156.

35 2. a. The department shall expand the direct care workforce

1 registry to include all certified nurse assistants regardless
2 of employment setting.

3 b. The department shall require all employers of certified
4 nurse assistants, regardless of employment setting, to report
5 the eligible employment of a certified nurse assistant for
6 inclusion in the direct care workforce registry.

7 3. a. The department shall convene a stakeholder advisory
8 work group to develop a plan for the expansion of the direct
9 care workforce registry to include the entire direct care
10 workforce. The plan shall provide for all of the following:

11 (1) Identification of database system content.

12 (2) A listing of the classifications of workers who provide
13 direct care to be included in the registry.

14 (3) Identification of information to be included in the
15 registry to enhance public safety.

16 (4) An estimate of the costs associated with the development
17 and maintenance of the expanded registry.

18 (5) Alignment of registry data with information collected
19 by the department of education, the department of public
20 health, and the department of workforce development.

21 (6) Development of a public portal to allow access by family
22 caregivers and individuals requiring direct care workforce
23 services and supports.

24 (7) A timeline for expansion of the registry and for
25 development of the public portal.

26 (8) Options for state, federal, and other public and private
27 funding to support initial development and maintenance of the
28 registry and public portal.

29 b. The department shall submit the plan to the governor
30 and the general assembly no later than December 15, 2021. If
31 federal or other funding becomes available, the department may
32 implement the plan without additional legislative approval.

33 Sec. 3. HEALTH, DIRECT CARE, AND LONG-TERM SERVICES AND
34 SUPPORTS WORKFORCE DATA SYSTEM — INTERAGENCY COLLABORATION.

35 1. The department of education and the department of

1 public health, in collaboration with the department of
2 workforce development, department of human services, and the
3 department of inspections and appeals, shall incorporate the
4 enhanced direct care workforce registry created in this Act
5 into existing health, direct care, and long-term services and
6 supports workforce dashboard data, and shall utilize such data
7 in informing the state's strategies to build a strong health,
8 direct care, and long-term services and supports workforce.

9 2. The department of education and the department of
10 public health shall submit a progress report on the work of
11 the interagency collaboration to the governor and the general
12 assembly, annually, by January 15.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill relates to the direct care workforce, including
17 the expansion of the direct care workforce registry.

18 The bill includes legislative findings and intent relating
19 to the direct care workforce and the needs of Iowans for direct
20 care workforce services and supports.

21 The bill requires the department of inspections and appeals
22 (DIA) to expand the existing federally required direct care
23 workforce registry to include all certified nurse assistants
24 regardless of employment setting. DIA shall require all
25 employers of certified nurse assistants, regardless of
26 employment setting, to report the eligible employment of a
27 certified nurse assistant for inclusion in the direct care
28 workforce registry. Currently, only long-term care facilities
29 are required to report qualifying employment to the registry.
30 The bill defines "direct care workforce" and "direct care
31 workforce registry" for the purposes of the bill.

32 The bill also requires DIA to convene a stakeholder advisory
33 work group to develop a plan for the expansion of the direct
34 care workforce registry to include the entire direct care
35 workforce. The bill specifies the components to be included

1 in the plan and requires DIA to submit the plan to the governor
2 and the general assembly no later than December 15, 2021. If
3 federal or other funding becomes available, DIA may implement
4 the plan without additional legislative approval.

5 The bill also requires the department of education and
6 the department of public health, in collaboration with the
7 department of workforce development, department of human
8 services, and DIA, to incorporate the enhanced direct care
9 workforce registry created in the bill into existing health,
10 direct care, and long-term services and supports workforce
11 dashboard data, and to utilize such data in informing the
12 state's strategies to build a strong health, direct care, and
13 long-term services and supports workforce. The department of
14 education and the department of public health shall submit a
15 progress report on the work of the interagency collaboration to
16 the governor and the general assembly, annually, by January 15.