

House File 549 - Introduced

HOUSE FILE 549
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 140)

A BILL FOR

1 An Act relating to regulatory provisions applicable to care
2 provided in health care facilities and assisted living
3 programs.

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

1 Section 1. Section 135C.34, Code 2021, is amended to read
2 as follows:

3 **135C.34 Medication aide — certification.**

4 The department of inspections and appeals, in cooperation
5 with other appropriate agencies, shall establish a procedure to
6 ~~allow~~ recognize the credentials of a person who is certified as
7 a medication aide in another state to become certified in this
8 state upon completion and passage of both the certified nurse
9 aide and certified medication aide challenge examinations,
10 without additional requirements for certification, including
11 but not limited to, completion and passage of both the
12 certified nurse aide competency examination and the certified
13 medication aide challenge examination or required employment
14 in this state prior to certification, if upon the request of
15 the person seeking certification, the department determines
16 that the other state in which the person is certified has
17 substantially similar certification requirements. The
18 department shall adopt rules pursuant to **chapter 17A** to
19 administer **this section**.

20 Sec. 2. MEDICATION ADMINISTRATION BY NURSING STUDENTS AND
21 GRADUATE NURSES IN NURSING FACILITIES. The department of
22 inspections and appeals, in cooperation with other appropriate
23 agencies, shall adopt or amend rules pursuant to chapter
24 17A to allow a nursing student or a graduate nurse with an
25 appropriate level of training to administer medications if
26 the nursing facility documents that the nursing facility has
27 implemented training and supervision measures to ensure the
28 nursing student's or graduate nurse's competency in safe
29 medication administration. The rules shall not require the
30 nursing student or graduate nurse to complete a medication
31 course or challenge examination if the nursing facility meets
32 such requirements.

33 Sec. 3. CERTIFIED NURSE AIDE TRAINING — RECIPROCITY. The
34 department of inspections and appeals shall adopt or amend
35 rules pursuant to chapter 17A to recognize a person who is

1 a nurse aide in another state and is able to demonstrate
2 competency in skills and techniques necessary to care for the
3 needs of residents in nursing facilities as required by 42
4 C.F.R. §483.35(c) and (d)(1)(k) to become certified in this
5 state without additional requirements for certification. The
6 rules shall provide for such persons to complete the direct
7 care worker registry application and to be included in the
8 direct care worker registry maintained by the department.

9 Sec. 4. ASSISTED LIVING PROGRAM MANAGER WHO IS ALSO A
10 LICENSED NURSING HOME ADMINISTRATOR. The department of
11 inspections and appeals shall amend the administrative rules
12 pursuant to chapter 17A relating to an assisted living program
13 manager to allow a new assisting living program manager who
14 is currently licensed as a nursing home administrator to
15 complete any required assisted living management class within
16 twelve months of employment rather than within six months of
17 employment.

18 Sec. 5. ASSISTED LIVING PROGRAM — EXIT INTERVIEW TIMING
19 FOLLOWING MONITORING. The department of inspections and
20 appeals shall amend rules pursuant to chapter 17A relating to
21 the exit interview at the conclusion of a monitoring evaluation
22 or complaint investigation of an assisted living program to
23 extend the time frame for the program to submit additional or
24 rebuttal information to the department from two working days to
25 ten working days.

26 EXPLANATION

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

29 This bill relates to regulatory provisions applicable to
30 care provided in health care facilities and assisted living
31 programs.

32 The bill amends Code provisions relating to certification
33 of medication aides in health care facilities to require the
34 department of inspections and appeals (DIA), in cooperation
35 with other appropriate agencies, to establish a procedure to

1 recognize the credentials of a person who is certified as a
2 medication aide in another state to become certified in this
3 state without additional requirements for certification,
4 including but not limited to the current requirement that
5 the person complete and pass both the certified nurse aide
6 competency examination and the certified medication aide
7 challenge examination, if upon the request of the person
8 seeking certification, the department determines that the
9 other state in which the person is certified has substantially
10 similar certification requirements. The bill requires DIA to
11 adopt administrative rules to administer this provision of the
12 bill.

13 The bill also requires DIA, in cooperation with other
14 appropriate agencies, to adopt or amend rules pursuant to Code
15 chapter 17A to allow a nursing student or a graduate nurse with
16 the appropriate level of training to administer medications
17 if the nursing facility documents that the nursing facility
18 has implemented training and supervision measures to ensure
19 the nursing student's or graduate nurse's competency in safe
20 medication administration. The bill provides that the rules
21 shall not require the nursing student or graduate nurse to
22 complete a medication course or challenge examination, as
23 is currently required, if the nursing facility meets such
24 requirements.

25 The bill requires DIA to adopt or amend rules pursuant to
26 Code chapter 17A to recognize a person who is a certified
27 nurse aide (CNA) in another state and is able to demonstrate
28 competency in skills and techniques necessary to care for
29 the needs of residents in nursing facilities as required
30 under federal law to become certified in this state without
31 additional requirements for certification. The rules shall
32 also provide for such persons to complete the direct care
33 worker registry application and to be included in the direct
34 care worker registry maintained by DIA. Currently, these CNAs
35 must pass a challenge examination in order to be certified in

1 the state.

2 The bill requires DIA to adopt or amend rules to allow a new
3 assisted living program manager who is currently licensed as a
4 nursing home administrator to complete any required assisted
5 living management class within 12 months of employment rather
6 than within 6 months of employment as is currently required.

7 The bill requires DIA to adopt or amend rules relating to the
8 exit interview at the conclusion of a monitoring evaluation or
9 complaint investigation of an assisted living program to extend
10 the time frame for the program to submit additional or rebuttal
11 information to DIA from 2 working days, as currently required,
12 to 10 working days.