

Senate File 161 - Introduced

SENATE FILE 161

BY JOCHUM

A BILL FOR

1 An Act relating to the health and long-term services and
2 supports workforce, including the establishment of a
3 centralized direct care workforce database and a consumer
4 public portal.

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

1 Section 1. LEGISLATIVE FINDINGS.

2 1. The COVID-19 pandemic has demonstrated, in Iowa and on
3 a global scale, the need for a comprehensive and professional
4 medical response for those suffering from its related symptoms,
5 including death.

6 2. Although amplified by the COVID-19 pandemic, the need for
7 an organized and coordinated health and long-term services and
8 supports workforce system will continue as Iowa faces growing
9 demand for this essential workforce relative to medical events,
10 regardless of scale.

11 3. Individuals with disabilities and older Iowans,
12 particularly, need assistance from a variety of members of
13 the health and long-term services and supports workforce in
14 order to remain living in their own homes and active in their
15 communities.

16 4. Health and long-term services and supports employers
17 across all settings experience challenges in recruiting and
18 retaining members of the health and long-term services and
19 supports workforce.

20 5. Iowa has an exceptionally qualified and dedicated health
21 and long-term services and supports workforce, the members of
22 which unselfishly serve in the face of personal harm.

23 6. The recognition, coordination, development,
24 compensation, and support of all levels of the health and
25 long-term services and supports workforce are in the best
26 interest of Iowa, its citizens, and economy.

27 7. Direct care workers who are members of the health and
28 long-term services and supports workforce are burdened by
29 the lack of consistency and portability of their training
30 and credentials and currently have no continuing education
31 standards that are linked to the retention of their
32 credentials.

33 8. A comprehensive state-based centralized direct care
34 workforce database system is part of the critical foundational
35 infrastructure needed to build a strong, diverse, and

1 professional direct care workforce to meet the growing demand
2 and to better respond in times of crises such as the COVID-19
3 pandemic.

4 Sec. 2. ESTABLISHMENT OF A CENTRALIZED DIRECT CARE
5 WORKFORCE DATABASE SYSTEM — EXPANSION OF NURSE AIDE REGISTRY.

6 1. The department of inspections and appeals shall
7 establish a robust and comprehensive centralized direct care
8 workforce database system by expanding the existing registry
9 of nurse aides established pursuant to 42 C.F.R. §483.156
10 located within the department. To the maximum extent possible,
11 the database shall be incorporated into ongoing technological
12 upgrades and shall align with other data collection management
13 and analysis efforts.

14 2. The purposes of the database include all of the
15 following:

16 a. To provide statistical data for the state and employers
17 for the purposes of determining the total number of direct
18 care workers currently employed or eligible for employment;
19 predicting future shortages of direct care workers in all care
20 and support environments; serving as a tool to provide ongoing
21 training and to anticipate changes in the training needs of
22 direct care workers dictated by new technologies and procedures
23 and the diversity of the workforce and populations served;
24 providing employers with easy access to an up-to-date pool of
25 skilled direct care workers to address staffing shortages and
26 to meet specific needs; and enhancing the capacity of the state
27 and employers to respond to emergencies and quickly changing
28 workforce needs such as those recently encountered in the
29 COVID-19 pandemic.

30 b. To provide permanent portable records of trainings,
31 certifications, credentials, continuing education, and
32 experience of direct care workers, regardless of the setting or
33 population served, to maintain such records in a central and
34 secure location, and to assess the number of those involved in
35 providing direct care who transition to other health and social

1 service professions such as nursing, social work, or mental
2 health.

3 c. To reduce the cost, time, and burden on direct care
4 workers and employers associated with repetitive training due
5 to the lack of training portability.

6 d. To increase public protection by streamlining the
7 process to enable completion of required background checks in
8 a timely and efficient manner.

9 3. a. The department of inspections and appeals shall
10 create an advisory council of stakeholders to provide input to
11 the department in determining the essential components for the
12 centralized direct care workforce database system. Members
13 of the advisory council shall include one representative
14 each from the department of public health; the department of
15 human services; the department of education; the department
16 on aging; the department of public safety, division of
17 criminal investigation; Iowa workforce development; the Iowa
18 caregivers; a rural community college and an urban community
19 college; the university of Iowa college of public health
20 midwestern public health training center; the university of
21 Iowa college of nursing certification center; AARP Iowa; the
22 Iowa center for nursing workforce; area agencies on aging;
23 everystep care and support services; the brain injury alliance
24 of Iowa; the national alliance on mental illness-Iowa; the
25 Iowa developmental disabilities council; the older Iowans
26 legislature; the Iowa rural health association; leadingage
27 Iowa; the Iowa association of community providers; united
28 way of central Iowa; the Iowa health care association; the
29 Alzheimer's association; one rural and one urban public health
30 entity; and the Iowa hospital association. Additionally, the
31 advisory council shall include two direct care workers who have
32 graduated from the Iowa caregivers toughest job you'll ever
33 love leadership program, a citizen advocate, and two consumers.
34 b. The advisory council shall do all of the following:
35 (1) Review any pertinent historical reports of efforts and

1 recommendations generated by previous state-led and federally
2 funded initiatives for consideration in informing the work of
3 the advisory council.

4 (2) Investigate initiatives by the centers for Medicare and
5 Medicaid services of the United States department of health and
6 human services relating to nurse aide registries or consumer
7 public portals.

8 (3) Review, and utilize lessons learned from, the
9 development and implementation of other state database systems
10 utilized for similar occupations or professions.

11 (4) Evaluate the features of the database system that would
12 be most beneficial to respective stakeholders including the
13 types of data to be collected and the types of analyses to be
14 performed.

15 (5) Identify critical database system content and
16 functionality including but not limited to all of the
17 following:

18 (a) Verification of direct care workers' education and
19 training records, credentials, certifications, and experience.

20 (b) A means to include in the new database existing
21 qualified direct care workers not currently included on the
22 nurse aide registry through a phased-in grandfathering process.

23 (c) An option to provide access to the database by employers
24 and consumers to obtain contact information of qualified direct
25 care workers who choose to be accessible to the public via a
26 public portal.

27 (d) Demographic and other information to assist in
28 workforce data collection and analysis.

29 (e) Accurate supply and demand projections regarding the
30 entirety of the direct care workforce.

31 (6) Recommend strategies to provide state-recognized,
32 competency-based, comprehensive, cross-setting, portable
33 training approaches, including the prepare to care curriculum
34 and the mental health first aid curriculum, apprenticeships,
35 and other existing and new opportunities in order to provide a

1 recognized career path for, increase professionalism in, and
2 improve retention by employers of, the direct care workforce.

3 (7) Explore state, federal, and other public and private
4 sources of funding to support ongoing expansion and maintenance
5 of the database system.

6 c. In support of the work of the advisory council, the
7 following entities shall do all of the following:

8 (1) Iowa workforce development shall do all of the
9 following:

10 (a) Conduct a workforce projection analysis that identifies
11 the top five demand occupations by legislative district
12 of those earning fifteen dollars an hour or less similar
13 to previous analyses that identified the highest-demand
14 occupations by legislative district for those earning fifteen
15 dollars an hour or more.

16 (b) Adapt workforce projections taking into consideration
17 the impact of the COVID-19 pandemic and, in particular, the
18 health and long-term services and supports workforce.

19 (c) Report the findings of the workforce projection
20 analyses described in subparagraph divisions (a) and (b) to the
21 advisory council for review by April 1, 2022.

22 (2) The department of education and the department of public
23 health shall do all of the following:

24 (a) Lead an effort to streamline and integrate existing
25 workforce database systems including various licensing or
26 certification boards with the direct care workforce database
27 system in order to do all of the following:

28 (i) Build upon and enhance existing efforts by the
29 departments' health and long-term services and supports
30 workforce dashboard data.

31 (ii) Utilize information to inform the state's strategies
32 to build a strong health and long-term services and supports
33 workforce.

34 (b) The department of education and the department of
35 public health shall submit results of the effort described in

1 subparagraph division (a) to the advisory council for review
2 by April 1, 2022.

3 (3) The department of human services shall do all of the
4 following:

5 (a) Work with the disability community, advocates, consumer
6 directed attendant care workers, the departments of public
7 health, inspections and appeals, and education, and the office
8 of the attorney general to create a plan to make the contact
9 information of members of the health and long-term services
10 and supports workforce who so elect accessible to the public
11 through a public portal. The public portal shall be designed
12 to automatically populate with information contained in other
13 health and long-term services and supports workforce databases.

14 (b) Submit the plan for a public portal developed under
15 subparagraph division (a) to the advisory council for review
16 by April 1, 2022.

17 d. The advisory council shall convene no later than
18 September 1, 2021. The department of inspections and appeals
19 shall prepare and submit a progress report, including the Iowa
20 workforce development projections reports, the efforts of
21 the departments of education and public health to streamline
22 workforce data systems, and the plan to establish a public
23 portal, following review by the advisory council, to the
24 governor and the general assembly by June 30, 2022.

25 EXPLANATION

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

28 This bill relates to the health and long-term services
29 and supports workforce, including the establishment of a
30 centralized direct care workforce database and a consumer
31 public portal.

32 The bill includes legislative findings relating to the need
33 for an organized and coordinated health and long-term services
34 and supports workforce system to face the growing demand
35 for this essential workforce; to meet the needs of Iowans,

1 particularly individuals with disabilities and older Iowans,
2 who require assistance from this workforce to remain living in
3 their own homes and active in their communities; to meet the
4 needs of employers across all settings experiencing challenges
5 in recruiting and retaining members of the health and long-term
6 services and supports workforce; and to provide a system for
7 permanent, portable records of trainings, certifications,
8 credentials, continuing education, and experience of direct
9 care workers.

10 The bill requires the department of inspections and appeals
11 (DIA) to establish a robust and comprehensive centralized
12 direct care workforce database system by expanding the existing
13 registry of nurse aides located within the department. To the
14 maximum extent possible, the database shall be incorporated
15 into ongoing technological upgrades and shall align with other
16 data collection management and analysis efforts. The bill
17 specifies the purposes of the database.

18 The bill requires DIA to create an advisory council of
19 stakeholders to provide input to the department in determining
20 the essential components for the centralized direct care
21 workforce database system and specifies the membership of the
22 advisory council. The advisory council is required to review
23 pertinent historical reports generated by previous state-led
24 and federally funded initiatives for consideration in informing
25 the work of the advisory council; investigate initiatives by
26 the centers for Medicare and Medicaid services of the United
27 States department of health and human services relating to
28 nurse aide registries or consumer public portals; review,
29 and incorporate lessons learned from, the development and
30 implementation of other state database systems utilized for
31 similar occupations or professions; evaluate the features of
32 the database system that would be most beneficial to respective
33 stakeholders including the types of data to be collected and
34 the types of analyses to be performed; identify critical
35 database system content and functionality; recommend strategies

1 to provide state-recognized, competency-based, comprehensive,
2 cross-setting, portable training approaches, apprenticeships,
3 and other existing and new opportunities in order to provide a
4 recognized career path for, increase professionalism in, and
5 improve retention by employers of, the direct care workforce;
6 and explore state, federal, and other public and private
7 sources of funding to support ongoing expansion and maintenance
8 of the database system.

9 In support of the work of the advisory council, several
10 agencies are tasked with assignments.

11 Iowa workforce development is tasked with conducting a
12 workforce projection analysis that identifies the top five
13 demand occupations by legislative district of those earning
14 \$15 an hour or less, adapting the workforce projections taking
15 into consideration the impact of the COVID-19 pandemic, and
16 reporting the findings of the workforce projection analyses to
17 the advisory council for review by April 1, 2022.

18 The department of education and the department of public
19 health are tasked with leading an effort to streamline and
20 integrate existing workforce database systems including
21 various licensing or certification boards with the direct care
22 workforce database system to build upon and enhance existing
23 efforts and to utilize information to inform the state's
24 strategies to build a strong health and long-term services and
25 supports workforce. These departments are required to submit
26 the results of these efforts to the advisory council for review
27 by April 1, 2022.

28 The department of human services (DHS) is tasked with
29 working with a variety of stakeholders to develop a plan to
30 make the contact information of members of the health and
31 long-term services and supports workforce, who so elect,
32 accessible to the public through a consumer public portal.
33 DHS shall submit the plan for a consumer public portal to the
34 advisory council for review by April 1, 2022.

35 The advisory council shall convene no later than September

1 1, 2021. DIA shall prepare and submit a progress report,
2 including the Iowa workforce development projections reports,
3 the efforts of the departments of education and public health
4 to streamline workforce database systems, and the plan to
5 establish a consumer public portal, following review by the
6 advisory council, to the governor and the general assembly by
7 June 30, 2022.