

AMENDMENTS TO LB982

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 71-6038, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 71-6038 For purposes of sections 71-6038 to 71-6042:

6 (1) Complicated feeding problems include, but are not limited to,
7 difficulty swallowing, recurrent lung aspirations, and tube or parenteral
8 or intravenous feedings;

9 (2) Department means the Department of Health and Human Services;

10 (3) Nurse aide means any person employed by a facility or service
11 provider described in subsection (1) of section 71-6039 for the purpose
12 of aiding a licensed registered or practical nurse through the
13 performance of nonspecialized tasks related to the personal care and
14 comfort of residents other than a paid dining assistant or a licensed
15 registered or practical nurse;

16 (4) Nursing home means any facility or a distinct part of any
17 facility that provides care as defined in sections 71-420, 71-421,
18 71-422, 71-424, and 71-429; ~~and~~

19 (5) Paid dining assistant means any person employed by a nursing
20 home for the purpose of aiding a licensed registered or practical nurse
21 through the feeding of residents other than a nurse aide or a licensed
22 registered or practical nurse; and ~~-~~

23 (6) Service provider means a person certified by the department to
24 provide developmental disabilities services.

25 Sec. 2. Section 71-6039, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 71-6039 (1) No person shall act as a nurse aide for a service

1 provider under the medicaid comprehensive developmental disabilities
2 waiver or in a facility or a distinct part of a facility that provides
3 care as defined in section 71-405, 71-406, 71-409, 71-412, 71-416,
4 71-417, 71-418, 71-419, 71-420, 71-421, 71-422, 71-424, 71-426, 71-427,
5 or 71-429 unless such person:

6 (a) Is at least sixteen years of age and has not been convicted of a
7 crime involving moral turpitude;

8 (b) Is able to speak and understand the English language or a
9 language understood by a substantial portion of the facility residents;
10 and

11 (c) Has successfully completed a basic course of training approved
12 by the department for nurse aides within one hundred twenty days of
13 initial employment in the capacity of a nurse aide.

14 (2)(a) A registered nurse or licensed practical nurse whose license
15 has been revoked, suspended, or voluntarily surrendered in lieu of
16 discipline may not act as a nurse aide for a service provider or in a
17 facility described in subsection (1) of this section.

18 (b) If a person registered as a nurse aide becomes licensed as a
19 registered nurse or licensed practical nurse, his or her registration as
20 a nurse aide becomes null and void as of the date of licensure.

21 (c) A person listed on the Nurse Aide Registry with respect to whom
22 a finding of conviction has been placed on the registry may petition the
23 department to have such finding removed at any time after one year has
24 elapsed since the date such finding was placed on the registry.

25 (3) The department may prescribe a curriculum for training nurse
26 aides and may adopt and promulgate rules and regulations for such courses
27 of training. The content of the courses of training and competency
28 evaluation programs shall be consistent with federal requirements unless
29 exempted. The department may approve courses of training if such courses
30 of training meet the requirements of this section. Such courses of
31 training shall include instruction on the responsibility of each nurse

1 aide to report suspected abuse or neglect pursuant to sections 28-372 and
2 28-711. Nursing homes may carry out approved courses of training within
3 the nursing home, except that nursing homes may not conduct the
4 competency evaluation part of the program. The prescribed training shall
5 be administered by a licensed registered nurse.

6 (4) For nurse aides at intermediate care facilities for persons with
7 developmental disabilities, such courses of training shall be no less
8 than twenty hours in duration and shall include at least fifteen hours of
9 basic personal care training and five hours of basic therapeutic and
10 emergency procedure training, and for nurse aides at all nursing homes
11 other than intermediate care facilities for persons with developmental
12 disabilities, such courses shall be no less than seventy-five hours in
13 duration.

14 (5) This section shall not prohibit any facility from exceeding the
15 minimum hourly or training requirements.

16 Sec. 3. Original sections 71-6038 and 71-6039, Reissue Revised
17 Statutes of Nebraska, are repealed.