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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 280

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO REGULATORY PROVISIONS
CONCERNING PUBLIC HEALTH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 30A, Title 16 of the Delaware Code by making deletions as shown by strike through
2 and insertions as shown by underline as follows:

3 § 3002A. Certified nursing assistant training.

4 To obtain certification as a certified nursing assistant, all trainees must complete ~~a total of 150 clock hours of~~
5 ~~training, 75 of which are in the classroom and 75 of which include clinical training.~~ training in both classroom and clinical
6 settings. The total clock hours of classroom and clinical training required for certification shall be determined by the
7 Department through written order signed by the Secretary. At no time may the number of clock hours be less than those
8 required by the Centers for Medicare and Medicaid Services.

9 § 3004A. Mandatory orientation period.

10 (a) A nursing assistant who has ~~undergone 150 clock~~ completed the hours of training required for certification as
11 certified nursing assistant in a training program sponsored by the facility where the nursing assistant will be employed
12 immediately thereafter shall be required to complete an additional facility specific orientation period of 40 hours in a skilled
13 nursing facility or ~~32 hours in an~~ assisted living facility. Nursing assistants shall have direct physical contact with residents
14 only while under the visual observation of a certified nursing assistant or licensed nurse employed by the facility. Nursing
15 assistants must receive certification within 90 calendar days of completion of the training program. Nursing assistants who
16 do not receive certification within 90 calendar days may not work as a nursing assistant. The guidelines requirements for
17 nursing assistant orientation shall be specified in a written order signed by the Secretary. ~~promulgated by the Department.~~

18 (b) All certified nursing assistants hired to work in a skilled care, ~~care or~~ intermediate care care, or assisted living
19 facility shall undergo ~~a minimum 80 hours of orientation,~~ an orientation period, which must include clinical hours. ~~at least~~

20 40 of which shall be clinical. Certified nursing assistants hired to work in an assisted living facility shall undergo a
21 minimum 64 hours of orientation at least 24 of which shall be clinical. Any certified nursing assistant undergoing
22 orientation and completing clinical tasks may be considered a facility employee for purposes of satisfying the minimum
23 facility staffing requirements set by this chapter and the Department. The guidelines requirements for certified nursing
24 assistant orientation shall be ~~promulgated by the Department~~ specified in a written order signed by the Secretary.

SYNOPSIS

This Act commits discretion over the length of certified nursing assistant training and orientation programs to the Secretary of the Department of Health and Human Services. This change will facilitate the rapid certification of National Guard members as certified nursing assistants (CNAs) by allowing the Department of Health and Social Services to establish the total required classroom and clinical training and mandatory facility-specific orientation hours. Modeled after a Minnesota initiative, eligible guard members will participate in rapid certification programs through DelTech and be deployed to provide temporary staffing in long term care facilities experiencing staffing shortages under MOUs entered with the facilities. National Guard members have served as a critical part of the state's response efforts throughout the COVID-19 pandemic. Training and deploying National Guard soldiers to work as CNAs will help relieve staffing shortages in health care settings and facilitate the transfer of patients out of Delaware's hospitals to free up in-patient bed space.