



SPONSOR: Sen. Marshall & Sen. Hall-Long & Rep. Barbieri
Sen. Lopez

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 145

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY, NURSING ASSISTANTS AND CERTIFIED NURSING ASSISTANTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

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

3 § 3001A Definitions.

4 As used in this chapter:

5 (1) "Certified nursing assistant" means a duly-certified individual under the supervision of a licensed nurse, who
6 provides care that does not require the judgment and skills of a licensed nurse. The care may include, but is not limited to,
7 the following: bathing, dressing, grooming, toileting, ambulating, transferring and feeding, observing and reporting the
8 general well-being of the person or persons to whom they are providing care.

9 (2) "Department" means the Department of Health and Social Services.

10 (3) "Nursing assistant" means an individual who has completed the requisite training to become a Certified
11 Nursing Assistant but is awaiting certification.

12 (4) "Senior certified nursing assistant" means a certified nursing assistant who has met the requirements of §
13 3005A of this title.

14 § 3002A Certified nursing assistant training.

15 To obtain certification as a certified nursing assistant, all trainees must complete a total of 150 clock hours of
16 training, 75 of which are in the classroom and 75 of which include clinical training.

17 § 3003A Composition of certified nursing assistant training course and curriculum.

18 All courses in this State offering certification to individuals as certified nursing assistants must meet the
19 requirements of 42 C.F.R. Ch. IV § 483.152 and have the following:

20 (1) A student to teacher ratio of no greater than 24 students to 1 registered nurse instructor for the classroom
21 portion of the training;

22 (2) A student to teacher ratio of no greater than 8 students to 1 registered nurse instructor or 8 students to 1
23 licensed practical nurse having at least 3 years experience and working under the supervision of a registered nurse for all
24 clinical phases of the program; and

25 (3) A curriculum complying with requirements mandated by the Department through regulations promulgated
26 pursuant to this chapter.

27 § 3004A Mandatory orientation period.

28 (a1) A nursing assistant who has undergone 150 clock hours of training in a training program sponsored by the
29 facility where the nursing assistant will be employed immediately thereafter shall be required to complete additional facility
30 specific orientation of 40 hours in a skilled nursing facility or 32 hours in an assisted living facility. Nursing assistants shall
31 have direct physical contact with residents only while under the visual observation of a certified nursing assistant or
32 licensed nurse employed by the facility. Nursing assistants must receive certification within 90 calendar days of completion
33 of the training program. Nursing assistants who do not receive certification within 90 calendar days may not work as a
34 nursing assistant. The guidelines for nursing assistant orientation shall be promulgated by the Department.

35 (b2) All certified nursing assistants hired to work in a skilled care or intermediate care facility shall undergo a
36 minimum 80 hours of orientation, at least 40 of which shall be clinical. Certified nursing assistants hired to work in an
37 assisted living facility shall undergo a minimum 64 hours of orientation at least 24 of which shall be clinical. Any certified
38 nursing assistant undergoing orientation and completing clinical tasks may be considered a facility employee for purposes
39 of satisfying the minimum facility staffing requirements set by this chapter and the Department. The guidelines for certified
40 nursing assistant orientation shall be promulgated by the Department.

41 (e3) All certified nursing assistants employed by temporary agencies and placed in a facility in which they have
42 not worked within the previous 6 months shall undergo a minimum of 2 hours of orientation prior to beginning their first
43 shift at that facility, the guidelines for which shall be promulgated by the Department. Any certified nursing assistant
44 employed by a temporary agency and undergoing orientation shall not be considered a facility employee for purposes of
45 satisfying the minimum facility staffing requirements set by the Department.

46 § 3005A Senior certified nursing assistant certification.

47 Any certified nursing assistant may pursue designation as a senior certified nursing assistant, and shall be so
48 designated if such individual meets the following requirements:

49 (1) Has been a certified nursing assistant in good standing for a minimum of 3 years;

50 (2) Has successfully completed an additional 50 hours of instruction in an approved program featuring a
51 curriculum specified by the Department; and

52 (3) Has passed a competency test issued pursuant to the guidelines delineated by the Department.

53 § 3006A Renewal of certification; late renewal; and penalties.

54 (a~~1~~) Every certified nursing assistant shall recertify biennially by filing an application; provided however, that the
55 certification of any certified nursing assistant who is on active military duty with the armed forces of the United States and
56 serving in a theater of hostilities on the date such application or recertification is due shall be deemed to be current and in
57 full compliance with this chapter until the expiration of 30 days after such certified nursing assistant is no longer on active
58 military duty in a theater of hostilities.

59 (b~~2~~) Upon receipt of ~~the~~ an application and fee, the Department shall verify the accuracy of the information set forth
60 in the application and issue to the applicant a certificate of renewal for 2 years, provided that the applicant has successfully
61 completed continuing education requirements as established by the Department.

62 (a) Such certificate shall entitle the holder to engage in work as a certified nursing assistant for the period stated
63 therein.

64 (b) The amount charged for the renewal fee imposed under this chapter shall approximate and reasonably reflect
65 all costs necessary to defray the expenses of maintaining an educational website from which certified nursing
66 assistants will receive the required educational credits.

67 1. The application fee shall not be combined with any other fee or charge.

68 2. At the beginning of each biennial calendar year, the Department or any other state agency acting on its
69 behalf, shall compute the appropriate fee for the coming 2 years.

70 (e~~3~~) A certification may be renewed up to 30 days past the certification's expiration date by submitting, to the
71 Department, payment of a \$25 penalty fee along with an application and proof of completion of continuing education
72 requirements during the previous certification period. The certification of a certified nursing assistant who fails to renew on
73 time or during the 30-day late renewal period is considered lapsed and the certified nursing assistant is not permitted to
74 work until the certified nursing assistant submits an application and takes and passes the certified nursing assistant test.

75 § 3007A Promulgation of regulation.

76 The Department shall promulgate rules and regulations to implement this chapter.

SYNOPSIS

This bill imposes a renewal fee for the recertification application of a certified nursing assistant.

Author: Senator Marshall