

SB

152

SENATE COMMITTEE REPORT

DATE: 4/18/97

FURTHER: Finance

DATE TURNED IN TO OFFICE: 4/25/97

Health, Education and Social Services Committee considered SENATE BILL NO. 152

"An Act relating to certified nurse aides; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ ()

adopt previous _____ CS SB 152 (L+C)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical change
- new: SCR# _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | NR | DNP | AM |
|--------------------|-------------------------------------|----------------------------------|-------------------------------------|-----|-------------------------------------|
| | | <i>[Signature]</i> | <input checked="" type="checkbox"/> | | |
| <i>[Signature]</i> | <input checked="" type="checkbox"/> | <i>[Signature]</i> | | | <input checked="" type="checkbox"/> |
| | | | | | |
| | | | | | |
| | | | | | |
| CHAIR: | | CHAIR: <i>[Signature]</i> | <input checked="" type="checkbox"/> | | |

NEW FISCAL NOTE(S):

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTE(S):*

| Department | Date | Zero | Fiscal |
|--------------------------|--------|-------------------------------------|--------|
| Commerce + Econ Dev | 4/3/97 | | *86.3 |
| Health + Social Services | 4/3/97 | <input checked="" type="checkbox"/> | |
| | | | |
| | | | |
| | | | |

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
Bill Version: SB152
(S) Publish Date: 4/16/97

Revision Date: _____
Title: An Act relating to certified nurse aides.

Department: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations

Sponsor: Senor Leman
Requestor: Senate Labor & Commerce

COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 59.8 | 59.8 | 59.8 | 59.8 | 59.8 | 59.8 |
| TRAVEL | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| CONTRACTUAL | 15.7 | 15.7 | 15.7 | 15.7 | 15.7 | 15.7 |
| SUPPLIES | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| EQUIPMENT | 8.0 | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 86.3 | 78.3 | 78.3 | 78.3 | 78.3 | 78.3 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|---------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| CHANGE IN REVENUES | 86.3 | 78.3 | 78.3 | 78.3 | 78.3 | 78.3 |
|---------------------------|-------------|-------------|-------------|-------------|-------------|-------------|

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 General Fund | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other 1091 Designated PR | 86.3 | 78.3 | 78.3 | 78.3 | 78.3 | 78.3 |
| TOTAL | 86.3 | 78.3 | 78.3 | 78.3 | 78.3 | 78.3 |

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill places certification of nurse aides under the Board of Nursing and grants disciplinary authority of certified nurse aides to the board. Certification of nurse aides is currently administered by the Department of Commerce and Economic Development under Administrative Order #115 signed on 8/4/89. However, current administration of the program does not include enforcement of unacceptable or inappropriate conduct. Since the bill assigns enforcement responsibility to the Board of Nursing, this fiscal note provides a full-time investigator to work certified nurse aide cases and provides funding for legal services. See attached for further explanation.

Prepared by: Jennifer Strickler, Administrative Officer
Division: Occupational Licensing
Approved by Commissioner: William L. Hensley
Agency: Commerce and Economic Development

Phone: 465-2144
Date: 4/3/97
Date: 4-3-97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.: SB 152 * 1

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

PERSONAL SERVICES 59.6

1 - Permanent Full-Time Investigator III, Range 18, GGU

TRAVEL 2.0

- Travel and Per Diem for the Investigator III to conduct field work throughout the State: \$2.0

CONTRACTUAL 15.7

- Contractual-related costs for the Investigator III position, such as communications (phones, postage, etc.), misc. case related costs (copies of records), expert witnesses, depositions, etc.: \$3.0
- Office space costs for the Investigator III position: \$2.5
- Legal services in preparing cases for litigation. The funding provides 120 hours of legal services (10 hours per month x 12) at \$85 per hour. There are 1,929 certified nurse aides. At the rate of \$85 per hour, each individual would be responsible to contribute \$5.29 of their licensing fees toward enforcement, for a total of: \$10.2

SUPPLIES 1.0

Provides daily operating desk top supplies for the Investigator III.

EQUIPMENT (One-time costs only) 8.0

| | |
|---------------|-----|
| Workstation | 3.0 |
| Phone/Install | 2.0 |
| Computer | 2.0 |
| File Cabinet | 1.0 |

TOTAL FY 98 Costs: \$ 86.3

REVENUE:

Certified Nurse Aides currently pay biennial fees of \$30 (\$15 per year). Fees will be adjusted to cover its program costs.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Jo. 2
Bill Version: SB 152
(S) Publish Date: 4/16/97

Revision Date: _____
Title: "An Act relating to certified nurse aides;
and providing for an effective date."
Sponsor: Senator Leman by request
Requestor: _____

Dept. Affected: Health and Social Services
BRU: Medical Assistance Admin
Component: Certification & Licensing
COMPONENT SERIAL NO. 245
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

| OPERATING | FY98 | FY99 | FY00 | FY01 | FY02 | FY03 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES () | | | | | | |
|-------------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (please specify) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Federal monies are already provided to fund this program, and no additional funding needs are anticipated.

S. 2/97

Prepared by: Ronald A. Cowan
Division: Medical Assistance

Phone: 561-8081
Date: 04/02/97

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 4-3-97

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SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189 Session: State Capitol, Juneau, AK 99801 (907) 465-2095

Sponsor Statement Senate Bill 152: Certified Nurse Aides

I sponsored SB 152 at the request of the Alaska Nurses Association.

Although certification of nurse aides has been administered by the Department of Commerce, Division of Occupational Licensing, there is no provision for revocation of certificates for inappropriate behavior.

In response to changes in federal law, SB 152 allows for the creation of a certified nurse aide registry to include the information required when a nurse aide is found to have committed abuse, neglect, or misappropriation of property in connection with their employment as a nurse aide.

SB 152 provides a mechanism for the Department of Health and Social Services to alert the Board of Nursing to inappropriate behavior by a certified nurse aide, when that behavior occurs in a state-licensed facility.

This legislation protects the health, safety and welfare of a vulnerable population served by certified nurse aides, as well as ensuring competency in the performance of nurse aide duties.

**SECTIONAL ANALYSIS
FOR
CS SB 152(L&C): CERTIFIED NURSE AIDES**

Section 1: Amends AS 08.01.087 and allows the Department of Commerce (the investigative agency for the Board of Nursing) to designate other state or local agencies (with their consent) to conduct investigations into reports of abuse by CNAs.

Section 2: Cross-references the exemption in AS 08.68.33(c) from the requirements of the Administrative Procedure Act.

Section 3: Amends AS 08.68.100(a) and gives the Board of Nursing authority to adopt regulations regarding certified nurse aides.

Section 4: Amends AS 08.68.140 to exempt certified nurse aide certificate revocation procedures from the requirements of the Administrative Procedure Act.

Section 5: Creates a new article in AS 08.68. Contains several new sections giving the Board of Nursing authority to regulate and certify nurse aides.

AS 08.68.332: Class B misdemeanor for a person to use the title "certified nurse aide" or the abbreviation "C.N.A." unless the person is certified by the board.

AS 08.68.333: Requires Board of Nursing to establish and maintain a registry of certified nurse aides. Establishes procedures for including findings of abuse and neglect or misappropriation of property in connection with employment as a nurse aide in a registry.

AS 08.68.334: Establishes the grounds for denial or suspension of a nurse aide's certification, and the Board of Nursing's disciplinary authority.

AS 08.68.335: Provides immunity for good faith reports to the board.

AS 08.68.336: Allows the Department of Commerce to set and collect fees for certified nurse aides for application, examination, certification and renewal.

Section 6: Adds a definition for "certified nurse aide".

Section 7: Amends AS 44.62.330(a)(10) to exempt functions related to the nurse aide registry from the requirements of the Administrative Procedure Act.

Section 8: Amends AS 47.05.010 adding to the duties of the Department of Health and Social Services the investigation of reports of abuse, neglect, or misappropriation of property by a certified nurse aide in DHSS licensed facilities (AS 18.20).

Section 9: Requires the DHSS to adopt procedures to report to the Board of Nursing suspected abuse, neglect, or misappropriation of property by CNAs who work as home care providers.

Section 10: Gives the DHSS authority to investigate reports of abuse or neglect by CNAs in facilities licensed by DHSS under AS 18.20. The department would hold hearings under regulations it adopts. Reports of findings of abuse, neglect or misappropriation of property by a CNA must be reported to the Board of Nursing. If the facility is a long-term care facility covered under 42 CFR sec. 483.5, only the designated state survey and certification agency (Health Facilities Licensing & Certification Section, Department of Health and Social Services) may make the report to the registry. This provision is included to comply with federal law (see 42 CFR 483.156(b)(2)).

Section 11: Amends AS 47.17.030, regarding investigation by state and local agencies of reports of harm to children, to require that suspected abuse or neglect by CNAs be reported to the Board of Nursing.

Section 12: Amends AS 47.17.290(13) to include certified nurse aides among the practitioners of the healing arts required to report suspected abuse or neglect of children under their care.

Section 13: Amends AS 47.24.010(a) to add CNAs to the list of those required to report the suspected exploitation or abuse of vulnerable adults under their care.

Section 14: Amends AS 47.24.013, regarding the investigation of abuse of elderly persons to require that suspected abuse, neglect or misappropriation of property by CNAs be reported to the Board of Nursing.

Section 15: Amends AS 47.25.015 which requires DHSS to investigate reports of harm to elderly that are not addressed under AS 47.24.013. Requires DHSS to report suspected abuse, neglect or misappropriation of property to the Board of Nursing.

Section 16: Amends AS 47.33.520 to require that suspected abuse, neglect or misappropriation of property to the Board of Nursing.

Section 17 and 19: Allow the Board of Nursing and other affected state agencies, before the effective date of the new laws, to begin drafting the regulations necessary to implement the bill.

Section 18: Transition section providing persons who are certified as nurse aides immediately before the effective date of the Act retain their certifications, subject to continued eligibility. CNAs whose certifications have expired within two years before the Act takes effect may apply to renew them, but must do so before September 1, 1998.



Senator Loren Leman
Juneau, Alaska

ALASKA NURSES ASSOCIATION

237 E. 3rd Avenue #3 Anchorage, AK 99501-2523
(907) 274-0827 FAX: (907) 272-0292

Dear Senator Leman:

On behalf of the Alaska Nurses Association, I'd like to take this opportunity to comment on SB 152, "An Act relating to certified nurse aides. The Alaska Nurses Association supports this bill and its greater purpose to protect the health, safety, and welfare of the public served by nurses aides as well as to ensure competency in the performance of nurses aide tasks.

The Alaska Nurses Association believes that this act is a positive first step toward the goal to mandate certification for all nurse aides. The Alaska Nurses Association passed a resolution in support of requiring certification for all nurse aides at the annual convention in 1995. The Alaska Nurses Association continues to be committed to certification of all unlicensed assistive personnel not just those individuals who are already mandated to be certified.

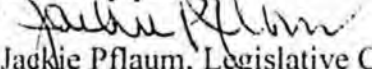
The nursing profession is accountable for the quality of service it provides to the consumer. This includes responsibility for developing nursing policies and procedures and setting the standards of practice for the nursing care of populations served. Provision of any care which constitutes nursing or any activity represented as nursing is a regulatory responsibility of Boards of Nursing. This Act rightly assigns the oversight for the practice of certified nurse aides and the protection of the public to the Alaska Board of Nursing.

The Alaska Nurses Association supports the sections of the HB which provide the following:

- Definitions of covered individuals.
- Authorization for the Board to Nursing to certify nurse aides and maintain a registry.
- Authorization for the Board to discipline certified nurse aides.
- Enforcement authorization.
- Authorization for the Board of Nursing to approve curricula and adopt standards for educational programs and to adopt regulations.

The Alaska Nurses Association thanks you for the opportunity to give input on this piece of legislation. Thank you for sponsoring this legislation.

Sincerely yours,


Jackie Pflaum, Legislative Chairperson