

105TH CONGRESS
1ST SESSION

H. R. 968

IN THE SENATE OF THE UNITED STATES

APRIL 9, 1997

Received; read twice and referred to the Committee on Finance

AN ACT

To amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PERMITTING WAIVER OF PROHIBITION OF OF-**
2 **FERING NURSE AIDE TRAINING AND COM-**
3 **PETENCY EVALUATION PROGRAMS IN CER-**
4 **TAIN FACILITIES.**

5 Section 1819(f)(2) of the Social Security Act (42
6 U.S.C. 1395i–3(f)(2)) and section 1919(f)(2) of such Act
7 (42 U.S.C. 1396r(f)(2)) are each amended—

8 (1) in subparagraph (B)(iii), by inserting “sub-
9 ject to subparagraph (C),” after “(iii)”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(C) **WAIVER AUTHORIZED.**—Clause
13 (iii)(I) of subparagraph (B) shall not apply to
14 a program offered in (but not by) a nursing fa-
15 cility (or skilled nursing facility for purposes of
16 title XVIII) in a State if the State—

17 “(i) determines that there is no other
18 such program offered within a reasonable
19 distance of the facility,

20 “(ii) assures, through an oversight ef-
21 fort, that an adequate environment exists
22 for operating the program in the facility,
23 and

1 “(iii) provides notice of such deter-
2 mination and assurances to the State long-
3 term care ombudsman.”.

Passed the House of Representatives April 8, 1997.

Attest: ROBIN H. CARLE,
Clerk.