

105TH CONGRESS
1ST SESSION

S. 452

To amend titles 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.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 1997

Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. ROBERTS, Mr. HARKIN, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. INOUE, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend titles 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 (a) **WAIVER.**—Sections 1819(f)(2) and section
6 1919(f)(2) of the Social Security Act (42 U.S.C. 1395i-
7 3(f)(2), 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:

11 “(C) **WAIVER AUTHORIZED.**—Clause (iii)
12 of subparagraph (B) shall not apply to a pro-
13 gram offered in (but not by) a nursing facility
14 in a State if the State—

15 “(i) determines that there is no other
16 such program offered within a reasonable
17 distance of the facility;

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

22 “(iii) provides notice of such deter-
23 mination and assurances to the State long-
24 term care ombudsman.”.

1 (b) **EFFECTIVE DATE.**—The amendments made by
2 subsection (a) apply to programs offered on or after the
3 date of enactment of this Act.

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