

116TH CONGRESS  
2D SESSION

# H. R. 8874

To amend titles XVIII and XIX of the Social Security Act to provide flexibility in training and competency requirements for skilled nursing facility and nursing facility nursing aides under the Medicare and Medicaid programs.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2020

Mr. KELLER (for himself and Ms. WILD) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend titles XVIII and XIX of the Social Security Act to provide flexibility in training and competency requirements for skilled nursing facility and nursing facility nursing aides under the Medicare and Medicaid programs.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nurses Certification  
5 And Recognition of Experience Act of 2020” or the  
6 “Nurses CARE Act of 2020”.

1 **SEC. 2. PROVIDING FLEXIBILITY IN TRAINING AND COM-**  
2 **PETENCY REQUIREMENTS FOR SKILLED**  
3 **NURSING FACILITY AND NURSING FACILITY**  
4 **NURSING AIDES UNDER THE MEDICARE AND**  
5 **MEDICAID PROGRAMS.**

6 (a) IN GENERAL.—Sections 1819(b)(5) and  
7 1919(b)(5) of the Social Security Act (42 U.S.C. 1395i–  
8 3(b)(5), 1396r(b)(5)) are each amended—

9 (1) in subparagraph (A)(i)(I), by inserting “(or,  
10 in the case of a specified individual (as defined in  
11 subparagraph (H)(ii)), meets the requirement de-  
12 scribed in subparagraph (H)(i))” after “subsection  
13 (e)(1)(A)”;

14 (2) by adding at the end the following new sub-  
15 paragraph:

16 “(H) COVID–19 TRAINING AND COM-  
17 PETENCY REQUIREMENT FLEXIBILITY.—

18 “(i) IN GENERAL.—For purposes of  
19 subparagraph (A)(i)(I), the requirement  
20 described in this clause is, with respect to  
21 a specified individual (as defined in clause  
22 (ii)), that the individual demonstrates com-  
23 petency in work as a nursing aide  
24 through—

1           “(I) the successful completion of  
2           a nursing aide examination approved  
3           by the State;

4           “(II) certification of competency  
5           by a site administrator of a nursing  
6           aide apprenticeship program approved  
7           by the State; or

8           “(III) an assessment by the facil-  
9           ity in each of the areas and skills de-  
10          scribed in section 583.152(b) of title  
11          42, Code of Federal Regulations (or a  
12          successor regulation).

13          “(ii) SPECIFIED INDIVIDUAL DE-  
14          FINED.—For purposes of this subpara-  
15          graph, the term ‘specified individual’  
16          means an individual who, during the emer-  
17          gency period described in section  
18          1135(g)(1)(B)—

19                 “(I) completed a nursing aide  
20                 training program and competency as-  
21                 sessment (whether online or other-  
22                 wise) approved by the State; and

23                 “(II) completed a minimum of 80  
24                 hours of work as a temporary nurse  
25                 aide, in supervised practical nurse

1                   aide training, in on-the-job nursing  
2                   aide training, or in in-service nursing  
3                   aide education, under the supervision  
4                   of a registered nurse or a licensed  
5                   practical nurse.”.

6           (b)       INCLUSION       ON       REGISTRY.—Section  
7 1819(e)(2)(A) and 1919(e)(2)(A) of the Social Security  
8 Act (42 U.S.C. 1395i–3(e)(2)(A), 1396r(e)(2)(A)) are  
9 each amended by inserting “, or any specified individual  
10 (as defined in clause (ii) of subsection (b)(5)(H)(ii)) who  
11 meets the requirement described in clause (i) of such sub-  
12 section” before the period at the end.

13           (c)       EDUCATIONAL AND OUTREACH ACTIVITIES.—  
14 The Secretary of Health and Human Services shall under-  
15 take outreach and educational activities for purposes of  
16 informing States of—

17                   (1) the effects of the amendments made by this  
18                   section; and

19                   (2) what actions States may take with respect  
20                   to the training and assessment of nursing aides in  
21                   such State that will comply with the provisions of  
22                   such amendments.

○