Certified Nurses Training a Vital Resource for Providers and Communities

Certified nursing assistants (CNAs) provide the daily care needs of the 1.3 million frail and elderly Americans receiving skilled nursing facility (SNF) care on any given day. CNAs are the backbone of quality care in SNFs and these jobs are often integral to the community, particularly in rural and small communities where a SNF is a major employer in the area. CNAs are in short supply and the national workforce shortage has exacerbated this shortage.

Federal law requires at least 75 hours of training to become a CNA, and training outside of a SNF is not often readily available. Nearly 20% of SNFs nationwide have developed a nurse aide training program to combat the workforce shortages and create career opportunities within a community. Although 2,662 of these programs exist, there are about 15,000 SNFs across the country. Many of these facilities would like to institute such a program but are often restricted by federal statute limiting CNA training programs.

These training programs are automatically revoked for two years or cannot be initiated if a SNF is issued $11,160 or more in civil monetary penalties (CMPs). In 2017 alone, 277 SNFs had a suspension of their program due to this statutory mandate, and nearly 2,900 were unable to start such a program in 2017. When an incident happens, most are one-time events and do not reflect systemic problems. If the facility addresses these issues and are verified by the Secretary, they should be able to continue their programs. Taking away staff is not going to help with quality improvements.

The bipartisan bill, S. 2993, the Ensuring Seniors’ Access to Quality Care Act, sponsored by Sen. Mark Warner (D-VA) and Sen. Tim Scott (R-SC), will amend titles XVIII and XIX of the Social Security Act to help address the shortage of CNAs by ensuring CNAs have the access to the quality training they need to provide care to our residents.

S. 2993 will specifically allow nursing facilities to resume their in-house education programs once:

- Deficiencies identified have been remedied,
- The facility in question has not received deficiencies related to direct patient harm over the last 2 years, and
- The Secretary certifies that the CMPs did not result in direct patient harm or injury related to an abuse or neglect deficiency.

It will further allow for additional oversight of facilities that are under a period of disapproval, not to exceed two years. This bill will also permit access to the National Practitioner Data Bank (NPDB) to Medicare and Medicaid providers to identify quality healthcare candidates.

CMS will still have the discretion to implement this program revocation and/or reinstatement through regulations, which can be reviewed and updated as needed in response to changes in the needs of patients and providers. The Secretary of Health and Human Services must also be granted the flexibility to apply revocation and/or reinstatement based on the nature of the on-site inspection results.

CNA training programs offered by SNFs create jobs and upward mobility for individuals, who are often in communities that lack these opportunities. PHI, a not-for-profit think tank, estimates that 680,000 nursing assistant job openings will need to be filled between 2016 and 2026 to fill vacancies as workers leave and the population of older adults needing care increases.

Many CNAs go on to become nurses (LPNs or RNs) or SNF administrators and are well-equipped to succeed in a range of health care jobs. The majority of CNAs are women, and these SNF-based training programs offer valuable health care skills in a community setting. This non-discretionary statute is resulting in not only the closing of these needed programs but is also prohibiting these programs from even being initiated. A two-year mandatory termination of a SNF’s training program with no flexibility as a consequence of receiving a specific CMP amount or extended survey unfairly punishes the SNF while harming its residents, staff, and surrounding community.

Congress:
Support S. 2993, the Ensuring Seniors’ Access to Quality Care Act, introduced by Sen. Mark Warner (D-VA) and Sen. Tim Scott (R-SC). We encourage you to co-sponsor this bipartisan, common-sense solution to ensure that skilled nursing facilities can continue to meet the high standards required of them without compromising the availability of certified nursing assistants (CNAs) needed for quality care.

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