



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 5, 2018

TO: The Honorable Senator Josh Green, Chair  
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2592 – RELATING TO NURSE AIDES**

Hearing: Monday, February 5, 2018, 3:45 p.m.  
Conference Room 16, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this measure and offers comments. Additionally, we are looking into the potential impact of this change on the ability to receive Medicaid reimbursement if the certified nurse aides no longer meet the full certification requirements; they may not be able to receive Medicaid reimbursement to serve our elder and people with disabilities who remain in their homes and community-based settings.

**PURPOSE:** The purpose of this bill is to allow a certified nurse aide to complete eight (8) hours of dementia training and pass a competency examination on the dementia training in lieu of a competency evaluation approved by DHS. DHS' competency evaluation for certified nurse aide recertification consists of a performance checklist covering nine (9) basic certified nurse aide skill areas ranging from safety/emergency procedures to communication. Alzheimer's disease and other dementia are already included in the area of "Care of the Cognitively Impaired". Completing and passing an eight (8) hour course on dementia training is not equivalent to completing and passing a comprehensive competency evaluation.

DHS does not oppose dementia training for health professionals who care for individuals with dementia. However, we do not recommend that any compromises be made to

requirements that ensure that all certified nurse aides maintain the competency and proficiency to take care of vulnerable and elderly individuals in our community.

The federal Omnibus Budget Reconciliation Act of 1987 established training standards for nurse aides employed in Medicare and Medicaid-certified nursing facilities to improve the quality of care in these facilities. Medicare and Medicaid-certified nursing facilities provide medical or skilled nursing care and health-related care to residents with mental or physical conditions. Nursing facilities provide direct, "hands-on" care and assistance to residents in bathing, toileting, and eating. Title 42, United States Code (USC), Sections 1395i-3 and 1396r, establish training and re-training requirements for nurse aides in Medicare and Medicaid-certified facilities. Title 42, Code of Federal Regulations (CFR), Part 483, Requirements for States and Long Term Care Facilities, further defines the training, the approved trainers, the competency evaluation process, and requirements for a nurse aide registry.

Act 226, Session Laws of Hawaii (SLH) 2007, established the certification and recertification requirements for nurse aides employed in Medicare or Medicaid-certified facilities and state-licensed or state-certified health care settings in Hawaii. The certification requirements allow the Department of Commerce and Consumer Affairs (DCCA), DHS, and the Department of Health (DOH) to monitor and evaluate the quality and competency of certified nurse aides employed in Hawaii's health care facilities, including the residential care settings in the community. Act 108, SLH 2009, specified the recertification period to be not less than every two years, and the number of continuing education hours for recertification to not exceed twenty-four hours. These statutes require certified nurse aides in facilities and in the community to have equivalent competencies and proficiency in the care of individuals who require facility level assistance and care. The ongoing recertification requirements every two years maintain the skill level of certified nurse aides and differentiates certified nurse aides from nurse aides who are not certified.

Section 457A-8 (e), HRS, authorizes DHS to include a competency evaluation for recertification. Chapter 17-1445, Hawaii Administrative Rules, establishes the standards for recertification of nurse aides and continuing education subject areas to include Hawaii's health care delivery systems and best practices in the care of clients with diabetes, end-stage renal disease, cancer, and clients who are terminally ill. In addition to the completion of twenty-four

hours of continuing education within a two-year period, a competency evaluation is required to ensure that the nurse aide is able to demonstrate proficiency and competency of skills to safely care for residents or clients. Competency evaluation for recertification includes the same topic areas as the federally-required initial training standards. Understanding and correct demonstration of skills are essential to ensure that the certified nurse aide is able to provide proper care to vulnerable individuals requiring care.

The process of completing the competency evaluation gives the certifying registered nurse the opportunity to correct or renew the nurse aide's skills that may have become "rusty" due to not practicing those skills over time, and to teach new approaches that will promote the best care for the individual requiring assistance. If nurse aides are allowed to take only one (1) eight (8) hour course in dementia to satisfy the requirements for recertification, there is no assurance that the individual will be able to demonstrate the necessary skills to properly care for client needs. The certified nurse aides in state-licensed or state-certified health care settings will not have the same abilities or skills as the certified nurse aides in Medicare and Medicaid-certified nursing facilities. Maintaining employment in Medicare and Medicaid-certified facilities in Hawaii and nationwide will become more difficult as these certified nurse aides will no longer be able to perform the essential certified nurse aide skills or have the knowledge of new health updates.

Also, we rely on appropriately trained and certified nurse aides in other Medicaid home and community-based settings for services that are provided outside of the Medicare and Medicaid-certified nursing facilities. We are researching the impact of this proposed change, specifically, if the certified nursing aides no longer meet the full certification requirements, they may not be able to receive Medicaid reimbursement to serve our elder and people with disabilities in their homes and community-based settings.

Thank you for the opportunity to provide testimony of this bill.

**SB-2592**

Submitted on: 2/4/2018 4:12:47 PM

Testimony for HMS on 2/5/2018 3:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ellen Ebata		Support	No

Comments:

Committee on Human Services

Senator Josh Green, Chair

Hawaii State Capitol

415 S. Beretania Street, Room 407

Honolulu, HI 96813

RE: SB 2592 - Relating to Nurse Aides

Testimony in STRONG SUPPORT

Dear Senator Green,

I am pleased to testify in full support of SB 2592 which adds dementia training as an option for

recertification of nurse aides.

My family has hired a number of caregivers including CNAs beginning with the care of my father

who passed away in 2006 and currently for my 96-year-old mother. They were both diagnosed

with Alzheimer's and my mother has an additional diagnosis of vascular dementia.

You are familiar with the grueling demands of caring for a dementia patient. Needs intensify,

often greatly, as the disease progresses. And yet it is the desire of kupuna to age in place

and we are committed to fulfilling their wishes for as long as feasible, recognizing that they will thrive more fully in their own homes. Without the help of our nurse aides and assistants, this would not be possible. They are well trained, experienced, hard working,

patient, compassionate and have worked hard to develop a good relationship with my mother. The journey would have been impossibly difficult without them; it should be the goal of the state to have trained aides available at reasonable cost to every family with needs.

Here in Hawaii more than 27,000 individuals live with Alzheimer's disease or a related dementia.

Additionally, there are over 66,000 unpaid family caregivers within our state, and the numbers will

grow exponentially as our population ages.

As the numbers of people affected continue to grow, so will the need for services such as

in-home care, adult day care, care homes and assisted living facilities. Many of these services

are currently implemented through nurse aides/assistants. Currently, recertification for nurse aides/assistants is very stringent and pose a hardship; as a result many opt not to recertify

their license. The state is experiencing a severe shortage of certified nursing assistants

and many lack adequate training to work with patients with Alzheimer's or a related dementia.

SB2592 would address this issue by providing training in the care of patients with dementia and provide a more reasonable path to recertification while maintaining the integrity of the requirements needed to provide good care.

One-fifth of caregivers predecease their patients; this is a sobering statistic which tells of the

huge physical and emotional burdens and stress that caregivers bear. We need

nurse aides trained in the care of dementia patients and we need them now.

Please pass SB2592.

Thank you.

Ellen Ebata

Koloa, HI