



Feb. 20, 2017

Chairman Hawkins, and members of the House Committee on Health and Human Services,

This bill proposes to place in statutory language categories for approved providers of certified nurse aide training which were not included in language revised as recently as 2013 by KDADS.

Kansas Advocates for Better Care (KABC) appreciates the opportunity to testify on HB 2297 today. We are in opposition to the changes in approved providers as proposed in Section 1. (c) (3) (A) through (c) (C)-(2) (page 3 lines 6-23 of HB 2297). I am here to testify in opposition.

KABC led the fight for nurse aide training through the legislative process 41 years ago. We were successful in 1977, first in getting a requirement for training of aides, followed by the requirement that aides complete training prior to inexperienced workers beginning to provide hands-on assistance to fragile older adults. We have a long history and awareness of the need for competent nurse aide training.

HISTORY from KDADS - OBRA; In 1987 Congress passed the Omnibus Budget Reconciliation Act (OBRA) which set standards for state nurse aide training and competency evaluation programs. The purpose of these provisions is to ensure that nurse aides have the education, practical knowledge and skills to care for residents of adult care facilities.

CERTIFICATION - Beginning in 1977 evidence of successful completion of training (90 clock hours) and a written/oral standardized test have been required of all nurse aides working in Kansas licensed adult care homes. Effective October 1, 1978 the required state test was given separately from the course.

INTRODUCTION - Application for Approval of Training Course Federal regulations hold each state responsible for ensuring both state and federal course content requirements are met. The nurse aide training course being offered meets the instructor's or sponsor's written description, and that training facilities exist for the supervised clinical practice of skills. OBRA requires that the course be reviewed and approved by the state and that the course comply with state and federal requirements. State regulations specify that any approved Course Supervisor who intends to offer a nurse aide course must submit a completed Application for Approval of Training Course to the department at least three weeks prior to the beginning date of each course and must receive approval prior to starting the course.

Role of the Course Supervisor - Each approved Course Supervisor shall provide general supervision of the nurse aide training course. General supervision means providing the necessary guidance and maintenance of ultimate responsibility for a nurse aide training course in accordance with the standards established by the department in the "Kansas certified nurse aide curriculum guidelines (90 hours)" and the "Kansas 90-hour certified nurse aide course instruction manual. (K.A.R.26-50-10).

Licensed nursing experience in a combination nursing home, long-term care unit of a hospital that provides care to geriatric residents or in a state institution for the people with intellectual disability is preferred to meet the setting for long-term care experience (clinical) requirement. <https://www.kdads.ks.gov/docs/default-source/SCC-Documents/Health-Occupations-Credentialing/steve-irwin---needs-organized/kansas-nurse-aide-course-instruction-manual.pdf?sfvrsn=0>

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KABC is aware of the need for additional staffing in nursing facilities and indeed for several years prior to this session has forwarded a bill which would provide minimum aide staffing levels to assure safe care of frail elders in nursing facilities. However the changes proposed in HB 2297 do not improve or advance quality in the training of nurse aides who care for frail elders in nursing homes and assisted facilities.

- There are competent approved providers of nurse aide training across Kansas. 26 locations around the state currently where Community Colleges offer nurse aide training (per community colleges website). There are a numerous technical schools across the state that offer this training. In 2012 the Governor incentivized approved programs to train more nurse aides through a \$1,000 pre-paid bonus to increase the number of nurse aides trained.
- Uniformity of curriculum. The current curriculum and approved providers of training were reviewed and revised in 2013 by KDADS. The current curriculum resulted from the expertise and input of all stakeholders including, educators, KDADS, the professional associations, health care practitioners and consumer advocates such as the Alzheimer's Assn. and KABC. This bill proposes that alternative curriculum may be used that was developed by adult care home providers and which lacks quality assurance content input from KS stakeholders including, approved educators, health care practitioners and older and disabled consumers and advocates which address Kansas specific needs. The curriculum taught in KS is consistent across settings. The proposal in front of you will create lack of uniformity in training of aides and likely will result in disparities in care of older adults across the state and in nursing homes and assisted facilities. Variations curriculum training materials will impact quality and consistency of care of frail elders.
- Mission to educate. Federal requirements emphasize that approved training providers must have expertise in methods to teach adult learners as well as expertise in health and healthcare specific to long-term care. Community Colleges possess clear expertise in adult learning, and their target audience is students. The additional providers this bill seeks to include do not have students or learning as their core mission.

Provider	Mission	Currently Approved	Target Audience
Hutchinson Community College Nursing	Prepare graduates to enter the role of practical nursing, as safe practical nursing generalists	X	Students
GERTI	Education to improve quality of care throughout the field of aging by providing education, training, and development	X	Students
Ks Health Care Assn	We are a profession dedicated to transforming health and health care into a spectrum of valued, fully compensated care and service utilizing modern, technology-based systems, resulting in high-quality care and services at the lowest sustainable overall cost.		Adult Care Home Owners, Managers, Administrators and staff
LeadingAge KS	To assist our members to provide outstanding services and supports to aging Kansans in the place they call home.		Aging Services Providers, Administrators, Operators, Staff

KACE/KS Adult Care Executives	A united resource supporting Adult Care Home Executives by identifying and Meeting their unique needs		Administrators and Operators of Adult Care Homes
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- Nursing facilities which seek approval to train nurse aides will likely impact residents negatively by pulling knowledgeable and experienced nursing staff into training and away from actual care of frail elders. Research has consistently shown that health and care outcomes for older adults are much improved with care from RNs rather than aides.

CHANGES TO CURRICULUM

- Across the US requirements for CNA training programs range from 75 to 150+ hours. The use of nationally approved alternative curriculum may be inadequate to address the approved content now in place in Kansas. Alternative curriculum might emphasize administrative content or other non-care content more heavily than care and quality content. As noted previously in 2013 KDADS revised the nurse aide training curriculum and with input from all Kansas stakeholders.

FACILITIES BARRED FROM TRAINING ARE INADEQUATE TO PROVIDE SAFEGUARDS

- Those facilities barred from training or Quality Assurance see Sec. 1 (c)(3)(B) (page 3 of bill).
- The bill states that training cannot be provided by a facility sanctioned under federal regulations.
- Sanctions include: Civil Monetary Penalty \$5,000 or more, imposed ban on new admissions (Medicare/Medicaid), discontinuation as an approved Medicare/Medicaid provider and loss of revenue.
- No Included: Harm of resident(s), Abuse, Neglect or Exploitation of Resident(s) that do NOT result in one of the listed sanctions.

This provision presents serious quality concerns.

- 1) Sanctions are based on Deficient Health and Safety Practices found at Inspection: KDADS is not meeting health and safety inspection deadlines - exceeding the average 12 month inspection by more than 3 months.
- 2) Sanctions are frequently threatened, RARELY imposed.
- 3) Facilities can and usually do appeal deficiencies which otherwise would result in sanctions. The appeal is a closed process without consumer or public input and without public information transparency. When the scope or severity of deficient health & safety practices are reduced sanctions are not likely to be imposed.
- 4) 135 nursing facilities (unknown number of assisted living facilities) were cited with harm or mistreatment of residents in one of the last two annual inspections. This represents 40% of nursing facilities. Facilities are harming or placing at risk of harm frail elders, yet under the provision of this bill many or most of them could be eligible to train nurse aides who will provide hands on care directly to elders if lawmakers pass this legislation.

Result: Facility which is not providing for health and safety of elders is training nurse aides to provide hands on care to older adults with frailties and significant health care needs. Nurse Aide Training providers are approved for two years and are allowed to complete training in progress EVEN IF a sanction is imposed.

CORRESPONDENCE COURSE

- This bill states that no correspondence course shall be approved as a nurse aide course.
- Without definition it is unclear if "correspondence course" as used in this bill would prohibit "distance learning." <https://www.lavc.edu/virtualvalley/definition-of-correspondence-versus-distance-education.pdf>

Thank you for the opportunity to testify opposition to HB 2297 and changes it proposes to the nurse aide training approved provider list and approved curriculum.

Kansas Advocates for Better Care (KABC) is a not-for-profit organization, beholden to no commercial interests and is supported almost entirely by donations from citizens who support our mission of improving the quality of care in all long-term settings. KABC successfully forwarded the first bill requiring nurse aide training in Kansas and for a the training to be completed prior to nurse aides being employed and providing hands on direct care to frail elders. We have a long history and perspective to contribute to consideration of this bill.

Mitzi E. McFatrach, Executive Director

On behalf of KABC members and volunteers