

KSNA requests the Health and Human Services Committee to oppose Senate Bill 453 and not move SB 453 to the House for vote.

Dear Madam Chair Landwehr and Committee,

On behalf of the Kansas State Nurses Association, we ask for Senate Bill 453 not pass out of Health and Human Services for vote in the House to become law. This 40-hour position, called a “Certified Aide”, is dangerous policy to the health and well-being of our seniors.

Under SB 453, the 40-hour position will be allowed to perform the same skilled care as a 90-hour trained Certified Nurse Aide who has gone through the certification process, unlike this Certified Aide position. We would emphasize that any activity of daily living (ADLs) requires skilled care.

Under KDADS a position already exists, Nurse Aide Trainee, with 40 hours of training. The difference between the “Certified Aide” and “Nurse Aide Trainee”, is the Nurse Aide Trainee is in the process of obtaining their 90-trained trained CNA II position. The 40-hour trained Certified Aide does not have this requirement. The Certified Aide will be a new position that will not have any additional specified training, certification, or quality experience to provide the same direct skilled care as a 90-hour trained CNA. This position was created to provide “warm bodies” to our most vulnerable in Kansas with poor accountability.

Under House Bill 2477, there is a position called a “Temporary Nurse Aide” (TNA) that is required to complete an 8-hour unsupervised or timed online training course. Once completed, they receive 20 hours training in the long-term care facility and then can provide skilled care to our seniors. This position was created in response to COVID-19 and will expire in January of 2023 with HB 2477.

When watching the Bethel Committee meetings, we know LeadingAge, who introduced SB 453, will try to create a similar position to the Temporary Nurse Aide or this Certified Aide in the 2023 Kansas Legislative session due to what they have said in their presentations to the Bethel Committee. It is claimed by LeadingAge that they need “warm bodies” to provide skilled care to seniors because of a staffing shortage. However, many Registered Nurses, even the National Association of Boards of Nursing, know that there was a staffing shortage in long-term care before COVID-19. There are specific reasons for this staffing shortage that continue to this day. KSNA proposes that these are the issues that need addressed for staff retention instead of a poorly educated and trained individual to provide skilled care.

- The first issue is salary. CNA’s have always been poorly paid. The argument that a CNA can make more money in fast food versus being a CNA is nothing new as claimed that it is specific to pay due to COVID-19. Several corporate associations for long-term care have complained of

paying an RN \$25 hourly. KACE put a document over a month ago where they believe that is the worth of a nurse who has earned a baccalaureate degree shows the lack of training and education is not important to some. Though there are multiple studies that having an RN working on site 24 hours a day produces quality outcomes for our older adults and seniors.

- The second issue is poor communication between administration and direct care staff. Top-down communication in all areas of healthcare causes high turnover. Honest communication that is open for direct care staff to administrators without a threat of being fired is desperately needed. Direct care staff need to be brought to the table to help make good decisions for our most vulnerable Kansans.

In Kansas we currently have 169 long-term care facilities with such severe deficiencies that they aren't allowed to be a site for CNA education. We have not seen or received any answers that would prevent this new Certified Aide position from receiving training in one of these deficient facilities. Additionally, in 2019 there were guidelines put in place for long-term care locations in Kansas to prevent investigations or entry to the facilities for KDADS and the Ombudsman. Yet, in SB 4531 it states, ***“(A) A course of instruction may be prepared and administered by any adult care home or by any other qualified person. A course of instruction prepared and administered by an adult care home may be conducted on the premises of the adult care home that prepared and that will administer the course of instruction”***. So, one may conclude one of the 169 homes with deficiencies can prepare and administer their education plan for this 40-hour Certified Aide position.

We have heard and seen in written testimony from LeadingAge that they have several long-term care homes that have closed in Kansas during COVID-19. However, when Scott Bruner, from KDADS, presented in the last Bethel Committee meeting, there is now +1 number of facilities, not a decrease.

KDADS has not been able to answer our questions regarding how this new Certified Aide position will be utilized in staffing requirements. For example, due to census if there needs to be one nurse and 3 90-hour trained CNAs, will this 40-hour Certified Aide be allowed to take the place of a 90-hour trained CNA? It shouldn't happen, but do we know for sure that it won't? This is an extremely important question that KDADS should be able to answer by now since it will be their responsibility to oversee this new position and they do the licensing for long-term care homes.

In the bill it will allow for a Licensed Practical Nurse (LPN) to instruct this 40-hour position. However, a Registered Nurse (RN) must directly supervise the LPN instructor per the Kansas Nurse Practice Act under Scope of Practice. The RN cannot sign that this Certified Aide has met their educational requirements if they have not been present during the education process in its entirety. Additionally, the LPN cannot develop the education plan, per the Kansas Nurse Practice Act under Scope of Practice. An RN is responsible for creating any education plan, if they have the experience as indicated under KDADS requirements for a CNA instructor.

House Bill 2477 has allowed for the position of “Temporary Nurse Aide” until January 20th, 2023. We thought it is critical to bring our representatives up to date information from the KDADS requirements and allowable instruction that this TNA can provide direct, skilled care to patients with no limitations to the diagnosis or health of the senior they provide care (see attached definition and checklist from



KDADS). It is written in HB 2477, “ **(e) A temporary aide authorization may be issued for any person who receives minimum training within a nursing facility, as set forth by the Kansas department for aging and disability services. At a minimum, such facility shall ensure that any person with a temporary aide authorization is competent to perform and execute the duties of such position, including, but not limited to: Infection control; proper patient handling; and how to effectively assist with the performance of activities of daily living. (f) A temporary authorization may be issued for a person who was not previously licensed, certified or registered by the state of Kansas or any other state. Individuals who may be served by a person holding such temporary authorization shall only include individuals who require minimal supervision or assistance with activities of daily living. A nursing facility shall ensure that any person with a temporary authorization is competent to perform and execute the duties of such position, including, but not limited to: Infection control; proper patient handling; and how to effectively assist with the performance of activities of daily living.** Again, this is allowing those 169 facilities with severe deficiencies to train any individual to provide direct skilled care to a senior without the needed education and experience.

As we age, we naturally become frail and forgetful. Certain health diagnosis intensifies this process, making our seniors at high risk for falls, injury, disability, and death. It is not a modern approach to allow just any individual with minimal training to provide direct skilled care to seniors who are unable to speak, have loss of memory, inability to communicate, frequent hallucinations, dementia, inability to grasp with their hands, walk, inability to push with their feet, loss of sensory perception, at high risk for skin breakdown, bed sores, high risk for falls, inability to chew food, difficulty swallowing, easily scared, getting confused with lack of routine, etc. The list I just provided can be with just one individual. One. This one person has the diagnosis of Lewy Bodies. I would ask if anyone would trust the Temporary Nurse Aide or this new position of Certified Aide to provide any care to this human being?

KSNA would ask that we keep the current process of a Nurse Aide Trainee that is currently in place under KDADS. This will allow for a sufficient process of safer and better staffing results. We need to make sure quality outcomes is our main goal for our seniors.

The Kansas State Nurses Association requests the Health and Human Services Committee, and Madam Chair, to vote against SB 453 and not allow it to move further for vote.

Thank you for your time and support of nurses.

Best regards,

Kelly Sommers, BSN, RN, Director, KSNA

Kansas State Nurses Association Board of Directors



KANSAS NURSE AIDE Trainee's Name _____

Part I – NATCEP Task Checklist Social Security # _____ Trainee II status is valid for employment, limited to four months from the beginning date of this approved course. Tasks may be assessed in a licensed adult care home, hospital or laboratory setting. **Note: The NATCEP Task Checklist is the property of the trainee. Unless the student is repeating the course, the course instructor should provide it to the trainee upon satisfactory performance.**

KANSAS NURSE AIDE Trainee's Name _____ Part I – NATCEP Task Checklist Social Security # _____ Trainee II status is valid for employment, limited to four months from the beginning date of this approved course. Tasks may be assessed in a licensed adult care home, hospital or laboratory setting. Note: The NATCEP Task Checklist is the property of the trainee. Unless the student is repeating the course, the course instructor should provide it to the trainee upon satisfactory performance. Resident Care Date

1. Describe the nurse aide's role and scope of responsibility in delivering resident care. Identify who is responsible for the actions of the nurse aide.
2. Describe how the nurse aide promotes resident rights, including the right to dignity, privacy, and freedom from abuse, neglect and exploitation. Demonstrate respect for resident rights.
3. Describe attitudes and behaviors that promote resident's independence.
4. Describe attitudes and behaviors that enhance communication among trainee, resident, resident's family, and staff. Give examples and/or demonstrate.
5. Describe safety precautions to avoid resident injuries. Describe fire/disaster safety measures.
6. Demonstrate practices that reduce the transfer of infection (including standard precautions) in resident's living area, bathroom, and when handling soiled articles.
7. Demonstrate effective handwashing technique and use of waterless hand cleaner, after contact with body fluids or excretions, before and after resident contact, and when assisting with eating.
8. Use clean (disposable) gloves when in contact with blood, body fluids, broken skin or mucous membrane. Properly remove and dispose of gloves.
9. Demonstrate techniques used to assist resident with eating, encouraging independence. Identify safety precautions. Identify measures to promote fluid intake.
10. Simulate the abdominal thrust (Heimlich maneuver) technique for complete airway obstruction.
11. Assist or provide a bath using shower or tub or sponge bath and bedbath, while (a) encouraging independence and (b) providing privacy, safety, comfortable room and water temperature.
12. Assist and/or dress/undress, while encouraging appropriate personal choices and independence.
13. Assist with urination and bowel elimination needs. Provide for safety and privacy while using toilet, commode, bedpan, or urinal. Demonstrate perineal care.



14. Demonstrate safe transfers using transfer belt and mechanical lift, from (a) bed to chair/wheelchair, (b) chair to toilet/commode. Identify safe body mechanics for personal and resident safety. (Students under 18 should demonstrate ability to assist in use of power lifts, but should not operate lift by him/herself.)
15. Demonstrate assisting resident (a) to sitting position, (b) repositioning in bed (turning, moving toward head of bed), (c) log-rolling turn in bed.
16. Assist with ambulation, utilizing assistive devices when needed.
17. Assist and/or provide grooming assistance for resident including oral care (mouth, gums, teeth or dentures), nail care (soaking and filing), hair care (brushing and/or combing), beard care or shaving.
18. Assist and/or provide a shampoo (sink, whirlpool, shower or bed).
19. Describe and demonstrate skin care. Describe what, when and to whom observations are reported.
20. Demonstrate accurate measurement and recording of vital signs (a) temperature, (b) pulse, (c) respirations, (4) blood pressure. Demonstrate accurate measurement and recording of weight and height. Describe what, when and to whom observations are reported. This checklist fulfills Part I of course # _____ which began on (date) ___/___/___ at (training facility) _____ in (city) _____. The trainee has demonstrated safe performance of these tasks at a beginning level and will continue with Part II of the Kansas Nurse Aide Training and Competency Evaluation Program. Instructor Name _____ Instructor # _____ Signature _____ Date: _____ February 2007



KDADS CNA Position Description

Certified Nurse Aides

Job Code	Job Title	Pay Grade
5001F2	Certified Nurse Aide I	15
5002F2	Certified Nurse Aide II	16

OCCUPATIONAL CONCEPT - Provides personal patient care activities and nursing related services by assisting with oral care, dressing, bathing, toileting, transferring, transporting, turning and nutrition. Performs related activities such as changing linens and administering simple therapeutic treatments or procedures.

TASKS

- Turns and re-positions bedridden patients, alone or with assistance, including the use of mechanical lifts, to prevent pressure ulcers. Lifts and/or positions patients, alone or with assistance, to get in and out of bed, the shower, wheelchairs and other furniture. Participates in simple therapeutic treatments.
- Answers patients' call signals. Performs routine rounds during shift to ensure that residents are neat, clean, safe and comfortable.
- Feeds patients who are unable to feed themselves. Serves, and collects food trays, provide other meal assistance. Encourages individuals to eat when appropriate.
- Observes patients' conditions, measures and records food and liquid intake and output and vital signs, and reports changes to professional staff.
- Provides toileting routines and pericare as indicated on personal plan of care for individuals.
- Bathes, grooms, shaves, dresses, and/or provides oral care.
- Collects specimens such as urine, feces, or sputum.
- Maintains clean and orderly rooms and change linens. Maintains a safe and sanitary patient-care environment.



- Monitors individuals as necessary to prevent injury.
- Records individual care; reports changes in physical or mental status to health-care team.
- Assists nursing personnel with admissions, discharges and transfers of individuals to and from the unit and/or facility.
- Transports patients in a state provided vehicle to various appointments at the doctor, dentist, Veterans' Administration facilities and other locations as required.
- Escorts patients to and from activities.
- If certified to do so, administers medications including oral, topical, and rectal as well as prescribed treatments such as dressing changes, accucheck glucose monitoring, or enteral nutrition administration in accordance with Physician's orders and in compliance with specific procedures and in compliance with specific procedures, and under the direct supervision of a registered nurse.
- If certified to do so, under the direct supervision of the medical records supervisor, reviews medical records, for completeness, accuracy, and compliance with standards of federal and state regulatory agencies, the individual health care facility, and other accreditation agencies.
- If certified to do so, under the direct supervision of a licensed social worker, documents and maintains client files to reflect observations, services provided and progress towards achieving goals. Assists social worker with assessment of social service needs, completes social service needs, completes social assessments/social histories and identifies programs or services sufficient to meet these needs.
- If certified to do so, under the direct supervision of a licensed nurse, assists residents in maintaining or retaining as much physical function as possible by following or performing an individualized restorative program. Performs tasks not limited to: range of motion exercises; gait training; restorative dining; language and speech programs; swallowing exercises; individual care plans designed to increase dependence; and individual care plans designed to increase strength and endurance.
- If certified to do so, under the direct supervision of the activities director, assists residents in a variety of therapeutic activities and/or activities identified in individual care plans to enhance quality of life for individuals.



LEVELS OF WORK

Certified Nurse Aide Trainee: This is trainee level work where the incumbent is in the process of being trained to perform the procedures required by the state to successfully complete the Certified Nurse Aide training program and works only under the direct supervision of a registered nurse or licensed practical nurse.

Minimum Requirements: Certification as passing the part 1- Nurse Aide Trainee at time of hire (pursuant to K.A.R. 28-39-165).

Necessary Special Requirements: Must be certified by the Kansas Department of Health and Environment as a nurse aide trainee within four months from the beginning date of initial course to continue employment pursuant to K.A.R. 28-39-165. Some positions require an approved drug test unless the incumbent is moving from one safety-sensitive position to another safety-sensitive position within the same agency performing substantially similar duties.

Certified Nurse Aide I: This is full performance level work where the incumbent performs routine, personal care activities and nursing related services in an adult care home.

Minimum Requirements: Certification as a Nurse Aide at time of hire pursuant to K.A.R. 28-39-165.

Necessary Special Requirements: Must successfully pass background check as required by K.S.A. 39-970. Some positions may require a valid driver's license. Some positions require an approved drug test unless the incumbent is moving from one safety-sensitive position to another safety-sensitive position within the same agency performing substantially similar duties.

Certified Nurse Aide II: This is full performance level work where the incumbents have additional certification as a Certified Medication Aide, Restorative Aide, Social Service Designee or Medical Records Designee and/or lead worker/mentor/trainer to Certified Nurse Aide. With additional certification, this worker will assist in providing orientation and direction to CNA's, and acts as a liaison between nurse aides and charge nurses to recommend changes in patient care planning. Work may involve supervision of volunteers or functioning as a lead worker.

Minimum Requirements: Certification as a Nurse Aide at time of hire pursuant to K.A.R. 28-39-165 certification as a Medication Aide, Restorative Aide, Medical Records Designee, Activities Director, or Social Services Designee.

Necessary Special Requirements: Must successfully pass background check as required by K.S.A. 39-970. Some positions may require a valid driver's license. Some positions require an approved drug test unless the incumbent is moving from one safety-sensitive position to another safety-sensitive position within the same agency performing substantially similar duties.

NC: 06/05
REV: 08/05
REV: 06/09
REV: 08/10
REV: 06/13

