

118TH CONGRESS  
1ST SESSION

# H. R. 468

To amend title XI of the Social Security Act to extend beyond the COVID–19 emergency period, with certain modifications, the Emergency Declaration Blanket Waiver relating to training and certification of nurse aides to alleviate burdens imposed on staff of skilled nursing facilities and nursing facilities.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2023

Mr. GUTHRIE (for himself, Ms. DEAN of Pennsylvania, Ms. STEFANIK, Ms. HOULAHAN, Mrs. MILLER-MEEKS, Mr. COHEN, Mr. PENCE, Ms. ROSS, Mr. ROSE, Mr. MEUSER, Ms. BROWN, Ms. KUSTER, Mr. GUEST, Ms. CASTOR of Florida, Mr. BAIRD, Ms. BARRAGÁN, Mrs. HARSHBARGER, Mr. PAPPAS, Mr. FERGUSON, Mr. SOTO, Mrs. SPARTZ, and Mr. SMITH of Nebraska) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

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## A BILL

To amend title XI of the Social Security Act to extend beyond the COVID–19 emergency period, with certain modifications, the Emergency Declaration Blanket Waiver relating to training and certification of nurse aides to alleviate burdens imposed on staff of skilled nursing facilities and nursing facilities.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Building America’s  
3 Health Care Workforce Act”.

4 **SEC. 2. EXTENSION AND MODIFICATION OF COVID-19**  
5 **EMERGENCY DECLARATION BLANKET WAIV-**  
6 **ER RELATING TO TRAINING AND CERTIFI-**  
7 **CATION OF NURSE AIDES FOR CERTAIN EM-**  
8 **PLOYMENT AT NURSING FACILITIES.**

9 Section 1135 of the Social Security Act (42 U.S.C.  
10 1320b-5) is amended—

11 (1) in subsection (e)(1), by striking “A waiver”  
12 and inserting “Subject to subsection (h), a waiver”;  
13 and

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

16 “(h) WAIVERS FOR NURSE AIDES IN TRAINING.—

17 “(1) IN GENERAL.—Notwithstanding sections  
18 1819 and 1919, the emergency waiver of require-  
19 ments under section 483.35(d) of title 42, Code of  
20 Federal Regulations, relating to training and certifi-  
21 cation of nurse aides for employment by skilled  
22 nursing facilities under title XVIII and nursing fa-  
23 cilities under title XIX, granted by the Secretary  
24 under the COVID-19 Emergency Declaration Blan-  
25 ket Waivers for Health Care Providers pursuant to  
26 this section shall remain in effect, subject to para-

1 graph (2), for a period that is not less than 24  
2 months after the date of the enactment of this sub-  
3 section.

4 “(2) MODIFICATIONS.—For the period de-  
5 scribed in paragraph (1), the emergency waiver de-  
6 scribed in such paragraph shall be applied consistent  
7 with the following:

8 “(A) Notwithstanding sections 1819(f)(2)  
9 and 1919(f)(2), the waiver shall allow for time  
10 worked by a nurse aide during the emergency  
11 period described in subsection (g)(1)(B) to  
12 count toward the 75 hours minimum training  
13 described in sections 1819(f)(2)(A) and  
14 1919(f)(2)(A).

15 “(B) Notwithstanding sections  
16 1819(f)(2)(B)(iii)(I) and 1919(f)(2)(B)(iii)(I),  
17 for purposes of sections 1819 and 1919, a com-  
18 petency evaluation of a nurse aide may be con-  
19 ducted at the skilled nursing facility or nursing  
20 facility at which the aide is (or will be) em-  
21 ployed if the State in which the facility is lo-  
22 cated does not offer such an evaluation (in per-  
23 son or online) at least once a week.

24 “(3) STUDY.—Not later than 1 year after the  
25 date of the enactment of this subsection, the Sec-

1       retary shall conduct a study, and submit to Congress  
2       a report, on the appropriateness of maintaining the  
3       waiver described in paragraph (1), as modified pur-  
4       suant to paragraph (2). Such study shall include an  
5       examination of the extent to which the waiver and  
6       its continuation pursuant to this subsection, as  
7       modified, alleviated the burdens imposed on staff of  
8       skilled nursing facilities and nursing facilities.”.

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