

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 468
OFFERED BY M. _____**

Strike all after the enacting clause and insert the following:

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) CONTINUATION OF FLEXIBILITIES FOR NURSE
17 AIDES IN TRAINING.—

1 “(1) IN GENERAL.—Notwithstanding sections
2 1819 and 1919, the Secretary shall provide to a
3 state or to an individual skilled nursing facility or
4 nursing facility in a state for the waiving of require-
5 ments under section 483.35(d) of title 42, Code of
6 Federal Regulations, relating to training and certifi-
7 cation of nurse aides for employment by skilled
8 nursing facilities under title XVIII and nursing fa-
9 cilities under title XIX, as previously granted by
10 Secretary under the COVID-19 Emergency Declara-
11 tion Blanket Waivers for Health Care Providers, as
12 if such authorities had not expired on June 6, 2022.

13 “(2) MODIFICATIONS.—The emergency waiver
14 described in paragraph (1) shall be applied con-
15 sistent with the following:

16 “(A) Notwithstanding sections
17 1819(b)(5)(A) and 1919(b)(5)(A), the waiver
18 may allow for a nurse aide to work for more
19 than 4 months but not more than 12 months;

20 “(B) Notwithstanding section 1819(f)(2)
21 of the Social Security Act, the waiver shall
22 allow for time worked as a nurse aide in a
23 skilled nursing facility certified under title
24 XVIII or a nursing facility certified under title
25 XIX before or after the implementation date in

1 paragraph (3) to count toward the 75 hours
2 minimum training described in section
3 1819(f)(2)(A);

4 “(C) Notwithstanding section
5 1819(f)(2)(B)(iii)(I) of the Social Security Act,
6 for purposes of section 1819, a competency
7 evaluation of a nurse aide may be conducted at
8 the skilled nursing facility or nursing facility at
9 which the aide is (or will be) employed if the
10 State in which the facility is located does not
11 offer such an evaluation (in person or online) at
12 least once a week or if availability is limited;
13 and

14 “(D) A waiver to a state shall only apply
15 to a skilled nursing facility or nursing facility
16 (or be granted to such an individual facility)
17 shall only apply so long as the nurse aide is
18 working in an area, identified by the state, as
19 experiencing a shortage of nurse aides;

20 “(E) A waiver to a state shall not apply to
21 a skilled nursing facility or nursing facility (or
22 be granted to such an individual facility) that
23 has had deficiencies related to direct patient

1 harm for substandard quality of care defi-
2 ciencies in the prior 2 years.”.

