

LEGISLATIVE BILL 273

Approved By the Governor May 23, 1983

Introduced by Higgins, 9

AN ACT relating to public health and welfare; to define terms; to establish requirements for certain nursing home employees as prescribed; to provide duties and powers; to provide for enforcement; and to provide severability.
Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Health;

(2) Care staff member shall mean a nurse's aide who has been approved by the nursing home administrator and the department to administer oral and external medication and who has completed the prescribed course of training for care staff members;

(3) Nurse's aide shall mean any person, other than a licensed registered or practical nurse, employed by a nursing home for the purpose of aiding a registered or licensed practical nurse through the performance of nonspecialized tasks related to the personal care and comfort of residents; and

(4) Orderly shall mean an employee of the nursing home, other than a registered nurse, licensed practical nurse, care staff member, or nurse's aide, who performs routine or heavy work, but shall not include persons hired by a nursing home for the primary purpose of (a) preparing or aiding in the preparation of meals for residents or (b) maintaining the physical facilities of the nursing home.

Sec. 2. No person shall act as a nurse's aide, care staff member, or orderly in a nursing home, unless such person:

(1) Is at least sixteen years of age and has not been convicted of a crime involving moral turpitude;

(2) Is able to speak and understand the English language or a language understood by a substantial portion of the nursing home's residents;

(3) Has successfully completed a current course of training approved by the department for

nurse's aides, care staff members, or orderlies not later than January 1, 1984, or within one hundred twenty days of initial employment in the capacity of a nurse's aide, care staff member, or orderly at any nursing home if employment begins after January 1, 1984. The department may prescribe a curriculum for training nurse's aides, care staff members, and orderlies and may adopt and promulgate rules and regulations for such courses of training. The department may also approve courses of training developed by associations, educational institutions, health care facilities, or other entities so long as such courses of training meet the criteria set out in the rules and regulations adopted and promulgated by the Department of Health. Such courses of training shall include instruction on the responsibility of each nurse's aide, care staff member, or orderly to report suspected abuse or neglect pursuant to section 28-711. Such rules and regulations shall include procedures for nursing homes to carry out approved courses of training within the nursing home. Such rules and regulations shall provide that the prescribed training be administered by a registered nurse. Such courses of instruction shall be no less than twenty hours in duration, and shall include at least fifteen hours of basic personal care training and five hours of basic therapeutic and emergency procedure training. This section shall not prohibit any facility from exceeding the minimum hourly or training requirements.

Sec. 3. The Department of Health shall approve all courses, lectures, seminars, course materials, or other instructional programs used to meet the requirements of this act.

Sec. 4. The Department of Health may adopt and promulgate such rules and regulations as are necessary for the effective administration of this act.

Sec. 5. The department shall have the authority to enforce this act and such rules and regulations adopted thereto by any of the following means: denial, suspension, restriction, or revocation of a nursing home's license, refusal of the renewal of a nursing home's license, restriction of a nursing home's admissions, or any other enforcement provision granted to the department.

Sec. 6. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.