

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. GUTHRIE OF KENTUCKY**

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. ESTABLISHING A WAIVER OF CERTAIN TRAINING
5 AND CERTIFICATION REQUIREMENTS FOR
6 SPECIFIED SKILLED NURSING FACILITIES
7 AND NURSING FACILITIES.**

8 (a) MEDICARE.—Section 1819 of the Social Security
9 Act (42 U.S.C. 1395i–3) is amended by adding at the end
10 the following new subsection:

11 “(1) WAIVER OF CERTAIN TRAINING AND CERTIFI-
12 CATION REQUIREMENTS FOR SPECIFIED SKILLED NURS-
13 ING FACILITIES.—

14 “(1) ELECTION.—

15 “(A) STATES.—Beginning 12 months after
16 the date of the enactment of this subsection, a
17 State may elect, in a form and manner specified
18 by the Secretary, for the provisions of sub-

1 sections (b)(5) and (f)(2) to be applied in ac-
2 cordance with paragraph (2) with respect to
3 specified skilled nursing facilities (as defined in
4 paragraph (4)) located in such State. Such elec-
5 tion may be made on a statewide basis or with
6 respect to such individual specified skilled nurs-
7 ing facilities as the State may designate.

8 “(B) SPECIFIED SKILLED NURSING FA-
9 CILITIES.—Beginning 12 months after the date
10 of the enactment of this subsection, in the case
11 of a specified skilled nursing facility located in
12 a State that has not made the election de-
13 scribed in subparagraph (A) (or that has made
14 such an election but not on a statewide basis
15 and that has not designated such facility as
16 part of such election), such facility may make
17 such election with respect to such facility in a
18 form and manner specified by the Secretary.

19 “(2) WAIVERS.—In the case of a specified
20 skilled nursing facility located in a State that has
21 made the election described in paragraph (1) (or,
22 with respect to a specified skilled nursing facility lo-
23 cated in a State described in paragraph (1)(B), in
24 the case of such a facility that has made such elec-
25 tion), the Secretary shall—

1 “(A) apply subsection (b)(5)(A) as if the
2 reference to ‘4 months’ in such subsection were
3 instead a reference to ‘12 months’, except that
4 such reference shall continue to be treated as a
5 reference to ‘4 months’ for purposes of applying
6 the requirement specified in clause (i)(II) of
7 such subsection;

8 “(B) for purposes of determining whether
9 a nurse aide training and competency evalua-
10 tion program offered by or in such facility com-
11 plies with the requirements for such program
12 specified pursuant to subsection (f)(2)(A)(i),
13 allow such program to count any hours worked
14 by a nurse aide in a skilled nursing facility or
15 nursing facility (as defined in section 1919(a))
16 toward the 75 hours of initial training described
17 in subclause (II) of such subsection, but only to
18 the extent that such hours so worked relate to
19 the areas described in subclause (I) of such
20 subsection; and

21 “(C) in the case such facility is a facility
22 described in subparagraph (B)(iii)(I) of sub-
23 section (f)(2), apply subparagraph (A)(iv)(I) of
24 such subsection and clauses (i) and (iii) of sub-
25 paragraph (B) of such subsection as if such fa-

1 cility were not a facility so described, but only
2 if the State in which the facility is located does
3 not offer a nurse aide competency evaluation
4 (in person or online) at least once per week or
5 if availability is limited (as determined by the
6 Secretary).

7 “(3) DURATION.—An election made under
8 paragraph (1) shall be in effect for a period of 3
9 years and may be extended for additional 3-year pe-
10 riods in the same form and manner as such election
11 was originally made. Such an election shall cease to
12 apply with respect to a skilled nursing facility to the
13 extent that such facility is no longer a specified
14 skilled nursing facility.

15 “(4) SPECIFIED SKILLED NURSING FACILITY
16 DEFINED.—For purposes of this subsection, the
17 term ‘specified skilled nursing facility’ means a
18 skilled nursing facility that—

19 “(A) is located in an area of a State that
20 the State has designated as being a nurse aide
21 shortage area; and

22 “(B) has not received a citation for a defi-
23 ciency for providing a substandard quality of
24 care relating to direct patient care during the
25 preceding 2 years.”.

1 (b) MEDICAID.—Section 1919 of the Social Security
2 Act (42 U.S.C. 1396r) is amended by adding at the end
3 the following new subsection:

4 “(1) WAIVER OF CERTAIN TRAINING AND CERTIFI-
5 CATION REQUIREMENTS FOR SPECIFIED NURSING FA-
6 CILITIES.—

7 “(1) ELECTION.—

8 “(A) STATES.—Beginning 12 months after
9 the date of the enactment of this subsection, a
10 State may elect, in a form and manner specified
11 by the Secretary, for the provisions of sub-
12 sections (b)(5) and (f)(2) to be applied in ac-
13 cordance with paragraph (2) with respect to
14 specified nursing facilities (as defined in para-
15 graph (4)) located in such State. Such election
16 may be made on a statewide basis or with re-
17 spect to such individual specified nursing facili-
18 ties as the State may designate.

19 “(B) SPECIFIED NURSING FACILITIES.—
20 Beginning 12 months after the date of the en-
21 actment of this subsection, in the case of a
22 specified nursing facility located in a State that
23 has not made the election described in subpara-
24 graph (A) (or that has made such an election
25 but not on a statewide basis and that has not

1 designated such facility as part of such elec-
2 tion), such facility may make such election with
3 respect to such facility in a form and manner
4 specified by the Secretary.

5 “(2) WAIVERS.—In the case of a specified nurs-
6 ing facility located in a State that has made the
7 election described in paragraph (1) (or, with respect
8 to a specified nursing facility located in a State de-
9 scribed in paragraph (1)(B), in the case of such a
10 facility that has made such election), the Secretary
11 shall—

12 “(A) apply subsection (b)(5)(A) as if the
13 reference to ‘4 months’ in such subsection were
14 instead a reference to ‘12 months’, except that
15 such reference shall continue to be treated as a
16 reference to ‘4 months’ for purposes of applying
17 the requirement specified in clause (i)(II) of
18 such subsection;

19 “(B) for purposes of determining whether
20 a nurse aide training and competency evalua-
21 tion program offered by or in such facility com-
22 plies with the requirements for such program
23 specified pursuant to subsection (f)(2)(A)(i),
24 allow such program to count any hours worked
25 by a nurse aide in a nursing facility or skilled

1 nursing facility (as defined in section 1819(a))
2 toward the 75 hours of initial training described
3 in subclause (II) of such subsection, but only to
4 the extent that such hours so worked relate to
5 the areas described in subclause (I) of such
6 subsection; and

7 “(C) in the case such facility is a facility
8 described in subparagraph (B)(iii)(I) of sub-
9 section (f)(2), apply subparagraph (A)(iv)(I) of
10 such subsection and clauses (i) and (iii) of sub-
11 subparagraph (B) of such subsection as if such fa-
12 cility were not a facility so described, but only
13 if the State in which the facility is located does
14 not offer a nurse aide competency evaluation
15 (in person or online) at least once per week or
16 if availability is limited (as determined by the
17 Secretary).

18 “(3) DURATION.—An election made under
19 paragraph (1) shall be in effect for a period of 3
20 years and may be extended for additional 3-year pe-
21 riods in the same form and manner as such election
22 was originally made. Such an election shall cease to
23 apply with respect to a nursing facility to the extent
24 that such facility is no longer a specified nursing fa-
25 cility.

1 “(4) SPECIFIED NURSING FACILITY DE-
2 FINED.—For purposes of this subsection, the term
3 ‘specified nursing facility’ means a nursing facility
4 that—

5 “(A) is located in an area of a State that
6 the State has designated as being a nurse aide
7 shortage area; and

8 “(B) has not received a citation for a defi-
9 ciency for providing a substandard quality of
10 care relating to direct patient care during the
11 preceding 2 years.”.

