

205.636 Temporary COVID-19 personal care attendant -- Training and competency requirements -- Application for waiver or plan amendment.

- (1) As used in this section:
 - (a) "COVID-19 pandemic" means the national emergency declaration concerning COVID-19 as declared by the President of the United States and the United States Department of Health and Human Services; and
 - (b) "Temporary COVID-19 personal care attendant" or "PCA" means a person who is employed and received training in a skilled nursing facility under a temporary accommodation made to address work load increases and staffing shortages caused by the COVID-19 pandemic by the suspension of federal regulatory and statutory provisions by the Centers for Medicare and Medicaid Services.
- (2) The Department for Medicaid Services shall accept the training requirements as included in the "Temporary COVID-19 Personal Care Attendant memorandum" issued April 14, 2020, by the Cabinet for Health and Family Services that are completed by a PCA who is in good standing with his or her employer. The PCA shall be deemed a state registered nurse aide and shall be placed on the Kentucky Nurse Aide Registry if:
 - (a) A minimum of eighty (80) hours of PCA duties have been completed within a skilled nursing facility under the supervision of a licensed or registered nurse; and
 - (b) Competency has been established by the following:
 1. Through an assessment in all areas of required nurse aide training as provided for in 42 C.F.R. sec. 483.152(b) by an instructor who is a licensed nurse confirmed by the facility to have completed instructor training required by the Department for Medicaid Services; and
 2. Successful completion of the nurse aide examination.
- (3) The Department for Medicaid Services shall:
 - (a) Apply for any Medicaid waivers or state plan amendments necessary to implement subsection (2) of this section;
 - (b) Incorporate the provisions under subsection (2) of this section into the nurse aide training and competency evaluation program requirements; and
 - (c) Promulgate any administration regulation necessary to implement this subsection and subsection (2) of this section.

Effective: September 9, 2021

History: Amended 2021 (1st Extra. Sess.) Ky. Acts ch. 5, sec. 8, effective September 9, 2021. -- Created 2021 Ky. Acts ch. 58, sec. 1, effective March 22, 2021.