



CABINET FOR HEALTH AND FAMILY SERVICES

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Eric C. Friedlander
Secretary

FROM: Adam Mather, Inspector General
Office of Inspector General

Lisa Lee, Commissioner
Department for Medicaid Services

DATE: May 24, 2021

SUBJECT: Implementation of HB 276

Dear Skilled Nursing Facility Provider:

HB 276, an act related to temporary COVID-19 personal care attendants, was enacted as emergency legislation during the 2021 regular session of the Kentucky General Assembly. Governor Andy Beshear signed HB 276 into law on March 22, 2021. It became effective immediately because of the emergency provision included in the bill.

Based on the language of HB 276, the Kentucky Department for Medicaid Services and Office of Inspector General is notifying all Medicaid participating skilled nursing facilities of the following:

Kentucky skilled nursing facilities may:

- 1) Continue to hire Temporary COVID-19 personal care attendants ("temporary PCAs") in compliance with the "Temporary COVID-19 Personal Care Attendant memorandum" issued by on April 14, 2020, by the Cabinet for Health and Family Services. See attached.
- 2) Continue to hire Temporary PCAs throughout the end of the "COVID-19 pandemic," which is defined in HB 276 as "the state of emergency declared by the Governor in response to COVID-19 on March 6, 2020, by Executive Order 2020-215."
- 3) Begin immediately transitioning Temporary PCAs to state registered nurse aides ("SRNAs"). Temporary PCAs who are in good standing with their employers may be deemed SRNAs and placed on the Kentucky Nurse Aide Registry if the following conditions are met:
 - 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:

- i. Through an assessment in all areas of required nurse aide training as provided for in 42 C.F.R. §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
 - ii. Successful completion of the nurse aide examination.

- 4) At midnight on the day the public health emergency (defined as “COVID-19 pandemic” in HB 276) expires, skilled nursing facilities **shall cease hiring additional Temporary PCAs**. Any Temporary PCA who has not transitioned to an SRNA before the expiration of the public health emergency may continue to perform Temporary PCA duties for up to 90 days after expiration of the emergency as they work to meet the requirements listed in section 3 above and transition to an SRNA. **Any Temporary PCA who has not successfully transitioned to an SRNA before 90 days after the expiration of the public health emergency may no longer perform Temporary PCA duties within a skilled nursing facility.**