

Public Law 105-15
105th Congress

An Act

May 15, 1997
[H.R. 968]

To amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITTING WAIVER OF PROHIBITION OF OFFERING NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAMS IN CERTAIN FACILITIES.

Section 1819(f)(2) of the Social Security Act (42 U.S.C. 1395i-3(f)(2)) and section 1919(f)(2) of such Act (42 U.S.C. 1396r(f)(2)) are each amended—

(1) in subparagraph (B)(iii), by inserting “subject to subparagraph (C),” after “(iii);” and

(2) by adding at the end the following new subparagraph:
“(C) WAIVER AUTHORIZED.—Clause (iii)(I) of subparagraph (B) shall not apply to a program offered in (but not by) a nursing facility (or skilled nursing facility for purposes of title XVIII) in a State if the State—

“(i) determines that there is no other such program offered within a reasonable distance of the facility,

“(ii) assures, through an oversight effort, that an adequate environment exists for operating the program in the facility, and

“(iii) provides notice of such determination and assurances to the State long-term care ombudsman.”.

Approved May 15, 1997.

LEGISLATIVE HISTORY—H.R. 968:

HOUSE REPORTS: No. 105-23, Pt. 1 (Comm. on Ways and Means) and Pt. 2 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Apr. 8, considered and passed House.

Apr. 30, considered and passed Senate.