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# EMERGENCY RULE

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## TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30 – Division of Regulation and Licensure Chapter 20 – Hospitals

### EMERGENCY AMENDMENT

**19 CSR 30-20.125 Unlicensed Assistive Personnel Training Program.** The department is amending subsection (2)(A), amending subsection (2)(D), amending subsection (3)(F), adding a new subsection (3)(H) and amending section (6).

*PURPOSE: This proposed amendment amends subsection (2)(A) to reclassify UAP Program curriculum content, amends subsection (2)(D) to correct an obsolete rule reference, amends subsection (3)(F) to exempt hospitals from complying with certain UAP training requirements if the employees can prove completion of patient care technician training programs, adds a new subsection (3)(H) to exempt hospitals from complying with certain UAP training requirements if the employees have proof of certification as a patient care technician, and amends section (6) to extend the UAP training completion deadline from ninety (90) days to one hundred-eighty (180) days and requires quality and safety curriculum to be completed within ninety (90) days of employment.*

*EMERGENCY STATEMENT: This emergency amendment is necessary to address significant labor shortages in the hospital industry to ensure the continued provision of safe, effective care. The 2022 Missouri Hospital Association (MHA) report on workforce notes hospital turnover and vacancy rates among all surveyed professions remains significantly higher in 2022 compared to pre-pandemic levels. According to MHA, nursing assistants, which includes UAPs, are among the top ten hospital professions with the highest employee vacancy rate (ranked fifth) as well as turnover rate (ranked third). Registered nurses make up the largest single cohort of hospital employees in Missouri. The 2022 report finds staff nurse vacancy at 17.4% which is up from 11% in 2020. Due to these workforce shortages, hospitals are turning to secondary and post-secondary education to assist with meeting the training requirements of these unlicensed staff. Those same workforce shortages are straining the hospitals' ability to provide quality training within the ninety-day requirement set forth in Section 197.287, RSMo. This rule would support training programs that offer college credit for courses meeting the UAP training requirements to accelerate entry level workforce in hospitals and long-term care facilities. Higher education program(s) in the state have been approved to begin offering UAP training to individuals employed in hospitals beginning August 21, 2023, that would result in earned college credit and the opportunity to become a Certified Nursing Assistant at the end of the course. To support those individuals in their pursuit of the coursework as well as employment, the courses are designed to be delivered over a sixteen-week period. Courses resulting in college credit will not be able to complete all current training requirements outlined in the rule within ninety days. The ability to earn college credit while working in healthcare may increase the numbers of individuals pursuing a health-related degree or work in the healthcare field. The changes to this rule would ensure the requirements set forth in Section 197.287, RSMo are met while providing flexibility and new avenues for health care workforce entry with the revised timeframe for completion. From April 2020 to January 2022, the department waived the ninety-day completion requirement for all UAP training requirements. The department is not aware of any negative events resulting from the waiver of the ninety-day completion requirement. As a result, the Department of Health*

*and Senior Services finds a compelling governmental interest, which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 22, 2023, became effective June 6, 2023, and expires December 2, 2023.*

(2) The hospital training policy for UAPs shall include the following minimum standards:

(A) The curriculum of the UAP Program shall consist of a standard plan of instruction to include:

1. A minimum of seventy-five (75) hours of classroom instruction;

2. Computer or paper-based learning modules that provide documentation of completion may be substituted for up to sixty (60) hours of classroom time;

3. Comparable certified medical assistant training from an accredited medical assistant program may be substituted for up to fifty (50) hours of classroom time of comparable subject matter;

4. A minimum of one hundred (100) hours of clinical practicum; and

5. Curriculum content of the program shall include procedures and instructions on basic patient care skills including, but not limited to, the areas of:

A. The Role of the UAP (ethics, law, team member communication, observation, reporting, documentation, medical terminology);

B. Patient/Client Rights (Health Insurance Portability and Accountability Act (HIPAA), privacy, confidentiality, advanced directives, abuse and neglect, age specific care, cultural diversity, pain management, restraint-free care, end-of-life care, death and dying, do not resuscitate (DNR) orders, post-mortem care);

C. Vital Signs;

D. **Quality** ([B]asic [H]uman [N]eeds: [(age specific cognitive/psychological/social needs, activities of daily living, ambulation, positioning, personal care, elimination and toileting, nutrition, hydration, feeding, bed making);

E. Infection Control (universal precautions, blood-borne pathogens, safe needle devices, aseptic technique, hand washing, gloving, isolation);

F. Skin Care (wound care, pressure ulcers and prevention); and

G. Safety (cardiopulmonary resuscitation (CPR), allergies, fall prevention, environmental safety issues, fire/electrical, hazardous materials transportation safety information (HAZMAT), emergency procedures, body mechanics).

(D) Annual in-service training also shall occur as required by [19 CSR 30-20.110] **19 CSR 30-20.**

(3) Hospitals shall not be required to meet the UAP training requirements if an employee demonstrates competency in the content areas required by this rule; in the duties specific to their job and the patient population assigned and –

(F) Has proof of completion of a **patient care technician training program which meets the curriculum requirements of this rule or** UAP training program in Missouri or another state which meets the requirements of this rule within the last three (3) years; or

(G) Has completed a professional or licensed practical nursing program outside the United States and is awaiting the licensure examination in this country[.]; **or**

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**(H) Has proof of certification as a patient care technician.**

(6) The UAP training shall be completed within *[ninety (90)]* **one hundred-eighty (180)** days of employment for any individual who is hired as a UAP. **Quality and Safety curriculum shall be covered within ninety (90) days of employment.** A UAP shall not work in direct patient care, except as part of their supervised practicum, until the entire UAP training requirements have been met.

*AUTHORITY: section 197.287, RSMo Supp. [2013] 2022. Original rule filed Jan. 31, 2008, effective Sept. 30, 2008. Amended: Filed Dec. 31, 2013, effective Aug. 30, 2014. Emergency amendment filed May 22, 2023, effective June 6, 2023, and expires December 2, 2023. An emergency amendment and a proposed amendment covering this same material will be published in the July 3, 2023, issue of the **Missouri Register**.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*