

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 6, 2024
SUBJECT Potential Legislation Packet 9

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

CNA Letter to NCSBN (Shen)1

STATE OF COLORADO

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March 6, 2024

National Council of State Boards of Nursing (NCSBN)
111 East Wacker Drive, Suite 2900
Chicago, IL 60601

Dear NCSBN leadership,

The Joint Budget Committee of the Colorado General Assembly is frustrated to learn about significant testing delays and challenges to certifying nurse aides, and relatedly, barriers to ensuring that Coloradans have access to appropriate healthcare that meets their needs. We wanted to bring to your attention the following challenges, and encourage your action to reduce the barriers to becoming a certified nurse aide (CNA).

1. Lack of Language Accessibility

Colorado currently contracts with Credentia to administer the NNAAP exam. The current exam, with the exception of the oral version in Spanish, is not available in other languages. This creates a challenge given the demographics of our state.

According to the 2022 American Community Survey, in Colorado, approximately 16.2 percent of the population speaks a language other than English at home, with the majority (68.3 percent) of this population speaking Spanish. Additionally, the 2021 Colorado Health Access Survey (CHAS) indicated that 7 percent of Coloradans said they needed healthcare that was responsive to specific characteristics, including language. Of these individuals, about one in four (24.3 percent) highlighted language as a factor that changed the kind of care they needed. We understand the need for working-level English proficiency in order to accurately perform the tasks required of a CNA, but we believe that there is an opportunity to offer more components of the exam in languages other than English while simultaneously ensuring that candidates understand essential, working-level skill components in English.

2. Significant Test Cancellations

We understand that test cancellations are not directly within NCSBN's control, but we wanted to ensure that NCSBN is aware that last year, almost one-third of exams in Colorado scheduled by Credentia were ultimately cancelled. These were primarily cancelled due a facility issue or site request, or due to an evaluator cancellation or unavailability. The lack of available testing creates significant delays to CNA certification, particularly given the four-month limit on the amount of time a candidate may work after completing a training course and prior to passing the certification exam.

3. *Restrictive Federal Law*

Last updated in 2016, federal law (42 CFR § 483.35) states that graduates of a facility-based training program may work at any facility for four months prior to passing their certification exam. These facilities are limited to “skilled nursing facilities” and “nursing facilities” whose primary function is to provide skilled nursing care or rehabilitation services to multiple residents. This includes home health agencies, but generally excludes hospice facilities.

Again, the Joint Budget Committee understands that federal law is not dictated by NCSBN, but wanted to bring to the NCSBN’s attention that current federal law makes it challenging for certain employers, such as hospice agencies, to hire critical CNA staff.

The Joint Budget Committee requests that the NCSBN be aware of the above challenges to CNA certification, and specifically take action in order to address the challenge that is directly within NCSBN’s control – exam language accessibility. Doing so would improve the certification process for candidates across the country and reduce the barriers to growing this essential workforce in Colorado.

Sincerely,

Representative Shannon Bird
Chair

Senator Barbara Kirkmeyer

Senator Rachel Zenzinger
Vice Chair

Representative Emily Sirota

Senator Jeff Bridges

Representative Rick Taggart

Cc:
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