



**TENNESSEE DEPARTMENT OF HEALTH
DIVISION OF HEALTH LICENSURE AND REGULATION
OFFICE OF HEALTH CARE FACILITIES**

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TO: All Nursing Homes

FROM: Vincent L. Davis, Director
Office of Health Care Facilities

A handwritten signature in black ink, appearing to read "V. L. Davis", written over the printed name.

RE: Nurse Aide Training and Employment

This notification and subsequent attachments are being sent in response to queries regarding charging for nurse aide training and employment of nurse aides before they are certified. If you have questions, please contact Wanda King, Program Manager, Nurse Aide Registry at Wanda.King@tn.gov

The Tennessee Department of Health appreciates nurse aides and want to ensure their best opportunities for successful training and employment.

Code of Federal Regulations, Title 42, Volume 3, Part 483

REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

152 (c) PROHIBITION OF CHARGES

- (1) No nurse aide who is employed by, or who has received an offer of employment from, a facility on the date on which the aide begins a nurse aide training and competency evaluation program may be charged for any portion of the program (including any fees for textbooks or other required course materials).

158 (a) FFP FOR NURSE AIDE TRAINING AND COMPETENCY EVALUATION

State expenditures for nurse aide training and competency evaluation programs and competency evaluation programs are administrative costs. They are matched as indicated in Sec. 433.15(b)(8) . . .

RECOMMENDATIONS:

1-The regulations outlined above under 152 (c) require that nurse aides not be charged for any portion of training including fees for textbooks or other required course materials. Nursing homes should NOT charge nurse aide students for any portion of training or testing.

Textbooks: If a student chooses to purchase their own textbook, we suggest that facilities provide information on where the student can purchase the book directly.

Testing: Test fees are paid by the State when the facility verifies that a test candidate is employed by the facility. NOTE that the facility will be responsible for no-show fees if they schedule a candidate who does not show up for the exam.

2-The regulations outlined under 158 (a) provide information regarding reimbursement from TennCare for expenditures related to training.

Code of Federal Regulations, Title 42, Volume 3, Part 483

REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

75(e)(2)(ii)(A) A facility must not use any individual working in the facility as a nurse aide for more than 4 months, unless: . . . That individual has completed a training and competency evaluation program. . . approved by the State . . .

Rules of Tennessee Department of Health, Board for Licensing Health Care Facilities, Division of Health Care Facilities, Chapter 1200-8-06

STANDARDS FOR NURSING HOMES

1200-08-06.01 Definitions

(8) Certified Nurse Aide or Certified Nursing Assistant. An individual who has successfully completed an approved nursing assistant training program and is registered with the department.

(41) Nurse Aide or Nursing Assistant Training Program. A specialized program approved by the Department to provide classroom instruction and supervised clinical experience for individuals who wish to be employed as Nurse Aides or Nursing Assistants.

1200-08-06-.15(3) A nursing home must not use any individual working in a facility as a nurse aide for more than four (4) months unless that individual's name is included on the Nurse Aide Registry. A facility must not use on a temporary, per diem, leased or any basis other than permanent, any individual who does not meet the requirements of training and competency testing.

1200-08-06-.15(2)(d) Each program coordinator shall be responsible for ensuring that the following requirements are met:

3. The provision of direct individual care to residents by a trainee is limited to appropriately supervised clinical experiences; a program instructor must be present or readily available on-site during all clinical training hours including direct patient care for the seventy-five (75) hour training program. All activities of daily living (ADL) skills, including but not limited to bathing, feeding, toileting, grooming, oral care, and perineal care, must be taught prior to student performing direct patient care. . .

RECOMMENDATION: The four (4) months begins on the date the nurse aide candidate is enrolled in a training program. During this four month period, it is the intention of the regulations that a nurse aide be enrolled in a training program, receiving classroom instruction and any work that they perform is considered supervised clinical experience. The regulations require that the program instructor be present on-site during all clinical training hours.

In order to ensure that a candidate has successfully been placed on the Nurse Aide Registry before the four months has expired, we recommend that they be scheduled for testing as quickly as possible after completion of the training program. A candidate is allowed three attempts to pass both portions of the test. If they fail one or both portions, they should be offered a refresher course and scheduled again for the test. We do not recommend waiting until the four months has almost expired to schedule the first exam.

During this four month period, the candidate should be considered still enrolled in the training program and should never work unsupervised. The instructor should be present when the candidate is present.