

Revision: HCFA-PM-91-10 (BPD)
December 1991

State/Territory: Iowa

Citation 4.38 Nurse Aide Training and Competency Evaluation
for Nursing Facilities

42 CFR 483.75; 42
CFR 483 Subpart D;
Secs. 1902(a)(28),
1919(e)(1) and (2),
and 1919(f)(2),
P.L. 100-203 (Sec.
4211(a)(3)); P.L.
101-239 (Secs.
6901(b)(3) and
(4)); P.L. 101-508
(Sec. 4801(a)).

- (a) The State assures that the requirements of 42 CFR 483.150(a), which relate to individuals deemed to meet the nurse aide training and competency evaluation requirements, are met.
- ☒ (b) The State waives the competency evaluation requirements for individuals who meet the requirements of 42 CFR 483.150(b)(1).
- ☒ (c) The State deems individuals who meet the requirements of 42 CFR 483.150(b)(2) to have met the nurse aide training and competency evaluation requirements.
- (d) The State specifies any nurse aide training and competency evaluation programs it approves as meeting the requirements of 42 CFR 483.152 and any competency evaluation programs it approves as meeting the requirements of 42 CFR 483.154.
- ☐ (e) The State offers a nurse aide training and competency program that meets the requirements of 42 CFR 483.152.
- ☐ (f) The State offers a nurse aide competency evaluation program that meets the requirements of 42 CFR 483.154.

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42 CFR 483.75; 42
CFR 483 Subpart D;
Secs. 1902(a)(28),
1919(e)(1) and (2),
and 1919(f)(2),
P.L. 100-203 (Sec.
4211(a)(3)); P.L.
101-239 (Secs.
6901(b)(3) and
(4)); P.L. 101-508
(Sec. 4801(a)).

- (g) If the State does not choose to offer a nurse aide training and competency evaluation program or nurse aide competency evaluation program, the State reviews all nurse aide training and competency evaluation programs and competency evaluation programs upon request.
- (h) The State survey agency determines, during the course of all surveys, whether the requirements of 483.75(e) are met.
- (i) Before approving a nurse aide training and competency evaluation program, the State determines whether the requirements of 42 CFR 483.152 are met.
- (j) Before approving a nurse aide competency evaluation program, the State determines whether the requirements of 42 CFR 483.154 are met.
- (k) For program reviews other than the initial review, the State visits the entity providing the program.
- (l) The State does not approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in certain facilities as described in 42 CFR 483.151(b)(2) and (3).

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- 42 CFR 483.75; 42 CFR 483 Subpart D; Secs. 1902(a)(28), 1919(e)(1) and (2), and 1919(f)(2), P.L. 100-203 (Sec. 4211(a)(3)); P.L. 101-239 (Secs. 6901(b)(3) and (4)); P.L. 101-508 Sec. 4801(a)).
- (m) The State, within 90 days of receiving a request for approval of a nurse aide training and competency evaluation program or competency evaluation program, either advises the requestor whether or not the program has been approved or requests additional information from the requestor.
 - (n) The State does not grant approval of a nurse aide training and competency evaluation program for a period longer than 2 years.
 - (o) The State reviews programs when notified of substantive changes (e.g., extensive curriculum modification).
 - (p) The State withdraws approval from nurse aide training and competency evaluation programs and competency evaluation programs when the program is described in 42 CFR 483.151(b)(2) or (3).
 - X (q) The State withdraws approval of nurse aide training and competency evaluation programs that cease to meet the requirements of 42 CFR 483.152 and competency evaluation programs that cease to meet the requirements of 42 CFR 483.154.
 - (r) The State withdraws approval of nurse aide training and competency evaluation programs and competency evaluation programs that do not permit unannounced visits by the State.

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- 42 CFR 483.75; 42 CFR 483 Subpart D; Secs. 1902(a)(28), 1919(e)(1) and (2), and 1919(f)(2), P.L. 100-203 (Sec. 4211(a)(3)); P.L. 101-239 (Secs. 6901(b)(3) and (4)); P.L. 101-508 (Sec. 4801(a)).
- (s) When the State withdraws approval from a nurse aide training and competency evaluation program or competency evaluation program, the State notifies the program in writing, indicating the reasons for withdrawal of approval.
 - (t) The State permits students who have started a training and competency evaluation program from which approval is withdrawn to finish the program.
 - (u) The State provides for the reimbursement of costs incurred in completing a nurse aide training and competency evaluation program or competency evaluation program for nurse aides who become employed by or who obtain an offer of employment from a facility within 12 months of completing such program.
 - (v) The State provides advance notice that a record of successful completion of competency evaluation will be included in the State's nurse aide registry.
 - (w) Competency evaluation programs are administered by the State or by a State-approved entity which is neither a skilled nursing facility participating in Medicare nor a nursing facility participating in Medicaid.
 - X (x) The State permits proctoring of the competency evaluation in accordance with 42 CFR 483.154(d).
 - (y) The State has a standard for successful completion of competency evaluation programs.

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Citation

42 CFR 483.75;
42 CFR 483 Subpart D;
Secs. 1902(a)(28),
1919(e)(1) and(2),
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P.L. 100-203,
(Sec. 4211(a)(3));
P.L. 101-239,
(Secs. 6901(b)(3)
and (4));
P.L. 101-508,
(Sec. 4801(a))

(z) The State includes a record of successful completion of a competency evaluation within 30 days of the date an individual is found competent.

X (aa) The State imposes a maximum upon the number of times an individual may take a competency evaluation program (any maximum imposed is not less than 3).

(bb) The State maintains a nurse aide registry that meets the requirements in 42 CFR 483.156.

___ (cc) The State includes home health aides on the registry.

___ (dd) The State contracts the operation of the registry to a non State entity.

X (ee) ATTACHMENT 4.38 contains the State's description of registry information to be disclosed in addition to that required in 42 CFR 483.156(c)(1)(iii) and (iv).

X (ff) ATTACHMENT 4.38-A contains the State's description of information included on the registry in addition to the information required by 42 CFR 483.156(c).

P.L. 105-15,
Sec. 4132.2(e)

X (gg) The State waives the prohibition of nurse aide training and competency evaluation program offered in (but not by) certain nursing homes if the State determines that the facility meets specified exception criteria:

Determines that there is no other program offered within a reasonable distance of the facility.

- ◆ The 75-hour nurse aide training is offered in a facility by an approved nurse aide training and competency evaluation program (NATCEP).
- ◆ No other NATCEP program is offered within 30 minutes' travel from the facility, unless the facility can demonstrate the distance or program would create a hardship for program participants.

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Assures, through an oversight effort, that an adequate environment exists for operating the program in the facility.

- ◆ The facility is in substantial compliance with the federal requirements related to nursing care and services.
- ◆ The facility is not a poor-performing facility.
- ◆ Employees of the facility do not function as instructors for the program unless specifically approved by the Iowa Department of Inspections and Appeals.
- ◆ The facility must notify students and the instructor that they have the right to register any concerns with the DIA at any time during the course and be given information on how to contact the DIA. The DIA may make unannounced visits to any courses offered to determine compliance with the criteria for the waiver or to investigate complaints.
- ◆ The NATCEP sponsoring the 75-hour nursing aide training course is responsible for program administration and for ensuring that program requirements are met.
- ◆ The NATCEP has submitted an evaluation to the Iowa Department of Inspections and Appeals indicating that an adequate teaching and learning environment exists for conducting the course.
- ◆ The NATCEP has developed policies for communicating and resolving problems encountered during the course, including notice by the facility to the program instructor and students on how to contact the Iowa Department of Inspections and Appeals to register any concerns encountered during the course.

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Substitute per letter dated 4/23/99 79r.3

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Provides notice of such determination and assurances to the State long-term care ombudsman.

- ♦ The DIA will notify the ombudsman by state agency letter of all facilities granted waivers and oversight efforts to assure compliance with the law.
- ♦ Assurances to the State long term care ombudsman will be provided by:
 - The DIA requires the NATCEP to submit an evaluation process used to determine whether an adequate teaching and learning environment exists for conducting the course and assuring that program requirements are met.
 - The DIA requires the NATCEP to submit the policies developed for communicating and resolving problems encountered during the course.
 - The DIA has the right to make unannounced visits to any courses offered in a facility under waiver. Students and the instructor have the right to register any concerns with the DIA at any time during the program and must be given information on how to contact the agency.

TN No.	<u>MS-98-38 (sub2)</u>	Approval Date	<u>MAY 17 1999</u>	Effective Date	<u>DEC 1 1998</u>
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TN No.	<u>None</u>				