

**PROVIDER BULLETIN****No. 07-07**

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TO: Nursing Facilities Participating in the Nebraska Medicaid Program

FROM: Mary L. Steiner, Administrator
Medical Services Division

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RE: Clarification of Facility Obligation to Reimburse Staff for Nurse Aide
Training and Competency Evaluation Program (NATCEP) Costs

The Code of Federal Regulations provides the following direction regarding payment to nurse aides for course work at 42 CFR 483.152 (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).

(2) If an individual who is not employed, or does not have an offer to be employed, as a nurse aide becomes employed by, or receives an offer of employment from, a facility not later than 12 months after completing a nurse aide training and competency evaluation program, the State must provide for the reimbursement of costs incurred in completing the program on a pro rata basis during the period in which the individual is employed as a nurse aide.

In order to clarify these provisions, the following guidelines have been developed. The guidelines apply to nursing facilities that are certified to participate in the Medicare or Medicaid Programs.

If an individual is employed by a nursing facility at the time the individual begins the nurse aide training course or the facility has hired the individual or made an offer of employment which is accepted by the individual prior to course completion, the provider is required to pay the full cost of the training program. The facility's obligation exists regardless of the length of time the aide remains employed with the facility.

If the nursing facility employs or makes an offer of employment within one year from the date of completion of the nurse aide training course, the provider is responsible for reimbursing the documented cost of the course on a pro rata basis. For example, if a nurse aide becomes employed by a facility six months after completing the nurse aide training course, the facility reimburses the aide 50% of the documented course expense. If a nurse aide becomes employed by a facility nine months after completing the course, the facility reimburses the aide for 25% of the course expense. It is the nurse aide's responsibility to provide the facility with adequate documentation of the course expense. Again, the facility's obligation exists regardless of the length of time the aide remains employed with the facility.

The pro rata obligation falls to the initial certified facility ("First Employer") to employ the nurse aide within the one-year period after training. It should be part of the hiring process to determine whether the aide has been previously employed by another facility within that period. Previous employment with any employer other than a certified nursing facility within the one-year period does not eliminate the nursing facility's obligation to reimburse.

Federal regulations address the specific facility obligation to reimburse expenses for Nurse Aide Training and Competency Evaluation Programs approved by the State. The regulations do not extend to equivalent training an individual may receive in a different curriculum, such as nurses training, even though such training may qualify the individual to be employable as a nurse aide. Facilities have no obligation to reimburse equivalent training, but may choose to negotiate a reimbursement amount with the employee.

The State provides for the reimbursement of costs incurred in completing the program according to the Medicaid State Plan. The nursing facility reimburses the nurse aide for the training expense and reports this expense on the facility's Medicaid cost report. The cost then becomes part of the formula used to determine the facility's daily Medicaid rate.

The individual at the Department of Health and Human Services Finance and Support responsible for answering questions on nurse aide reimbursement for Medicaid cost reporting purposes is Joette Novak, Program Specialist with the Medicaid Division, at 402/471-9279.