



April 15th, 2022

Dear Madam and Mr. Chair and Bethel Committee,

On behalf of the Kansas State Nurses Association (KSNA), I am providing testimony related to staffing in a nursing facility. It has come to our attention that there are discussions that have begun with CMS to transition a Temporary Nurse Aide to a Certified Nurse Aide position without going through the formalized, highly rigorous training that is currently required for an individual to become a CNA. Those discussions are wanting to allow this 10-hour trained individual to qualify as a CNA through work experience only without any formalized classroom education. Kansas State Nurses Association strongly opposes any position that provides direct care to a resident of long-term care to receive certification or licensing without the required education that is necessary to protect our older adults and to have healthy outcomes.

The Kansas State Nurses Association (KSNA) is the largest nurse association in Kansas, and KSNA members are constituent members of the American Nurses Association (ANA) which represents almost four million nurses in our country. It is our mission to not only represent the voice of nurses, but to advocate for all Kansans to have access to quality healthcare. KSNA is a not-for-profit and we do not represent any corporate interests. Nurses are advocates for themselves and the best interests and rights of their patients.

While we understand there are staffing concerns in long-term care that existed long before COVID-19, we know this National Public Health Emergency is ending soon without seeing the actions necessary to have the number of highly skilled CNAs that needed to have a strong healthcare team. It is unfortunate that there has not been collaboration to prepare for what we all know would end soon. There needs to be open communication with participants willing to hear what sometimes is exceedingly difficult to acknowledge. It is the direct care staff that will have the answers and we need to have everyone at the table for making decisions that will directly impact them and the people they provide care.

We cannot support a TNA to transition becoming a CNA with limited work experience only when there are programs already in place that requires any nursing facility that receives Medicaid reimbursement to pay the full cost of the CNA education program if offered employment as a nurse aide. Additionally, any CNA offered a position within 12 months of completing their CEP or ASCEP, the nursing facility is responsible for paying for the education program as seen on the KDADS document attached. This can now apply to SB 453, also. Please refer to attached document.



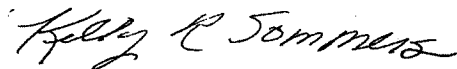
KSNA asks that reimbursement information for a CNA is openly shared within all nursing facilities.

KSNA requests that we look at how we are going to support our aging population in the community to give them choices to receive care at home versus moving to a nursing facility.

Additionally, we must have the necessary conversations about nurse staffing. We need to protect the nurse license by employers not making any request that is outside the nurse's Scope of Practice. We need to acknowledge that an RN can refuse to sign a document that they did not supervise or perform themselves. It is the right of every nurse to advocate on behalf of their own needs to provide safe care to residents.

Kansas State Nurses Association looks forward to continued staffing conversations that includes more RNs, LPNs, and CNAs.

Sincerely,

A handwritten signature in cursive script that reads "Kelly R. Sommers".

Kelly Sommers, BSN, RN

State Director

Kansas State Nurses Association

**CERTIFIED NURSE AIDE REIMBURSEMENT
NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAM (NATCEP)
AND COMPETENCY EVALUATION PROGRAM (CEP)**

A nurse aide trainee who is employed by, or receives an offer of employment from, a nursing facility on the date on which the employee begins a nurse aide training and competency evaluation program (NATCEP) or competency evaluation program (CEP) may not be charged for any portion of the program. If the nursing facility provider hires a nurse aide or makes an offer of employment prior to course completion, the nursing facility must pay the full cost of the training program. Reimbursable costs include any portion of the training coursework, fees for textbooks, or other required course materials, registering individuals on the nurse aide registry, and administration of the competency examinations.

If an individual pays for the NATCEP or CEP without being employed or having an offer of employment as a nurse aide, and then becomes employed by, or receives an offer of employment as a nurse aide no later than 12 months after successfully completing a NATCEP or CEP, the nursing facility must reimburse its proportionate share of costs incurred in completing the program on a pro rata basis during the period in which the individual is employed by the facility as a nurse aide. For example, if a nurse aide pays for the CEP to become certified and is not employed or does not receive an offer of employment for six months after finishing the course, the nursing facility provider would only be expected to pay 50% of the cost of the program for the six months the nurse aide was employed during the 12 month period. Federal regulations allow the provider to reimburse the costs "over a reasonable period of time while the individual is employed as a nurse aide." Since reimbursable costs can be pro rated over 12 months, it is assumed the reasonable amount of time cannot exceed a 12-month period from the date a nurse aide completed the program.

Federal regulations prohibit nursing facilities from having contracts that require a nurse aide to repay the facility for their training if they do not remain with the facility for a specified period of time. If a nurse aide trainee doesn't pass the test, the person is not a certified nurse aide and would therefore, not qualify for NATCEP or CEP reimbursement as specified by federal regulations. The potential for duplication of payments to nurse aides for NATCEP or CEP should be minimized by completion of a thorough employment background check. It is a facility's right to determine where it will train its employees and therefore, a facility may elect not to hire an employee that has received training elsewhere.

Nurse aide training expenses are reported by Medicaid nursing home providers on the Kansas Department on Aging's "Nursing Facility Financial and Statistical Report" (cost report) and are reimbursed as part of the daily Medicaid rate.

Sources: 42 CFR 483.152(c), CFR 483.154(c), including preamble