

Frequently Asked Questions Regarding Ohio's Nurse Aides

Updated 9/30/19

- 1. I would like to get current information about my status on the Nurse Aide Registry, how do I get it?**

You can call the Registry at (800) 582-5908 for status information or you can perform an online inquiry through the Nurse Aide Registry web page at

https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx

- 2. What is the "four-month grace period", and how does the Registry calculate this timeframe?**

Paragraph (B) of Ohio Administrative Code ("O.A.C.") rule 3701-17-07.1 allows a long-term care facility to use an individual who is not listed on the Nurse Aide Registry as a nurse aide for up to four months. However, a facility cannot use an individual as a nurse aide for more than four months unless: a) the individual is competent to provide nurse aide services; b) the individual has successfully completed an approved training program and passed a required state test, or has otherwise been deemed competent by the Director of Health; and c) the facility has received verification from the Registry that the individual has met the competency requirements. The Registry starts calculating the four month period on the date the facility first uses the individual as a nurse aide, and continues to count each day consecutively (regardless of whether the facility actually utilized the individual as a nurse aide on that particular day) during the period of the individual's employment as a nurse aide.

According to paragraph (G) of O.A.C. rule 3701-17-07.1, the four month "grace period" is cumulative. Specifically, paragraph (G) states that the four month period includes "any time that an individual is used as a nurse aide on a full time, temporary, per diem or other basis by a facility or any other facility." Thus, no individual may be used as a nurse aide at any facility or facilities for more than a total of four months without successfully completing training and passing the required state test.

- a. What happens if an individual is used as a nurse aide in a facility and quits before the grace period expires? If the same or different facility rehires the individual as a nurse aide, does the individual get another four month grace period?**

No. Any length of time that an individual is used by a facility as a nurse aide counts toward the four month grace period.

b. What happens if an individual fails the required state test three times? Does the individual get another four month grace period?

No. An individual does not receive another grace period if he or she fails the required state test three times.

c. Can an individual ever get another four month grace period?

Yes. Paragraph (D) of O.A.C. rule 3701-17-07.1 allows an individual who was previously listed on the Registry, but who has not done nursing and nursing-related services for monetary compensation for twenty-four consecutive months, to get an additional four month grace period to successfully complete training and pass the required state test.

3. What if the facility does not know exactly how long another facility used a nurse aide? What sort of system does the Registry require a facility to have in order to “track” how long other facilities used a nurse aide?

Each long-term care facility is responsible for checking the prior nurse aide service history of every individual it plans to use as a nurse aide. If this check shows that another long-term care provider used an individual previously as a nurse aide, the facility should question the individual about the prior service. A facility must count any prior service as a nurse aide against the four month grace period. Training and testing, including the clinical portions of the training program, generally do not count toward the four month limit. However, if a facility chooses to use an individual as a nurse aide after he or she has completed the first sixteen hours of training, then the Registry will start calculating the four month grace period when the facility first uses the individual as a nurse aide.

The Registry will consider a facility to be following the requirement if the facility has adequate documentation showing that it made an inquiry about previous service. Such documentation may include, but would not be limited to, a statement from the individual or prior facility-employer showing the length of prior service as a nurse aide with any facility or stating that the individual had no prior service as a nurse aide.

4. Once an individual is on the Registry, can he or she lose his or her right to work?

Yes. In order to maintain eligibility to work, an individual must provide nursing and nursing-related services for monetary compensation within twenty four months after he or she last met the requirements for being listed on the Registry. An approved training program must re-train and re-test an individual who does not meet this requirement for the individual to be re-listed on the Registry as being eligible to work.

- a. **How much does an individual need to work within the twenty-four consecutive month period in order to maintain eligibility to work?**

The individual must provide at least seven and one-half consecutive hours or eight hours in a forty-eight hour period of nursing and nursing-related services during the twenty-four month period.

- b. **Can the eight hours be divided up as long as the nurse aide works at least the required eight hours within a consecutive forty-eight hour period?**

Yes, if the nurse aide is providing nursing and nursing-related services. However, the facility/employer must provide documentation verifying that the eight hour requirement has been met.

- c. **Do “nursing and nursing-related services” include performing services somewhere other than in a long-term care facility?**

Yes. In order to maintain eligibility to work, an individual can provide nursing or nursing-related services for payment in a health care facility, as long as he or she does so for at least seven and one-half consecutive hours *or* eight hours in a forty-eight hour period within twenty-four months after the individual last met the requirements for being listed in the Registry.

5. **Can I use a W-2 form to prove that I provided nursing and nursing-related services for monetary compensation in the last two years?**

No. A W-2 does not tell the Registry what your job duties were; it only states that you worked for compensation. For this reason, the Registry does not accept W-2 forms as proof that an individual provided nursing and nursing-related services for monetary compensation.

6. **Can my nurse aide registration certificate transfer to another state?**

Generally speaking, yes. You can transfer your nurse aide eligibility to other states that accept transfers provided you are in good standing in Ohio. To initiate the transfer, you should contact the Nurse Aide Registry of the state to which you are moving and ask if there are any additional requirements.

7. I am registered as a nurse aide in another state and have just moved to Ohio. I would like to work as a nurse aide in Ohio. How do I go about transferring my certificate?

You should contact the Registry at (800) 582-5908. To register as an aide in Ohio, the Registry will need you to complete form HEA 6907 and submit the following :

- Clear picture of aide's driver's license or state-issued identification;
- Clear picture of aide's social security card;

You may fax the information to (614) 564-2461, e-mail to NAR@odh.ohio.gov or mail to:

Ohio Department of Health
Nurse Aide Registry
246 North High Street
Columbus, Ohio 43215

8. I have lost my registration card. How do I get a replacement?

You can call D & S Diversified Technologies at (877) 851-2355 to obtain a replacement registration card for a \$25.00 fee.

9. My name is changed. How do I notify the registry?

The registry will need the following information to change your name.

- Clear picture of aide's driver's license or state-issued identification, or
- Clear picture of aide's social security card;
- Clear picture of document that changed name (i.e. marriage certificate, divorce decree, or Social Security/Homeland document)

Once your name is changed on the registry and you want a new registry card with your new name. You can contact D & S Diversified Technologies at (877) 851-2355 to obtain a replacement registration card for a \$25.00 fee.

10. I am a nurse aide who does not work in a nursing home. What do I need to get updated on the registry?

a. If you worked for a home health agency and they are Medicare-certified, they can report your hours.

The registry must receive documentation on company letterhead and be signed by an appropriate person (HR, RN or administrator). The information needed:

- Name of aide
- Social security or Registry number
- Date of hire
- Last date worked a seven and one-half hour shift or eight hours over the course of two (2) consecutive days

- Job title
- Job duties (should include hands on direct patient care)

The Registry will accept this information fax (614) 564-2461, e-mail to NAR@odh.ohio.gov or mail to:

Ohio Department of Health
Nurse Aide Registry
246 N. High Street
Columbus, OH 43215

b. If you worked for a home health agency that was not Medicare-certified or you worked as a private duty nurse aide or independent provider (ODJFS/Medicaid), the registry would need the following information for an update consideration.

According to paragraph (D)(2) of Administrative Code 3701-17-07.3, the registry requires the following documentation:

A statement by a physician or nurse verifying that he or she has personal knowledge that the individual provided nursing and nursing-related services to a patient under the physician's or nurse's care. The statement shall further verify:

- The name of the individual that provided nursing and nursing-related services for such patient;
- The nature of the nursing and nursing-related services and the date or dates the individual last provided seven and one-half consecutive hours or eight hours in a forty-eight hour period of nursing and nursing related services;
- That the individual received compensation for the services specified in paragraph (D)(2)(b) of this rule. If the physician or nurse is unable to verify that the individual was compensated for those services, the individual must provide further proof that he or she received compensation for the specified services.

Please be aware that the Ohio Revised Code 3721.01 (5)(a) defines nursing and nursing-related services as the following:

(5)(a) "Personal care services" means services including, but not limited to, the following:

- (i) Assisting residents with activities of daily living;
- (ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;
- (iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.

(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.

The Registry will accept the physician or nurse's statement (company letterhead) by fax (614.564.2461) or mail:

Ohio Department of Health
Nurse Aide Registry
246 N. High Street
Columbus, OH 43215

11. Do I need to go through a criminal background check to enroll in a nurse aide training course or take the state test?

No. However, an employer is required to request a criminal background check within five business days after an individual begins conditional employment. The O.A.C. rule 3701-13-05 states that, except as set forth in O.A.C. rule 3701-13-06 (which lists various personal character standards), a facility may not employ an individual in a position that involves direct care to an older adult if the individual was convicted of or pleaded guilty to the disqualifying criminal offenses listed in rule 3701-13-05. Thus, the results of a criminal background check may disqualify an individual from working as a nurse aide.

12. Are nursing homes and residential care facilities required to check the nurse aide registry for all staff (i.e. Employees, Medical Director, Consultants, Contractors, and Volunteers) to ensure they have not had a finding of abuse, neglect, exploitation, mistreatment of residents or misappropriation of resident's property prior to hiring?

Yes, for licensed nursing homes and licensed residential care facilities, the Ohio Administrative Code (OAC) 3701-17-07(K) and 3701-16-06(L) requires nursing homes and residential care facilities to search the nurse aide registry for any employee who applies for a position that involves the provision of direct care to an older adult/residents.

In addition, for nursing homes certified to participate in Medicare and Medicaid, the Code of Federal Regulations (CFR) 483.12(a), requires facilities to check the nurse aide registry for all staff (i.e. Employees, Medical Director, Consultants, Contractors, and Volunteers) to ensure they have not had a finding of abuse, neglect, exploitation, mistreatment of residents or misappropriation of resident's property prior to hiring.

13. What types of offenses (plead guilty or convicted) would disqualify a nurse aide from working in a long term care facility?

A list of disqualifying offenses is found in the Ohio Administrative Code (OAC) 3701-13-05.

14. Can I still work as an aide in a long term care facility, if I have plead guilty or been convicted of an offense listed in the Ohio Administrative Code (OAC) 3701-13-05.

This decision to hire is a matter for the prospective employer. The Ohio Administrative Code (OAC) 3701-13-06 can be used as a guideline in their decision to hire a nurse aide who has plead guilty or been convicted of a listed offense.

15. Can a facility count a nurse aide trainee toward meeting the staffing requirements?

Yes, a facility can count a nurse aide trainee toward meeting the staffing requirement if the individual: a) has completed the first sixteen hours of an approved training course; b) is under the supervision of a registered or practical nurse; and c) is competent to do nurse aide work. Please note that only the number of hours the individual spends doing nurse aide work outside the classroom/clinical portion of the approved training program counts toward meeting the staffing requirement. Also note that the Registry will start calculating the four-month grace period on the date of the individual's first use as a nurse aide outside the classroom/clinical portion of the approved training program.

16. If a nurse aide pays for training and testing and is then hired by a long-term care facility, can the nurse aide be reimbursed for the cost of training and testing?

Yes. Up to twelve months after completing training, a nurse aide can request reimbursement for the cost of training and testing. Federal regulations (42C.F.R. 483.152) allow a facility to request reimbursement for these costs.

17. Are students required to have a physical and a TB test under Ohio law?

If a student is NOT employed by the facility, he or she is not required by law to have a physical, and may not be required to have a TB test if certain conditions are satisfied. Generally, anyone who works or is used by a facility that does not receive or expect to receive compensation for services performed (other than reimbursement volunteer does not have to have a physical, and only needs a TB test in certain circumstances.

Please note, however, that a facility *may* have a policy requiring all volunteers to have a TB test, physical, or both. Also note that a student who is employed by the facility (i.e., who does not meet the definition of a volunteer) must comply with the same physical and facility-specific TB testing requirements as other paid personnel.

18. Where can I attend nurse aide training classes?

You may call the Nurse Aide Training Competency Evaluation Program ("NATCEP") at (614) 752-8285 or e-mail NATCEP@odh.ohio.gov for information about the location of nurse aide training classes.

19. What are the nursing experience qualifications to be a program coordinator for an approved training and competency evaluation program?

Paragraph (B)(2) of O.A.C. rule 3701-18-09 requires a program coordinator to have a minimum of two years nursing experience, at least one of which is in the "provision of long-term care facility services." ODH interprets this requirement to mean that a program coordinator must have worked as a nurse for at least two years. In addition, for at least one of those two years, a program coordinator must have worked as a nurse in a long-term care facility providing care or services to residents. Please note that ODH has narrowed the definition of "provision of long-term care facility services" from the definition used by the Ohio Board of Nursing when it administered the nurse aide training and competency evaluation program as ODH's contractor.

20. What is the requirement regarding absences of students in training and competency evaluation programs?

Absences must be made up within sixty days of the date the student is absent (see paragraph (D) of O.A.C. rule 3701-18-08). The student must make up the time on an "hour for hour" basis to insure that he or she receives the required seventy-five hours of training (see paragraph (A) of O.A.C. rule 3701-18-12). If a student is unable to make up the absence with the required sixty days, the program should drop the student from the class and the student should start over again when a new class begins.

21. Why are nurse aide training programs required to teach application of restraints?

Federal law allows the use of restraints when the restraints are used to treat a resident's medical symptoms (See 42 CFR 483.13, "Resident Behavior and Facility Practices: Restraints"). As long as federal law allows the use of restraints and Ohio nursing homes continue to use them, Ohio will continue to teach proper and safe application.