

REMINDER ABOUT FOUR MONTH GRACE PERIOD FOR NURSE AIDES

This communication is to remind long-term care facilities about how the four-month grace period is calculated with respect to using as a nurse aide, an individual who does not meet the mandated training and testing requirements.

According to paragraph (G) of rule 3701-17-071 of the Administrative Code, adopted in 1992, the four-month grace period, for using as nurse aides, individuals who do not meet all of the required training and/or testing requirements, is cumulative. This provision specifically 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, an individual cannot work as a nurse aide for more than a **total** of four months in long-term care facilities without having successfully completed an approved training and competency evaluation program and/or competency evaluation program.

Individuals used as nurse aides during the four-month grace period must be working toward meeting the training and testing requirements by participating in a training and competency evaluation or the competency evaluation program required under the rule. Paragraph (F) of rule 3701-17-071 states that an individual is considered to be participating a program if, at minimum, the individual has documentation, signed by a representative of the specific program, attesting that the individual is scheduled to attend the program. Therefore, individuals who qualify for the testing only option or who have already successfully completed an approved training and competency evaluation program must be scheduled to take the competency evaluation program.

In light of these provisions, each long-term care facility is responsible for checking the prior work history of an individual it plans to use as a nurse aide. If this check shows an individual was previously used as a nurse aide by another long-term care facility, 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 total. Time spent in the nurse aide training and competency evaluation program, including the clinical portions of the training program, does not count toward the four-month period. However, if a facility chooses to use an individual as a nurse aide after the individual has completed the first sixteen hours of the approved training, then the time spent providing nurse aide services, outside the clinical portions of the training program, counts toward the four-month period.

A facility will be considered as complying with this provision if it has documentation evidencing that an inquiry about previous service was made, such as a statement from the individual (or past facility employer) that:

- indicates the length of any previous service as a nurse aide with any facility; or
- indicates that he or she has no previous service as a nurse aide.

In closing, a facility must count any previous use as a nurse aide (by a long-term care facility) against the four-month total. An individual cannot move from facility-to-facility and receive a full four-month grace period each time he or she moves.