

Nurse Aides, Nurse Aide Training Programs & Nurse Aide Trainers

Bureau of Community and Health
Systems

October 18, 2017

Introductions

- Bureau Director-Larry Horvath
- Division Director-Teri Lee Dyke
- Section Manager-Jim Wiggins
- Investigators-Sergio Grijalva, Steve Weber and Ryan Schoch
- Departmental Analyst-Moneah James
- Department Techs- Tina White and Linda Miller



Facts

Nurse Aides	Training Programs	Nurse Aide Trainers
53,000	215	1000



History

Establishment of nurse aides-during WWII
Omnibus reconciliation bill of 1987
42 CFR 483.156-requires states to establish
and maintain registry

Nurse Aide enforcement history in Michigan state government

The regulatory function of nurse aides was transferred to the Bureau of Community and Health Systems in March of 2016. Prior to that, it was under the Bureau of Professional Licensing, beginning in 1999.

Unfortunate nurse aide history in Michigan

In 1988, Gwendolyn Graham and Catherine Wood were arrested for the killing of 5 elderly female residents at a long term care facility near Grand Rapids. Woods agreed to testify against Graham, who was convicted of 5 counts of first degree murder for allegedly suffocating her victims with a washcloth. “Forever and five days” by Lowell Cauffiel was a book covering this tragedy.

Federal code and legal authority

Section	Relevance
483.35	Requirements for hiring nurse aides
483.5	Definitions-Nurse Aide, Facility (State licensed long term care facility)
483.95 (g)	Required in-service training
483.151	State review and approval of nurse aide training and competency evaluation programs
483.152	Requirements for programs
483.154	Nurse Aide Competency Evaluation
483.156	Registry of nurse aides
488.332	Investigations of complaints
488.335	Actions on complaints of abuse, neglect and misappropriation of resident property



Nurse aide registry

483.156-covers establishment of registry

Currently being run by Prometrics.

<https://www.prometric.com/en-us/clients/nurseaide/pages/mi.aspx>

Contact: Prometric

MI Nurse Aide

7941 Corporate Dr.

Nottingham MD 21236

Phone: 800.752.4724

Reporting abuse, neglect and misappropriation of resident property

- Bureau web page-File a complaint-nurse aides
- Individuals-Allegation form
- There is no facility reporting form – No Change in Staff Privileges form
- 333.20175-does not apply-nurse aides are not licensed health professionals
- Heather Hosey-Complaint Intake Manager-FRI, MI-ACTS portal



MILogin for Third Party

Login to your account

User ID

Password

LOGIN

SIGN UP

[Forgot your User ID?](#)

[Forgot your password?](#)

[Need Help?](#)



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Nurse aide Investigations and Enforcement

Introduction-Jason Scheeneman-Administrative Law Specialist-Enforcement Section

Investigations

Law	Relevance
42 USC 1395i-3 (g) (1) (C)	Authority to investigate
488.5	Abuse definition
488.5	Neglect definition
488.5	Misappropriation of resident property
483.335 (a) (b)	Investigation mandated

Enforcement

Law	Relevance
488.335 (c)(d)(e) (f)	Actions after investigations



State Legislation

Senate Bill 286-Codifies Federal Code into the Michigan Public Health Code for the training and registration of nurse aides. Allows reciprocity of nurse aides from other states. Also allows for the regulation of nurse aides in other settings than long term care. Establishes fees.

Nurse Aide Training Programs

483.151-Outlines state review

Currently, we have 215 training programs.

483.152-Outlines requirements for approval of training program

*New program application-Combined instructions and application

Primary instructor-Supplemental instructor

Testing-483.154-Done by Prometric

Waivers

42 USC 1395i-3 (f)(2)(c)

Waiver is only for a nurse aide training program offered in, not by the facility.

A facility is locked out when:

- a) They have operated under a waiver
- b) Have been under a partial extended or extended survey
- C) Have been assessed a civil money penalty of not less than \$5000

Applying for a waiver: Follow direction on Bureau's web page
http://www.michigan.gov/lara/0,4601,7-154-63294_74190---,00.html

Nurse Aide Trainers

42 CFR 483.152 (a) (5) (i)

Must be a registered nurse with two years of nursing experience. At least one year must be in the provision of long term care facility services.

Facility is defined in 42 CFR 483.5

Result: You must have worked for 1 year in a state license long term care facility to be a nurse aide trainer (NAT). No exceptions.

Supplemental instructors: May supplement the NAT. They must have 1 year experience in their fields. They primarily are licensed health professionals.

Facility Reported Incidents (FRIs)

What is a FRI?

- F225 482.12(c)(1): All alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property.



2 hour versus up to 24 hour reporting:

- 2 hour reporting: All alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property or result in serious bodily injury, are reported immediately, but not later than 2 hours after the allegation is made.
- Up to 24 hour reporting: If the events that cause the allegation do not involve abuse and do not result in serious bodily injury the facility has up to 24 hours to report. These allegations should be reported as soon as possible.



Where is a FRI reported?

To the State of Michigan, Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems.

http://www.michigan.gov/lara/0,4601,7-154-63294_63384_75971---,00.html



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LTC - Facility Reported Incidents (FRI)

This page is designed to assure that long term care providers are compliant with state and federal requirements to report:

- Physical, mental, or emotional abuse, mistreatment, or harmful neglect of a resident. MCL 333.21771.
- Alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source, and misappropriation of a resident's property. 42 CFR 483.13(c)(2).

The Bureau has also issued guidance "[LARA Determination of Reportable Incident/Investigation Tool](#)" to clarify what constitutes a thorough investigation.

Please note that during an investigation the provider must prevent further potential abuse while the investigation is in progress. 42 CFR 483.13(c)(3).

FRI 2 (two) HOUR REPORTING FORM

The facility is still responsible for entering all of the incident information into the State of Michigan MIACTs system within the required 24 hours.

MI-ACTS

MI-ACTS is the state online reporting system for long term care providers (nursing homes, county medical care facilities, and hospital long term care units) to enter Facility Reported Incidents.

NOTE:

If you are able to submit in MIACTS within 2 hours, the 2 Hour Reporting Form is not mandatory.

The 2 Hour Reporting Form is an option available for when MIACTS is not accessible.

MIACTS Training and Access

- Login access, training information and determination of incident/investigation tool can be found on our website at:
- http://www.michigan.gov/lara/0,4601,7-154-63294_63384_75971---,00.html



Who can help?

- If you encounter issues within the MIACTS application:
- Call 888-324-2647
- E-mail LARA-MDS-OASIS@michigan.gov



MI-ACTS

MI-ACTS is the state online reporting system for long term care providers (nursing homes, county medical care facilities, and hospital long term care units) to enter Facility Incidents.

- [MiLogin Instructions](#)
- [MI-ACTS Training Manual](#)
- [MI-ACTS Training Videos](#)
- [Long Term Care Provider Portal Authorization Form](#)

For assistance with issues logging (forgot password, account locked) into MiLog
[Help](#)

If you encounter issues within the MiACTS application call 888-324-2647 or email
MDS-OASIS@michigan.gov



Reporting a Certified Nurse Aide

Complaints regarding abuse, neglect or misappropriation of a resident's property should be reported by an individual at:

http://www.michigan.gov/lara/0,4601,7-154-63294_75589_77001---,00.html

FYI:

If you are reporting on behalf of a facility, please submit the complaint via the MIACTS portal. Please do not report in both sites.

FRIs reported in MIACTS get communicated to the Health Facility Professional and Nurse Aide Section internally.

How to file a CNA complaint:

How to File a Complaint

- For an **individual** wishing to file a complaint, please submit the [Allegation Form](#) (BCHS-CNA-Complaint-202).
 - This completed form may be sent by mail, fax or e-mail. The contact information is listed on the form.
 - **Note:** Provide as much detailed information as possible including date, time, location, and person involved. Also please provide an e-mail and/or phone number to allow for follow up as needed.
- For a **nursing home** wishing to file a complaint, please submit the complaint via the [MI-ACTS](#) portal.
 - If a CNA investigation is warranted, this investigation will be conducted separately from any Facility Reported Incident (FRI) investigation that may occur.

Resources

- [CMS State Operations Manual – Appendix PP Long Term Care Facilities](#)
- [Michigan Public Health Code Reporting Nursing Facility Reporting Requirement](#)

Contact Information

Michigan Department of Licensing and Regulatory Affairs (LARA)

Bureau of Community and Health Systems

Health Facility Licensing, Permits and Support Division

Health Facility Professional and Nurse Aide Section

P.O. Box 30664

Lansing, MI 48909

Phone: 517-335-1980

FAX: 517-241-3354

E-mail: BCHS-Complaints-Nurse-Aides@michigan.gov



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