



Comments to Rule Set 2021-81 LR

The Health Care Association of Michigan (HCAM), which represents 361 skilled nursing facilities across the state, would like to offer support for and suggested improvements to rule set 2021-81 LR. It is important that the rule set is viewed in context of the significant workforce challenges experienced by long-term care, and the need to ensure the thousands of unregistered aides working under the 1135 waivers have a pathway to the CNA registry.

While sectors across the economy face similar challenges, the workforce shortage in the health care sector, and nursing facilities specifically, is uniquely challenging. According to data from the U.S. Bureau of Labor Statistics, the long-term care industry is facing the worst job loss among all health care providers. In Michigan, an HCAM survey of membership indicates a 17% decrease in the workforce from pre-pandemic levels, with currently more than 8,000 job openings.

To further avoid access issues for Michigan's seniors needing around the clock skilled nursing care, it is important that barriers are removed to help attract and retain individuals into the profession. HCAM's suggested improvements to the language are detailed below.

- In order to help transition temporary aides onto the CNA registry, HCAM is working with a training program and LARA to allow flexibility and enhance accessibility of training – such as remote/online training and training conducted at a nursing facility. While the rules state the department shall conduct a pre-permit survey within 60 days after an application is complete (400.332(4)), it is critical that the department conduct this survey as expeditiously as possible, particularly during the federal Public Health Emergency for COVID-19. Legislation has been introduced to outline an expedited timeline, and it would be prudent to incorporate of similar language in these rules.
- Part of the flexibility sought through remote training, and training conducted at a nursing facility, is to have a nurse on staff approved as a trainer. The language in 400.335(1)(b) requires a training program to have a permitted nurse aide trainer during classroom hours. HCAM requests that this language be clarified to state that a permitted nurse trainer be available to the trainee.
- Expand the restriction of 8 hours of self-study time under 400.335(d)(ii) to allow for the trainee to take full advantage of the remote/online offering. Michigan rules require 34 classroom hours – all 34 hours should be eligible through self-study time.
- HCAM is very supportive of the language in 400.351(3). Offering options outside of flagging the CNA for abuse and automatically losing registry ensures enforcement of the registry and safety of residents, while also allowing CNAs to improve and continue as caregivers at a time when they are needed most.

To avoid unnecessary burdens for registry as a CNA in Michigan, HCAM requests clarifications stated above.

Rich Farran
V.P. Government Services
Health Care Association of Michigan

Bagby, Tammy (LARA)

From: Dr. Amelia Kenyon <drkenyon@professional-education-services.com>
Sent: Tuesday, March 22, 2022 8:11 AM
To: LARA-BCHS-Training; Horvath, Larry (LARA); nschoenmaker@professional-education-services.com
Subject: Public Comment on Proposed Rule changes to NATP

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Greetings,

This email is being sent in regard to requests for public comment on the proposed rule changes for Nurse Aide Training Programs in the state of Michigan.

We are Professional Education Services, LLC, and as the owners of a Nurse Aide Training Program, we have a few comments we would like added to the official record, if you please.

1. 1.) While these rules do further clarify what is expected of NATPs, there is little to no clarification on the role that the state will play except to state that there will be required responses within 30 days. (I can absolutely guarantee you that this is not currently happening and has not happened since our school was opened in early 2021.) Our question is: who is going to monitor this? As it currently stands, the responsiveness from the state and the woman currently overseeing these programs, Moneah James, is less than mediocre at best. Her responsiveness (and lack thereof) is all over the place. For instance, we had two new employees added to our roster in January. We received a response stating one was added, and absolutely NOTHING about the other one. This type of communication is par for the course with Moneah James. Who will be monitoring her going forward to ensure the job is in fact done, and she is, in fact, communicating in the manner that is spelled out in these rules? Another example: one of our trainers submitted her Train the Trainer application in December. It wasn't until she had to call the State, that she was told by Moneah James that her application was "thrown out" because she had mistakenly forgot to include her check. She was never notified of this, and had she not called, she would have never known. So again, we ask, who is going to monitor communications and ensure that this is being done? How will a NATP have recourse if the state is not following through on the rules that they have set in place and are attempting to implement? (If interested, I have pages and pages of documentation of the State of Michigan not following through and being completely unprofessional towards our NATP staff while further not following through on the role that is expected.)
2. 2.) We would like to see the role of the state supervisor of the NATPs be a Registered Nurse. If a CNA cannot supervise nurses, we do not feel that a state employee with no medical background or training should be able to supervise nurse aide training programs. How can one effectively do this without the knowledge, understanding, and training of the role of a registered nurse? We would like to see an addendum to these rules added that says that any state employee supervising nurse aide training programs be a registered nurse hired through the state of Michigan, and that they must also have long term care experience training and a background. This is only fair that you have this requirement for whomever is overseeing the training programs as well. They MUST be a registered nurse to supervise NATPs. We do not feel that this is too much to ask.
3. 3.) As you may or may not be aware, it is very, very difficult to find qualified trainers to teach in a CNA training program. Most RNs do not go to work in long term care facilities. Finding staff is a challenge. We receive calls nearly every day from other programs looking to "borrow" our Train the Trainers, because they have difficulty finding nurse aide trainers, and desperately need help. Please keep this simplified as to who can teach, including supplemental instructors. Do not

add more requirements for our programs or for Train the Trainers; this will make it absolutely impossible to find qualified instructors. It is already clear that this law needs to change at the federal level to be more inclusive for instructors, but until this can happen, please do not make it even harder to find instructors for us. There is a statement in this section that says: "Other like provider types can be accepted at the discretion of the department," but that discretion, being left to someone who is not a nurse, and a person who may be passive aggressive towards applicants (as has been our experience!) it is dangerous to applicants to leave in this wording. Either have it fully spelled out, or do not leave this statement in there.

- 4 4.)Thank you for giving us the opportunity to offer a hybrid/online learning program! We get calls about this nearly every single day. This would allow us to open up our program to so many different students who may not be able to come to class, but would be able to remotely log in for the first week of training and then come to train with us after they were done. The only concern with this, is in getting the program approved by the state. What will be the requirements to get this approved? Again, we have had serious issues getting other programs approved through the current supervisor, Moneah James. When we attempted to start a weekend only option, we never did get a straight answer from her. (She was more concerned that we had listed the Prometric testing fees on our syllabus than in approving our program!) What will the process be? How long will we have to wait to get approval? This should be further clarified so that programs like ours know exactly what to expect and demand.

Th Thank you for your time today.

D Dr. Amelia Kenyon DNP, MSN, BSN, RN- Program Director and

Naomi Schoenmaker MSN, BSN, RN- Co-owner

Pr Professional Education Services, LLC

--
Dr. Amelia "Amie" Kenyon
DNP, MSN, RN
Program Director
616-805-9255

