



WI Director of Nursing Council

Nursing Assistant Shortage Complicated by Wisconsin Regulation

The Wisconsin Director of Nurse Council, (WDONC) represents nursing leaders in Skilled Nursing, Assisted Living, Hospice and other Long-Term Care Facilities. Our members are Directors of Nursing, Assisted Directors of Nursing, Staff Development, Nurse Managers, Administrators, Suppliers and Consultants, among others who are looking to advance nursing in the continuum of care.

Our purpose in sharing a position paper on the healthcare worker crisis facing the long term care industry is to heighten awareness specifically on the Certified Nurse Aide (CNA) shortage. Our organization believes that this shortage has been directly impacted by the rules and regulation imposed by the State of Wisconsin through its regulation of nurse aide training requirements. Although according to studies this staffing crisis is multifaceted the WDONC has chosen to focus on revised legislation to positively impact this issue. Indirectly this will also decrease the cost to the Wisconsin Medicaid program. Impacting the availability of nursing assistants will in turn assist us in resolving the turnover of nursing leadership in long term care which can directly be tied to the quality of care that is delivered to the states most vulnerable citizens.

The WDONC is proposing **the elimination of the 120 hours nursing assistant training requirement and a return to the federally mandated 75 hour requirement.** This change will increase the financial ability of individuals interested in healthcare careers to enter the field in a time frame that is comparable to other entry level positions, will decrease the financial burden on the individual and still adequately prepare them for entry as a health care worker providing basic cares to Wisconsin citizens in need of care in long term care continuum due to illness and/or disability.

Training programs should still be allowed to determine the hours that they wish to train nursing assistants as they were prior to the implementation of the legislation requiring the 120 course. But the legislation should only mandate the federal requirement of 75 hours.

History:

In 1987 the federal government enacted the Omnibus Reconciliation Act or OBRA. In that regulation 75 hours of training were mandated for nursing assistants before they could work in federally certified nursing homes. This mandate was to assure basic training for entry level healthcare workers.

Wisconsin's statutory regulation related to nursing aide training is DHS Chapter 129. In 2008 the Wisconsin Rule was changed to require 120 hours of training as opposed to the federally mandated 75 hours. In 2013 Act 357 was passed in an effort to bridge the ability of CNAs from other states to obtain certification in Wisconsin if they were already certified in other states. It provided direction to accept certification from other states if the individual had been trained; competency tested and worked 2088 hours. It also provided for the ability to create a shortened training course consisting of an additional 45 hours allowing CNAs from other states that did not have the work experience to gain the additional hours without having to take an entire 120 hours course.

Facts:

The healthcare worker shortage that encompasses both licensed nurses and CNAs has well documented with studies dating back to 2008. The study completed in 2008 projected a continue need for additional workers secondary to the increased demand for long term assistance by the aging of America. The Wisconsin Hospital Association in 2014 reported vacancies in hospitals at 7.1 percent for CNA positions. Today, 2016 a study conducted by Leading Age, Wisconsin Healthcare Association, Wisconsin Assisted Living Association and Residential Services Association of Wisconsin reported vacancies of 14.5 percent in the caregiver category. This report also notes that the CNAs entering the healthcare career is continuing to decline with statistic showing 24% less individuals applying for certification and a decline of 5,431 in individuals renewing their CNA certification.

There is no doubt the staffing problem exists. Finding solutions for these shortages in the long term care environment is complicated by poor wages, underfunding of the Medicaid program and workforce numbers in total but it is further crippled by self imposed regulatory requirements above the minimum standards set forth by the federal government.

DHS 129 requires 120 hours of training to become a certified nursing assistant in the state of Wisconsin. Our neighboring states of Minnesota, Michigan and Iowa require only the 75 hour course for certification. Individuals from these neighboring states are not recognized as being adequately prepared to work in Wisconsin unless certain other criteria are met. This criteria is so burdensome that many trained individuals work in fields other than healthcare due to wage disparity, difficult entry into the healthcare workforce due to regulatory issues surrounding certification and the need to earn a living immediately.

To enter the healthcare industry as a Certified Nursing Assistant the individual must apply and be accepted into an approved nursing assistant course. These courses are approved and

monitored by state of Wisconsin to assure compliance with the standard set forth in DHS 129. The applicant is paying on average \$700 for this course. If the course is offered through the technical college environment there is often additional student fees incurred. The applicant then must successfully complete the course by attending and then passing both a written and skills test. The courses are offered in an accelerated fashion with completion within a month attending classes full time, may be conducted by semester or other offering to meet the individual needs. After the course is completed a state approved competency test is conducted costing \$110.00 plus approximately \$8.00 in additional fees. This evaluation consists of both a written and skills test. Wait time for testing times varies throughout the state but is reported by the State of Wisconsin to be in an acceptable range of on average 2 weeks. This leaves the individual seeking an entry level position out of the healthcare industry for a minimum of 6 weeks.

Points of Discussion:

The implementation of an increase in training was with the good intention of improving the quality of care to the elderly and disabled in Wisconsin. Through federally reported quality indicators there is no documentable impact on the quality provided that can be linked to increased staff training in the state of Wisconsin. There is no evidence that longer training has impacted the quality of care. What is documented is that nursing leadership retention directly impacts the quality of care.

Citations in nursing homes at the highest level called immediate jeopardy are at record levels with only 2008 being higher. Therefore, the intended purpose of the increased training hours for nursing assistants has failed.

Entry level positions in other fields are often associated with no time commitment for training and better wages. Therefore, the employable seek jobs that provide income immediately, especially if their primary reason for being in Wisconsin seeking employment is to supplement them as they complete their education in one of Wisconsin Colleges.

Nursing homes in particular are already mandated through regulation to assure that care is being provided by properly trained and qualified individuals. The responsibility to meet this regulation is on the employer not the State of Wisconsin.

The long term care industry needs every individual interested in healthcare career to be able to enter that career with reasonable training and financial expectations.

The Directors of Nurses in long term care have an unacceptable turnover rate which directly impacts the residents they care for. The WDONC in a study of 79 leaders in long term care found that 63% of them identified staffing as their number one challenge.

Recommendations:

The WDONC supports the return to the 75 hour nursing assistant federal training requirement. This simple regulatory change from the required 120 hours to the 75 hour course:

- Will improve the ability of providers of Wisconsin's long term care to attract, hire and retain the much needed Certified Nursing Assistant.
- Will allow long term care facilities to provide the training that is necessary to meet the needs of their particular resident/client population.
- Will allow regulators to hold nursing homes accountable to well trained and qualified staff through existing federal regulations.
- Will decrease both the financial and time investment by the potential healthcare worker interested in entry level career opportunities.
- Will allow individuals certified in neighboring states to become certified and work in Wisconsin long term care without additional cost and time to the worker. It allows properly trained and willing workers to provide services to our elderly and disabled instead of seeking employment in other industries.

This move will not resolve the entire healthcare worker shortage we are facing. Since 2008 we have done little to significantly impact the ability to attract healthcare workers we have only watched the crisis develop. Now that crisis is upon us, we must take action. Returning to the federally mandated training requirement of 75 hours can be that one thing that has an impact on both increasing the numbers of available trained and certified nursing assistants with the indirect effect of nursing leadership retention.

This proposal does not ask for additional Medicaid dollars but make as reasonable request for less regulation.

Dear Legislator:

My name is _____ I am connected to long-term care in _____ Wisconsin,

because I am a _____.

Wisconsin’s long-term care provider community has a workforce crisis that is:

- Leaving people with disabilities and the elderly without needed care
- Forcing businesses to close due to revenue losses or inability to hire Direct Care Workers
- Increasing reliance on public assistance by Direct Care Workers due to low pay; and
- Jeopardizing sustainability of Wisconsin’s Long-Term Care system

The workforce issue is important to me because: _____

I am asking you to support policies that strengthen the long-term care workforce-the Direct Care Workers who serve our most vulnerable Wisconsin citizens. Your support will help end this crisis!

More information at: www.wiworkforcealliance.com

My contact information is:

Email address: _____

Address: _____ City/State _____ Phone: _____