

**FISCAL NOTE
PRIVATE COST**

**I. Department Title: DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division Title: Division of Regulation and Licensure
Chapter Title: Training Program for Nursing Assistants**

Rule Number and Title:	19 CSR 30-84.010 Nursing Assistant Training Program
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
183	Intermediate Care Facilities (ICFs) and Skilled Nursing Facilities (SNFs)	\$313,891
2	Vocational technical, comprehensive high schools approved by Missouri Department of Secondary Education (DESE)	\$3,431
11	Private agencies approved by Missouri DHE	\$18,868
2	Long Term Care (LTC) Associations	\$3,431
10	Hospitals	\$17,153
3	Private agency/schools approved US Department of Education	\$5,146
633	Instructors – Update training	\$94,950
1,850	Individuals not reimbursed for cost of the Certified Nursing Assistant (CNA) final examination	\$231,250
2,567	CNA renewals certifications	\$51,340
	TOTAL COSTS:	\$739,460

III. WORKSHEET

Costs of Student Manual/Instructional Materials on private entities

ICF/SNFs: (1 student manual @\$51.68) x (10 students per class) x (183 facilities) x 3 classes = \$283,723.20

Vocational technical schools, comprehensive high schools approved by DESE: (1 student manual @\$51.68) x (10 students per class) x (2 schools) x 3 classes = \$3,100.80

Agency/schools approved by Missouri DHE: (1 student manual @\$51.68) x (10 students per class) x (11 agencies/schools) x 3 classes = \$17,054.40

LTC associations: (1 student manual @\$51.68) x (10 students per class) x (2 associations) x 3 classes = \$3,100.80

Hospitals: (1 student manual @\$51.68) x (10 students per class) x (10 hospitals) x 3 classes = \$15,504.00

Private agency/schools approved US Department of Education: (1 student manual @\$51.68) x (10 students per class) x (3 agencies/ associations) x 3 classes = \$4,651.20

Total for costs of student manual/instructional materials for private entities: \$327,134.40

Costs of Instructor Materials/Manuals on private entities

ICF/SNFs: (1 instructor manual @\$54.95) x (3 instructors per facility) x (183 facilities) = \$30,167.55

Vocational technical schools, comprehensive high schools approved by DESE: (1 instructor manual @\$54.95) x (3 instructors per school) x (2 schools) = \$329.70

Agency/schools approved by Missouri DHE: (1 instructor manual @\$54.95) x (3 instructors per agency/school) x (11 agencies/schools) = \$1,813.35

LTC associations: (1 instructor manual @\$54.95) x (3 instructors per association) x (2 schools) = \$329.70

Hospitals: (1 instructor manual @\$54.95) x (3 instructors per hospital) x (10 hospitals) = \$1,648.50

Private agencies/schools approved US Department of Education: (1 instructor manual @\$54.95) x (3 instructors per hospital) x (3 agencies/schools) = \$494.55

Total for costs of student manual/instructional materials for private entities: \$34,783.35

Costs of CNA final examination for individuals taking the exam

Fee to administer a CNA final examination: \$125.00

The total number of number of CNA final exams administered was calculated by averaging the number of CNA final examinations sent out for 2019 and 2020: $7,490 + 7,312 = 14,802 / 2 = 7,401$

The department estimates that approximately 25% of individuals taking the CNA final examination would have to pay for the costs on their own.

The costs for the number of CNAs not receiving reimbursement for the final examination was calculated by the average number of active CNAs (7,401) x .25% = 1,850 x cost of final examination (\$125.00) = \$231,250.00

Total costs for the number of CNAs who will not receive reimbursement for taking the final examination: \$231,250.00

Costs of twenty-four (24) month CNA renewal certifications

Fee for each CNA renewal certification: \$20.00

The department estimates they process approximately fifty percent (50%) of CNA renewal certifications on a yearly basis.

Total number of active CNAs that may seek renewal certification was calculated by averaging the active number of CNAs for 2019 and 2020: $5,850 + 4,416 = 10,266 / 2 = 5,133$

The total number of CNA renewal certifications issued annually was calculated by estimating the average yearly number of active CNAs (5,133) / fifty percent (.50) = 2567

The cost for CNAs to renew their certification to remain active was calculated by the average number of active CNAs (5,133) / 50% = (2,567) x cost of renewal (\$20.00) = \$51,340.00

Total costs for the number of CNA renewal certifications that potentially be processed by the department approved third party test administrator on a yearly basis: \$51,340.00

Costs of Instructor Update Training Every 5 Years

The department received a proposed fee from a certifying agency who plans to develop and conduct the instructor update training. The proposed fee per class is: \$150 (training materials would be included in the cost)

Number of approved instructors in SLCR – Health Education Unit (HEU) database: 3,708

It is not known if all active instructors listed in the HEU database will take the update training. The formula for determining the costs to instructors is based on the estimated number of instructors employed by an approved privately-owned training agency.

The Section for Long-Term Regulation (SLCR) asked several training agencies for input on the number of instructors employed/contracted. Five (5) training agencies responded and their responses were averaged to come up with an approximate number of instructors for each training agency. The average was found by the following number of instructors: $5+4+2+1+3=15$ instructors. $15 \text{ instructors} / 5 \text{ training agency responses} = 3$ instructors average per training agency.

Privately-Owned Training Agencies

- ICFs/SNFs = 183
 $183 \text{ facilities} \times 3 \text{ instructors} = 549 \text{ employed instructors}$
- DESE = 2
 $2 \text{ entities} \times 3 \text{ instructors} = 6 \text{ employed instructors}$
- DHE = 11
 $11 \text{ entities} \times 3 \text{ instructors} = 33 \text{ employed instructors}$
- LTC Associations = 2
 $2 \text{ entities} \times 3 \text{ instructors} = 6 \text{ employed instructors}$
- Hospitals = 10
 $10 \text{ entities} \times 3 \text{ instructors} = 30 \text{ employed instructors}$
- US Department of Education = 3
 $3 \text{ entities} \times 3 \text{ instructors} = 9 \text{ employed instructors}$

Total number of privately-owned training agencies=21

Total number of instructors employed by privately-owned training agencies:
 $549+6+33+6+30+9= 633$

The costs for the number of instructors needing to take the required Instructor Update training course was calculated by using the estimated number of instructors employed/contracted by privately-owned training agencies (633) x cost of the update course (\$150.00) = \$94,950

Total proposed costs for an instructor to take the required four (4) Instructor Update training course: \$94,950

IV. ASSUMPTIONS

Costs of Student and Instructor Manual/Instructional Materials on private entities

All approved training agencies are required to provide each student and instructor his or her own instruction training material(s) that encompasses the required curricula content found in 19 CSR 30-84.010. A training agency conducting the nursing assistant basic course must purchase material(s) that is published, includes all the curricula content for the basic course listed in 19 CSR 30-84.010, and is no more than ten (10) years old.

The private fiscal note is based on the assumption that all department approved nursing assistant training agencies will purchase the required training material(s) for each student and instructor.

There are currently 211 entities that are privately-owned training agencies approved by the department which include the following:

- 183 ICFs/SNFs
- 2 DESE
- 11 DHE
- 2 LTC Associations
- 10 Hospitals
- 3 Private agencies

Total of 211 privately-owned training agencies

The formula for determining the costs an approved training agency would incur to purchase the required nursing assistant training materials for instructors and students would be at least one (1) textbook for each student and one (1) textbook for each instructor. The department estimated that each approved training agency would maintain an average number of instructors per class, conduct a certain number of training classes per year with an average number of students per class.

The department reviewed three (3) entities that publish a nursing assistant training textbook for students and instructors to determine an average costs for a training manual/material. Based on the information, the department estimated the average cost for a student nursing assistant training manual/materials to be: \$51.68 and the average cost for an instructor's nursing assistant training manual/materials to be: \$54.95

The department received input from several training agencies on the number of instructor's employed/contracted, number of students per class, and the number of classes held per year. Based on the information provided the estimated number of instructors per class is 3; average students per class is 10; and the number of classes held per year is 3.

The formula for determining the cost to a training agency to purchase the nursing assistant training material for each student is as follows: (Average cost of one (1) student textbook) x (number of students per class) x (number of privately-owned training agency) x (number of classes).

The formula for determining the cost to a training agency to purchase the nursing assistant training material for each instructor is as follows: (Average cost of one (1) instructor textbook) x (number of instructors per training agency) x (number of privately-owned training agency). NOTE: Because some instructor textbooks and online teaching instruction are free with the purchase of student texts, this will help keep instructor costs more affordable. Also, the department assumes that the training agency keeps the instructor materials, regardless of who instructs the course and instructor materials are only purchased once during the year.

Costs of CNA final examination

Regulation 19 CSR 30-84.010 requires an applicant/student who has taken the nursing assistant training program to successfully pass the final examination (written & skills) in order to become a certified nursing assistant (CNA) and be added to the active Missouri CNA Registry. The department is proposing a new requirement that allows a department approved third party test administrator to set a cost/fee to administer the CNA final examination. The applicant/student is required to register with the department approved third party test administrator to take the final examination.

Current regulation allows examiners to set their own fee to administer the final exam. The Section for Long-Term Regulation (SLCR), Health Education Unit (HEU) made contact with various examiners to obtain an average cost of what an examiner may charge an applicant/student to administer the final examination. The costs an examiner currently charges to administer the final examination has been wide ranging from \$30.00 to \$300.00 per final examination. The new proposed regulation requires a third party test administrator to administer the final examination. The third party test administrator will impose one set fee for the final examination.

The regulation does not require an approved privately-owned training agency to pay for the CNA final examination. The proposed regulation requires the applicant/student to register with the department approved third party test administrator in order to take the final examination and submit payment.

The department is not including costs for approved privately-owned training agency regarding the CNA final examination. Certified intermediate care facilities and skilled nursing facilities are reimbursed for costs to train nursing assistants through the Missouri Medicaid CNA reimbursement program, which includes the final examination. The department believes that approved privately-owned training agencies can recoup costs through tuition fees. Hospitals and Veterans' homes are not required to pay for the CNA final examination; however, they may offer incentives or bonuses such as paying for a CNA final examination to retain them for employment. For the purposes of this fiscal note, the department is accounting only for the costs that an applicant/student in an average year would have to pay out-of-pocket to take the CNA final examination.

The fee that will be imposed by the department approved third party test administrator to administer the CNA final examination is: \$125.00

The department estimates that approximately twenty-five percent (25%) of individuals taking the CNA final examination would have to pay for the costs on their own.

The formula used to determine the costs to the number of individuals not receiving reimbursement for the final examination was calculated by: (average number of active CNAs) x (25%) x (cost of final examination).

Costs of Instructor Update Training

The instructor update training is a new requirement and only a department approved certifying agency will be allowed to conduct the training. The department is not certain

all approved certifying agencies will offer the instructor update training. The department received information from one (1) certifying agency planning to develop the update training and conduct the course. The costs may vary depending on which certifying agencies decide to offer the training; therefore, it is not possible to determine a precise cost for the course.

The total number of approved and active instructors based on the department registry: 3,708. NOTE: The SLCR health education unit (HEU) registry database does not track the number of instructors employed or contracted by an approved privately-owned training agency. It is not known if all active instructors will take the four (4) hour Instructor Update training.

The department received a fee quote from an approved certifying agency who plans to offer and develop a training course to meet the four (4) hour instructor update training requirement. The certifying agency estimated it would impose a \$150 fee per instructor to take the four (4) hour instructor update course.

The formula used to estimate the cost of this proposed regulation to the approved instructors is: (# of instructors impacted by proposed regulation) x (cost of training course) = cost to instructors.

The formula used for the cost for the number of instructors needing to take the required Instructor Update training course was calculated by: (estimated number of instructors employed by privately-owned training agencies) x (cost of the update course).

The department is not including costs a certifying agency may incur as a result of conducting the instructor update training. Depending on the number of instructors enrolled in each update training course and charge for the course, it is highly probable the certifying agency will earn a profit for each class held. Even if the certifying agency does not make a profit, the department believes the certifying agency will not incur a cost to teach the course because the certifying agency will receive money from the instructor to take the course.

The department is also not including the costs a privately-owned training agency may incur for the instructor update training because the regulation does not require the training agency to pay for the instructor update training. An individual who wishes to be an approved instructor or retain their approved status will be solely responsible to pay the fee assessed for the four (4) hour Instructor Update Training and complete the course every five (5) years to retain an active status.