

December 5, 2022

Cheryl LeClair  
Department of Health  
3 Capitol Hill  
Providence, RI 02908



**RE: Public Comment on Rule 216-RICR-40-05-22: Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs**

The Hospital Association of Rhode Island (HARI), the Organization of Nurse Leaders (ONL), and the Rhode Island State Nurses Association (RISNA) appreciate the opportunity to provide comment on the proposed amendments to Rule 216-RICR-40-05-22: Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs. Nursing assistants (N.A.) serve as a critical member of the care delivery team across the continuum of care. They assist with the provision of physical, emotional, and spiritual care to patients and families, serving as the backbone to the delivery of high-quality patient care. Timely licensure processes are a critical part of having a healthcare workforce available for those seeking care in RI. The delays and lack of flexibility with the current nursing assistant licensure process has resulted in a significant shortage of nursing assistants in health care organizations across RI, adding to an already precarious situation in the healthcare sectors with high patient volumes and broad healthcare workforce shortages.

*Proposed Amendment #1*

*22.5.4- D. Applicants for initial licensure as a nursing assistant by examination who have completed a nursing assistant training program in accordance with this Part, may be issued a one hundred twenty (120) day Temporary Permit authorizing the applicant to work under direct supervision of a licensed nurse or physician until the applicant has passed all required portions of the National Nursing Assistant Assessment Program or a nursing assistant written and practical examination selected and approved by the Director or his/her designee.*

**HARI, ONL, and RISNA support proposed amendment #1.** The proposed amendment would authorize RIDOH to approve the use of a different N.A. exam, and contract with a different N.A. test administrator. We support the move to improve system flexibility and allow for selection of a new test administrator that would better meet workforce needs in RI.

As partners in the N.A. workforce development pipeline we offer two suggestions for your consideration when seeking a new test administrator for RI. First, to ensure timely access to nursing assistant licensure exams on a go-forward basis we recommend proactive vetting of test administrators to screen for known issues with the current test administrator. There are numerous challenges associated with Credentia's administration of the test. Known underlying issues include, but are not limited to:

- RN staffing in Credentia's testing centers:
  - Credentia's unrealistic compensation structure for RNs prohibits successful recruiting for RN testers at the testing sites.
  - Instructor no shows/ significant tardiness (>2 hours) for skills tests has been problematic.
- Technical Issues with Credentia
  - Website functionality issues preventing sign-ups

- Credit/ debit card required to register for testing which is a major barrier for many
- Credentia is cancelling written and clinical exams *after* they register.
- Trainees are being asked to pay for retests fees despite Credentia cancelling their initial exams.
- Cancellation occurring the day of the exam and rescheduling is unavailable for 2-4 weeks.

Second, we encourage a performance clause and contractual penalties if the new test administrator does not meet the State's expectations. Multiple states are having similar issues, while utilizing different test administrators. We are concerned that an alternate testing administrator may not be the right solution if the State does not set up the right accountability infrastructure.

*Proposed Amendment #2*

*22.5.4- E. ~~No extensions of the one hundred twenty (120) day Temporary Permit shall be allowed. The training program shall provide ongoing assistance to candidates, as necessary and upon the candidate's request, to assure that testing date(s) are scheduled, and to facilitate the candidate's attendance and successful performance of the necessary tests. The availability of this assistance shall be communicated to all candidates prior to the conclusion of the training course. These efforts shall be documented and made available to the Department upon demand.~~*

**HARI, ONL and RISNA support the continued issuance of extension letters for trainees who are unable to obtain testing dates prior to the expiration of their temporary license.** Extension letters allow those individuals to continue in their employment.

While we support the intent of the proposed new language in amendment #2, we are concerned that this amendment may create additional burdens for smaller training programs which may make this amendment difficult to achieve. For example, Lifespan utilizes case managers with wraparound supports to support students and to eliminate barriers to training and employment. This is a highly resource intensive function that could be challenging for smaller programs to execute.

Once again, as partners in the N.A. workforce development pipeline we offer the following suggestion for your consideration. The implementation of a reporting requirement on enrollment and outcome data for N.A. training programs. A reporting requirement would more effectively quantify the intent of proposed amendment #2. This data does not currently exist at the State-level. As a result, we cannot quantify the number of nursing assistants completing training, licensure exams. This data would be helpful in holding key stakeholders accountable to intended outcomes.

We are supportive of forward momentum towards data-driven, high-quality nursing assistant training programs. We appreciate the opportunity to work collaboratively towards solutions on this issue with RIDOH & through the State's Healthcare Workforce groups, in close partnership with EOHHS, HARI, DLT and the Governor's Workforce Board.

Respectfully,

M. Teresa Paiva Weed  
President  
Hospital Association of Rhode Island

Ashley Waddell  
Director Government Affairs & Educational Programs  
Organization of Nurse Leaders MA, RI, CT, NH, VT

Donna M. Policastro  
Executive Director  
RI State Nurses Association



---

December 5, 2022

Ms. Cheryl LeClair  
Department of Health  
3 Capitol Hill  
Providence, RI 02908

RE: **Support** Proposed Amendments to the Regulations for Nursing Assistants, Medication Aides, and the Approval Nursing Assistant and Medication Aide Training Programs (216-RICR-40-05-22)

Dear Ms. LeClair,

I am writing to you on behalf of the Rhode Island Assisted Living Association (RIALA) to **strongly support** the proposed amendments to these regulations to increase opportunities for nursing assistants to test by approving additional testing administrators and sites.

As you know, we are a trade association representing the interests of assisted living residences across the state and we have been pushing for additional testing options for almost two (2) years as the single state-approved testing vendor has either been unwilling or unable to meet the testing demand.

If you have any further questions, please feel free to contact me at 401-435-8888 or [dbodah@riala.org](mailto:dbodah@riala.org). Thank you for your consideration of this important issue.

Sincerely,

David M. Bodah, MBA, CFRE, CAE  
Executive Director



**Rhode Island Partnership  
for Home Care**

*Advancing quality healthcare at home*

December 5, 2022

**VIA EMAIL:** [cheryl.leclair@health.ri.gov](mailto:cheryl.leclair@health.ri.gov)

Cheryl LeClair  
Department of Health  
State of Rhode Island  
3 Capitol Hill  
Providence, RI 02903

**Re: Proposed Amendments to 216-RICR-40-05-22; Nursing Assistant Training Programs**

Dear Ms. LeClair,

The Rhode Island Partnership for Home Care appreciates and supports the amendments as currently proposed within 216-RICR-40-05-22.5.4(D-E). Upon implementation, these amendments will remove barriers to complete the testing requirement timeline during times of backlog and realistically provide candidates with information concerning current testing delays.

Home care provider administrators regularly express to the association that they are frustrated by the current test scheduling process and subsequent uncertainty to onboard new nursing assistants. Without definitive and reasonable timelines for new nursing assistants to complete their testing requirements for licensure, it is difficult for home care providers to hire nursing assistants and retain their interest in working in home care. In turn, these candidates become frustrated by this process and seek alternate job opportunities outside of healthcare as a result. Rhode Island's home care providers, nursing assistant job applicants and vulnerable, homebound patients and clients are all harmed by the backlog and the uncertainty in which we currently experience. Resolving this issue through the proposed amendments to this regulation is a significant step toward correcting this problem.

Sincerely,

*Nicholas Oliver*

Nicholas Oliver, MPA, CAE  
Executive Director

**ONLINE PUBLIC COMMENTS FOR REVIEW**

**Date: 12/07/2022**

Regulation: 216-RICR-40-05-22

Title: Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs (216-RICR-40-05-22)

No online public comments found