



NURSE AIDE STATE AND FEDERAL EMPLOYMENT ELIGIBILITY

Department of Health Services (DHS) / Division of Quality Assurance (DQA)

P-02393 (12/2020)

The purpose of this publication is to provide clarification regarding nurse aide requirements for employment eligibility in Wisconsin. regulated health care providers defined in the rule ([Wis. Admin. Code § DHS 129.03\(19\)](#)) can update a nurse aide's federal eligibility and those not included in the definition may request a waiver by following the process below.

Inclusion on the Wisconsin Nurse Aide Registry

A nurse aide, defined under [Wis. Admin. Code § DHS 129.03\(30\)](#), means a person who provides routine client-related services under the supervision of a registered nurse or licensed practical nurse.

A person is included on the Wisconsin Nurse Aide Registry after having satisfied the necessary training and testing requirements. A nurse aide is given two eligibilities on the registry.

- **Federal Eligibility:** The nurse aide is eligible to work for a two-year period (from the date placed on the registry) in federally-certified health care settings; including nursing homes, intermediate care facilities for individuals with intellectual disabilities, home health agencies, and hospice agencies.
- **State Eligibility:** The nurse aide is also eligible to work in state-licensed facilities; such as, hospitals (including critical access hospitals) and state-licensed only facilities and agencies (including assisted living facilities).

In accordance with 42 CFR § 483.156, an individual's eligibility to work in a federally-certified facility will lapse every two years. An individual's state eligibility does not lapse. If a nurse aide does not maintain their federal eligibility, they always retain their status as a state-eligible nurse aide and they may work in a hospital or state-licensed (not federally-certified Medicare or Medicaid providers) nursing home, home health agency, or hospice unless they have a finding on the Wisconsin Caregiver Misconduct Registry or a bar prohibiting employment.

After the two-year eligibility to work in a federally-certified health care provider* has expired, the federal expiration date can be extended for another two years, if the individual has no finding of misconduct on the Wisconsin Caregiver Misconduct Registry and if the nurse aide performed nursing-related duties, as defined under [Wis. Admin. Code § DHS 129.07](#)), under the supervision of an RN or LPN during the previous 24 months. See [Wis. Admin. Code § DHS 129.09\(6\)\(b\)](#).

*[Wis. Admin. Code § DHS 129.03\(19\)](#) defines a "health care provider" as:

- a. A nursing home
- b. A facility for the developmentally disabled
- c. An intermediate care facility for individuals with intellectual disabilities
- d. A hospital
- e. A home health agency
- f. A hospice
- g. A rural medical center

Verifying Employment Eligibility

Health care provider employers must verify that each nurse aide hired is eligible to perform nursing-related duties in the provider's setting. Providers can perform this verification by doing a registry search on the HeadMaster website at <https://wi.tmuniverse.com/search>. The website search method allows the inquirer to print a copy of the individual's status at the time of the verification check.

Updating Federal Employment Eligibility

Headmaster will notify nurse aides via email and/or text message approximately 60 days prior to the end of the 24-month federal eligibility period. Upon receiving the renewal notification, nurse aides must log into their TestMaster Universe (TMU) account and list their work experience in the previous 24 months, verifying that they have worked at least eight (8) hours in that 24-month period as a nurse aide, for pay, and under the supervision of an RN or LPN. An email verification link will be forwarded to the listed employer. Only those employers meeting the definition of a health care provider under [Wis. Admin Code § DHS 129.03\(19\)](#) are eligible for renewing the federal eligibility of a nurse aide. If an employer is not listed in TMU, that employer is not considered a health care provider per [Wis. Admin. Code § DHS 129.03\(19\)](#). When the

DHS/DQA-regulated employer verifies the listed work experience, the nurse aide's federal eligibility will be extended an additional 24 months on the Wisconsin Nurse Aide Registry.

Note: Working privately in someone's home or working as a personal care worker conducting personal care duties does not meet the employment eligibility requirements for renewal of federal eligibility.

If the nurse aide does not have a finding on the Wisconsin Caregiver Misconduct Registry and did not perform nursing or nursing-related duties under the supervision of an RN or LPN in the previous 24 months, their federal eligibility to work in federally-certified settings lapses. The nurse aide remains state-eligible and may work in state-licensed facilities, including assisted living facilities.

Once a nurse aide's federal eligibility has lapsed, the nurse aide must successfully pass the competency evaluation examination in order to have their federal eligibility status updated on the Wisconsin Nurse Aide Registry. The nurse aide is then eligible to work in a federally-certified health care setting for two years from the date that their federal eligibility was updated.

DQA-Regulated Employers Requesting a Waiver of NA Federal Employment Eligibility

DHS/DQA-regulated providers not listed under [Wis. Admin. Code § DHS 129.03\(19\)](#) may submit a request for a waiver of the requirements under [§ DHS 129.03\(19\)](#) and [§ DHS 129.09\(6\)\(b\)](#) in order to renew the federal eligibility of nurse aides working in their facility.

Only DHS/DQA-regulated entities may submit a waiver request of nurse aide federal eligibility. Individual nurse aides, individual clients/patients, and staffing agencies may not submit waiver requests. In cases where a nurse aide is employed by a staffing agency, the DHS/DQA-regulated health care provider is still considered to be the entity at which the nursing or nursing-related service was performed under supervision.

A waiver of nurse aide federal eligibility requirements may be approved by the Department only if the following requirements are met:

- **The DHS/DQA-regulated entity submits a completed waiver request form to DHS.** (See below.)
 - **The DHS/DQA-regulated entity employs an RN or LPN who provides supervision of employed nurse aides.** Supervision is defined as being either:
 - o **Direct supervision.** The RN or LPN is immediately available on the same unit, floor, or wing as the nurse aide while the nurse aide is performing client-related services [[Wis. Admin. Code § DHS 129.03\(13\)](#)] or
 - o **General supervision.** At least intermittent, face-to-face contact between supervisor and nurse aide, but does not require the continuous presence of the supervisor in the same area during client-related services [[Wis. Admin. Code § DHS 129.03\(17\)](#)].
- Note:** Intermittent face-to-face contact is considered at least eight (8) total hours in a 24-month period.
- **The employed nurse aide has performed nursing or nursing-related activities ([defined in Wis. Admin. Code § DHS 129.07](#)) for pay, for a minimum of eight (8) hours in the preceding 24 months.**

To submit a request for a waiver, DHS/DQA-regulated health care providers not listed under [Wis. Admin. Code § DHS 129.03\(19\)](#) must submit the following to DHS:

1. A completed, signed *Nurse Aide Federal Employment Eligibility Renewal – Waiver Request*, F-02476
2. A completed, signed *Nurse Aide Federal Employment Eligibility Renewal – Employee Roster*, F-02476A, of nurse aides whose eligibility will expire within sixty (60) days
3. A copy of the nursing license of the RN or LPN who is providing supervision of the employed nurse aides

A waiver request is a one-time request and is only for those aides included in the employee roster (F-02476A) attached to the waiver request. A new, completed waiver request is required for any future eligibility renewals that are needed.

The DQA Bureau of Education Services and Technology will accept waiver requests from entities requesting federal employment eligibility renewals for nurse aides whose eligibility expired on September 1, 2018 or later. A request for a waiver may be made at any time.

Questions

Questions can be directed to the **WI Nurse Aide Registry** at DHSWIDQA_NATCEP@dhs.wisconsin.gov or **608-266-1865**.