

## **Nevada State Board of Nursing adopted CNA fee increase to offset loss of CNA contract funds**

*Under the adopted regulation, a CNA pays \$25 a year for a nursing assistant certificate.*

The Nevada State Board of Nursing recently adopted a regulation change which increased certified nursing assistant (CNA) fees, effective December 1, 2003. The Board did this to offset a decrease in the amount of federal funding it receives to run the CNA program and an increase in the cost of the program's discipline cases.

In the late 1980s, the federal government enacted certain regulations pertaining to nursing assistants (42 CFR § 483) in an effort to protect the nation's elderly population. Each year, through Title 18 and Title 19, the Nevada State Health Division's Bureau of Licensure and Certification (BLC) receives federal funds to regulate Nevada's nursing assistant population. CNAs are members of the health care team and work under the direction of nurses to provide basic bedside care such as eating, dressing and bathing.

Since 1989, the BLC has contracted with the Nevada State Board of Nursing to perform the services required under the federal regulations. In order for the Nursing Board to be eligible to administer this federal award, the regulation of CNAs was added to the Nurse Practice Act (NRS 632) that same year.

The costs of administering the program include certifying and disciplining CNAs. Over the past 13 years, the program has been running at an increasing deficit due mainly to the rise in CNA discipline cases. The deficit has been covered by income from RN and LPN licensure fees.

Recognizing that the costs of administering the CNA program were increasing and concerned about the prospect of decreased federal funding, the Board sponsored a bill that was passed in the 2001 Nevada legislature to raise the fee ranges for the CNA program.

Unfortunately, the Board's concern about decreased federal funding was realized this year. The annual income for the CNA program for the past two years included \$271,032 from the BLC in federal contract funds and approximately \$77,000 collected directly from CNAs. In March 2003, the BLC informed the Board it would reduce its annual contract amount by \$51,032 on July 1, 2003. This has had a significant, negative impact on the CNA program and increased the amount that must be subsidized by RN and LPN licensure fees.

In FY2004, it will cost the Board about \$611,000 to run the CNA program. With the decrease of \$51,032 of contract funds from the BLC, the Board's income will be reduced to \$297,000. This means the Board's CNA program will experience a shortfall of approximately \$314,000. Raising the fees to the top of the ranges set by Nevada law will reduce that shortfall and decrease the amount that must be subsidized by RN and LPN fees by providing approximately \$140,000 annually in additional funds for the CNA program.

EXHIBIT O Committee Name **HealthCare** Document consists of **2** pages

☒ Entire document provided.

☐ Due to size limitations, pages \_\_\_\_\_ provided. A copy of the complete document is available through the Research Library (775/684-6827) or e-mail [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us). Meeting Date: **1-21-04**

**Before this regulation change, most of the CNA fees had been at or near the bottom of the fee range since the Board was first given the statutory responsibility of regulating CNAs in 1989. (It has regulated RNs and LPNs since 1923.)**

**While the Board is in sound financial health overall, this regulation change will reduce the financial shortfall in the CNA program, and as a result, reduce the subsidy currently provided by RN and LPN licensure fees.**

Before the Board adopted the change, it held meetings with several affected organizations and individuals. It held two public workshops, one in Las Vegas on June 9, 2003, and a second in Reno on June 10, 2003. It then held a public hearing on July 23, 2003, at its regular meeting in Genoa. The Board advertised the workshops and hearing and posted the proposed regulations in local newspapers, on its web site and in 17 public libraries. It also mailed notices to interested individuals and organizations.

In adopting the regulations, the Board considered all written comments it received, as well as public testimony from the workshops and hearings. A total of 11 people attended the workshops and hearings; of the four who testified, all spoke in support of the regulations. One written comment was received; it expressed opposition to the fee increase.

The amended regulation reads:

**632.190 Fees.** The following fees are established:

4. For nursing assistants:

Application for a certificate	<del>[15.00]</del>	<b>50.00</b>
Biennial renewal fee	<del>[20.00]</del>	<b>50.00</b>
Duplicate certificate	<del>[5.00]</del>	<b>30.00</b>
Certification examination	90.00	
Approval of proctors for certification examination	50.00	
Approval of training programs:		
If using model curriculum	<del>[150.00]</del>	<b>250.00</b>
If using alternate curriculum	<del>[150.00]</del>	<b>250.00</b>
Annual approval of instructors of training programs	<del>[50.00]</del>	<b>100.00</b>
Annual fee for review of training programs	<del>[60.00]</del>	<b>100.00</b>