

Timeline of Open Records and Media Requests

- **6/10/2008** - Michelle Glorieux, Channel 46, contacted the Georgia Department of Community Health (DCH) and filed an Open Records Request for the Certificate Nursing Aide Registry with all available fields including but not limited to:
 - First Name
 - Middle Name
 - Last Name
 - MM/DD (DOB – exclude year)
 - Address
 - Social Security Number
- **6/16/2008** - Michelle Glorieux came to DCH to pick up a CD containing the above listed information for the Certificate Nursing Aide Registry
- **2/10/2009** - Michelle Glorieux arrived at DCH to request and pick up a printed copy of the **Certificate Nursing Aide Policy and Procedure Manual**. DCH provided her a printed copy of the Policy and Procedure Manual
- **2/13/2009** - Michelle Glorieux contacted DCH and filed an Open Records Request asking that all data fields from the Certificate Nursing Aide Registry be made available to her
- **2/17/2009** - DCH responded to Michelle Glorieux's Open Records Request by providing her with a list of the data fields that could be provided and an estimated cost

Certificate Nursing Aide Training Program Frequently Asked Questions

- **What is the Certificate Nursing Aide Training Program?**

The Certificate Nursing Aide Training Program is not involved in the licensure or hiring of nurse aides for nursing homes, assisted living facilities, home health agencies, or other providers. The Certificate Nursing Aide Training Program is a certification program that individuals must complete in order to become a certified nurse aide in Georgia. The Georgia Department of Community Health (DCH) contracts with the Georgia Medical Care Foundation (GMCF) to maintain the Certificate Nurse Aide Registry and ensure that certificate nurse aide training programs meet established qualifications.
- **How does the Certificate Nursing Aide Training Program work?**

DCH, through the GMCF, ensures that the training program required for certifying nurse aides is developed and provided using standardized, accepted methods and following an approved curriculum. Following training, the GMCF, through a neutral organization, monitors the administration of the Certificate Nursing Aide exam. The DCH's role in Georgia's Certificate Nursing Aide Training Program is to assure that the educational content and examination procedures required to produce this work force are developed and provided under accepted industry standards.

- Does Medicaid directly pay or contract with nursing aides?**
 No. Medicaid pays providers who employ aides. Consumer-directed care allows Medicaid members in certain waiver programs to employ and manage their own staff. Members may engage nurse aides but usually choose to hire a community member, friend, or some other informal supporter.
- Does the Certificate Nursing Aide Training Program help nursing homes and home health programs find certificate nursing aides?**
 No. Nursing homes, home health programs and other providers, including private citizens, are responsible for their hiring practices. The Code of Federal Regulations, 42 C.F.R Section 483.75(e) does prohibit a nursing home from employing individuals who have been found guilty of abusing, neglecting, or mistreating residents by a court of law, or, who have had a finding entered into the state Nurse Aide Registry concerning abuse, neglect, mistreatment of residents, or misappropriation of their property. According to the Federal interpretive guidelines, the intent of this regulation is “to prevent employment of individuals who have been convicted of abusing, neglecting, or mistreating individuals in a health care setting, e.g., residents of a nursing facility or in a hospital. Facilities must be thorough in their investigation of the past histories of individuals they are considering hiring. In addition to inquiry of the state Nurse Aide Registry and authorities, the facility should check all references and make reasonable efforts to uncover information about any past criminal prosecutions.”
- Is the Georgia Department of Community Health or any other state agency responsible for regulating the employment of Certified Nurse Aides?**
 No. However, the Code of Federal Regulations, 42 C.F.R Section 483.75(e), does prohibit a nursing home from employing individuals who have been found guilty of abusing, neglecting, or mistreating residents by a court of law, or, who have had a finding entered into the state Nurse Aide Registry concerning abuse, neglect, mistreatment of residents, or misappropriation of their property. According to the Federal interpretive guidelines, the intent of this regulation is “to prevent employment of individuals who have been convicted of abusing, neglecting, or mistreating individuals in a health care setting, e.g., residents of a nursing facility or in a hospital. Facilities must be thorough in their investigation of the past histories of individuals they are considering hiring. In addition to inquiry of the state Nurse Aide Registry and authorities, the facility should check all references and make reasonable efforts to uncover information about any past criminal prosecutions.”
- Who maintains the information on the Certificate Nursing Aide Registry?**
 The GMCF maintains the listing of current Certified Nurse Aides. The current list of Certified Nurse Aides with adverse findings is available by accessing www.ghp.georgia.gov; clicking on the Provider Information tab and going to the Banner Messages section. The Georgia Department of Human Resources Office of Regulatory Services is responsible for updating adverse actions to the registry that involves a reporting and appeals process.
- How often is the Certificate Nursing Aide Registry updated?**
 The Certificate Nursing Aide Registry is updated daily as new information is identified. This affords nursing facilities and other potential employers with the ability to query the Registry for the most up-to-date information on Certified Nurse Aides, including adverse findings.

Additionally, an Adverse Finding Report of Nurse Aides is updated quarterly and made available via the Georgia Health Partnership Web portal.

- **How does the Georgia Department of Community Health promote the Certificate Nursing Aide Registry?**
DCH makes the Certificate Nursing Aide Registry available using a mechanism well recognized as the means of mass communication between the DCH and providers, the Georgia Health Partnership Web Portal.
- **What is the process of reporting a nurse aide suspected of abuse, neglect or misappropriation of a resident's property?**
If neglect, abuse or misappropriation takes place within a nursing home, assisted living facility, etc., the incident should be reported to the facility and the Georgia Department of Human Resources Office of Regulatory Services. The resident and/or family can involve law enforcement at any time. If an incident occurs within a personal home, the Georgia Department of Human Resources Office of Regulatory Services is notified and local law enforcement should be contacted.
- **Are nursing homes or home health programs required to notify the Georgia Department of Community Health if their nursing aides have been convicted of a crime?**
All reports of abuse, neglect or misappropriation of a resident's property are to be reported the Georgia Department of Human Resources' Office of Regulatory Services.
- **Who should suspected abuses by a Certified Nurse Aide be reported to?**
When a Certified Nurse Aide is accused of abusing, neglecting or misappropriating residents' property, the facility is responsible for notifying the DHR's Long Term Care Section of the Office of Regulatory Services. If the abuse neglect of misappropriation of residents' property occurs in a private setting, local law enforcement should be notified.
- **Is there a rule or statute that requires Long-Term Care, Personal Care Homes, and Hospice to do criminal b/c on employees? Is it part of the survey process to follow up?**
Yes. O. C. G. A. Sec. 31-7-250 covers personal care home criminal records checks and 31-7-350 covers nursing homes. When ORS conducts periodic surveys in these facilities, they routinely check a sample of aides, etc. to make sure that the facilities are doing the criminal records checks required by law. ORS also investigates complaints on facilities that are not conducting checks.
- **How is the home health industry regulated in Georgia?**
The home health industry is regulated federally, through the Medicare program; and on a state level, through the Georgia Department of Human Resources Office of Regulatory Services. The Medicaid program also conducts reviews of home health providers.
- **2/19/2009** - The Georgia Department of Community Health offered Michelle Glorieux an official statement outlining Certified Nurse Aide regulations and the Department's limited role

Official Statement to Michelle Glorieux, Channel 46:

- The CNA Certified Nursing Aide Training Program does not play a role in the hiring of nurse aids for nursing home facilities
- **The Code of Federal Regulations**, Section 483.13 ©, does prohibit a nursing home from employing individuals who have been found guilty of abusing, neglecting, or mistreating residents by a court of law, or, who have had a finding entered into the state Nurse Aide Registry concerning abuse, neglect, mistreatment of residents, or misappropriation of their property. According to the Federal interpretive guidelines, the intent of this regulation is "to prevent employment of individuals who have been convicted of abusing, neglecting, or mistreating individuals in a health care setting, e.g., residents of a nursing facility or in a hospital. Facilities must be thorough in their investigation of the past histories of individuals they are considering hiring. In addition to inquiry of the state Nurse Aide Registry and licensing authorities, the facility should check all references and make reasonable efforts to uncover information about any past criminal prosecutions"
- **Nursing Homes:**
 - Individual nursing homes are responsible for checking the registry managed by Georgia Medical Care Foundation (GMCF) on the GHP Portal to obtain the information on certified nursing aides.
- **Georgia Department of Human Resources' Office of Regulatory Services**
 - The Georgia Department of Human Resources' (DHR) Office of Regulatory Services is responsible for updating adverse actions to the registry that involves a reporting and appeals process.
- **Georgia Department of Human Resources' Long-Term Care Section of the Office of Regulatory Services**
 - When a Certified Nurse Aide is accused of abusing, neglecting or misappropriating residents' property, the facility is responsible for notifying the DHR's Long Term Care Section of the Office of Regulatory Services. The Long Term Care Section reviews the information sent by the facility and may conduct an on site investigation if it determines that it is necessary. If the Section believes that the aide did abuse, neglect or misappropriate residents' property, then the Section sends the aide a letter advising of the findings and giving the aide an opportunity in a written statement to explain what happened. The aide also has the right to request an administrative hearing. In the hearing the judge will decide whether the aide abused, neglected or misappropriated a residents' property. If the judge finds the accusations to be true, the findings will be entered in the Georgia Nurse Aide Registry.
- **Georgia Department of Community Health; Georgia Medical Care Foundation (GMCF)**
 - Thus, to comply with federal regulations developed to protect vulnerable disabled and elderly individuals, the Georgia Department of Community Health makes the GMCF registry available to nursing home and home care providers using a mechanism well recognized as the means of mass communication between the Department and providers, the GHP Web portal.

- 2/20/2009 - Michelle Glorieux came to DCH to pick up a CD containing all requested information