



September 30, 2019
(E-mail only)

Ms. Pat Benesh, Policy Advisor
Wisconsin Department of Health Services
Division of Quality Assurance 1 West Wilson Street
P.O. Box 2969
Madison, WI 53701-2969
Phone: (608) 264-9896
Patricia.Benesh@wi.gov

SUBJECT: Denial of Request to Use CMP Funds

Dear Ms. Benesh:

Sections 1819(h)(2)(B)(ii)(IV)(ff) and 1919(h)(3)(C)(ii)(IV)(ff) of the Social Security Act incorporate specific provisions of the Patient Protection and Affordable Care Act pertaining to the collection and uses of civil money penalties (CMPs) imposed by the Centers for Medicare & Medicaid Services (CMS) when nursing homes do not meet requirements for long term care facilities. In accordance with 42 CFR § 488.433 and CMS Survey & Certification Memo 12-13-NH (effective January 1, 2012) States must obtain approval from CMS for the use of federally imposed CMP funds.

Our office has reviewed the proposal submitted by The Wisconsin Department of Health Services for \$1,434,125.00 to implement a program titled WisCaregiver Careers. Due to overlap with federal funding and the fact that all nurse aids may not work in nursing homes after graduation, CMS Central Office has determined CMP funds cannot be used to pay for nurse aide training.

Based on our review, we find that the requirements at 42 CFR § 488.433 are not met and that the proposal may not be funded with federally imposed CMP funds.

If you have any questions regarding this decision, please contact Tamika J. Brown at (312) 353-1502.

Sincerely,

A handwritten signature in blue ink that reads "Beth A. Karpiak". The signature is written in a cursive style with a large, looped initial "B".

Beth A. Karpiak
Branch Manager
Long-Term Care Certification & Enforcement Branch

cc: CMS Quality Assurance

“Due to overlap with federal funding and the fact that all nurse aids may not work in nursing homes after graduation, CMS Central Office has determined CMP funds cannot be used to pay for nurse aide training.”

Overlap with federal funding:

The WisCaregiver Career Program takes into account the MA reimbursement available to nursing homes that train and hire a nurse aide to ensure that there is no overlap with federal funding. The grant does not reimburse the nursing home the full amount. The grant pays a private training program who trains a WisCaregiver \$630. \$630 is the market rate we determined to pay all training programs.

Nursing home nurse aide training programs (NATP) receive \$630 less their MA reimbursement amount. (Example: Nursing Home with a NATP has a Medicaid Reimbursement Tier calculated at \$275. The NATP would send an invoice to DHS for \$355).

Please see *attachment #1* which includes #6 and #7 excerpt from the WisCaregiver Career Program Nurse Aide Training Technical Assistance Document.

Response to the fact that all nurse aides may not work in nursing homes after graduation:

Under the WisCaregiver Career Program, no CMP funds are used for nurse aides who do not work in Wisconsin nursing homes. WisCaregivers agree to repay the grant for the cost of training and the cost of the test in the event that:

- They have completed at least 24 hours of training (grant is not invoiced for training for a person who completes less than 24 hours of training) but do not successfully complete the training, or
- They do not take the test, or
- They do not pass the test (have two attempts to pass), or
- They do not work at a participating nursing home for at least 6-months.

As part of our administrative process we have a comprehensive recoupment policy that we have implemented to ensure that CMP funds are only being used to benefit nursing home residents.

Please see *attachment #2* showing Exhibit 4 from the WisCaregiver Recoupment Policy. Exhibit #4 is a letter that is sent to a WisCaregiver who does not meet the above requirements. We are currently seeking repayment (recoupment) from 313 individuals who have not met the above requirements.

Recoupment that is not collected during the initial process will follow DHS collection procedures through the Bureau of Fiscal Services and, if necessary, the Wisconsin Department of Revenue.

Attachment #1

Excerpt - WisCAREGIVER CAREER PROGRAM NURSE AIDE TRAINING, TECHNICAL ASSISTANCE DOCUMENT

6. Invoicing for Training Payment

- a. DHS will provide all NATPs with an invoice template specific to that facility.
 - a. Nursing Home NATPs will receive an updated invoice template annually after July 1 if the Medicaid Reimbursement Tier is recalculated for their facility.
 - b. Nursing Home NATPs will have to report students who are eligible for MA reimbursement in a separate area on the invoice from those who are not eligible for MA reimbursement.
- b. NATP will enter the number of students trained in the appropriate locations on the invoice template.
- c. NATP will enter the names and WCP student ID numbers for each student trained.
 - a. Incomplete invoices will be returned to the NATP
 - b. Hand-written invoices or invoices provided without using the approved template will be returned to the NATP
- d. Completed invoices shall be submitted by email to the address indicated on the invoice.
- e. Invoices should be submitted monthly, only after a student successfully completes the training program, is terminated from the program for any reason, or is disqualified from the program based on the CBC results.

7. MA Reimbursement (NH only)

- a. It is expected that Nursing Home (NATPs) will continue to apply for MA reimbursement for eligible candidates. **There will be no change to MA reimbursement process.**
- b. Nursing Home NATPs will only receive reimbursement for training less their approved reimbursement tier amount for eligible students, regardless if the Nursing Home applies for the MA Reimbursement.

Attachment #2

Recoupment Policy – Exhibit #4

Email Subject Line: WisCaregiver Careers - Recoupment

Dear (enter student name),

Based on our review, we have determined that you have not fulfilled the requirements of the program. Our records show the following:

You completed ___ number of hours of training at (add location) on (add date). The cost of the training was \$630.00.

You (failed) testing on (add date), the cost of the testing was (\$125 amount).

You did not obtain employment as a nurse aide at a participating nursing home for at least 6 months.

Since you did not complete the program requirements of WisCaregiver Careers, as you agreed to in the Registration Agreement ([F-02288](#)), you are required to reimburse the Wisconsin Department of Health Services for the cost of the Nurse Aide **Training** and **Testing**. The total amount due is \$xxx.xx. Failure to pay this amount may result in further collection actions being taken.

Please make your check payable to the Wisconsin Department of Health Services, include your WisCaregiver Careers student ID # xxxxxxxx on the memo line, and mail within 30 days of receipt of this notice to:

Department of Health Services
Attention: Kevin Coughlin
1 West Wilson Street
Room 350
Madison, WI 53703

It's unfortunate that you were not able to complete the program. We wish you all the best in your future endeavors.

If you have any questions please contact: DHSCaregiverCareer@dhs.wisconsin.gov

Sincerely,

Pat Benesh & Kevin Coughlin

Pat Benesh & Kevin Coughlin
WisCaregiver Career Program
DHSCaregiverCareer@dhs.wisconsin.gov

Cc: DHS WisCaregiver Mailbox