

**PUBLIC HEALTH CODE (EXCERPT)**

**Act 368 of 1978**

**PART 219**

**NURSE AIDE TRAINING AND REGISTRATION PROGRAM**

**333.21901 General definitions and principles of construction.**

Sec. 21901. (1) For purposes of this part, the words and phrases defined in sections 21903 to 21905 have the meanings ascribed to them in those sections.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code, and part 201 contains definitions applicable to this part.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018.

**Popular name:** Act 368

**333.21903 Definitions; C to N.**

Sec. 21903. (1) "Certificate of permit" means a document issued by the department as evidence of a permit.

(2) "Certificate of registration" means a document issued by the department as evidence of registration.

(3) "Fund" means the nurse aide and medication aide registration fund created in section 21921.

(4) "Medication aide" means a nurse aide who holds a registration to engage in practice as a medication aide. A medication aide is not a health professional licensed under article 15, a registered dietitian, or someone who volunteers to provide nursing or nursing-related services without pay.

(5) "Medication aide trainer" means an individual who holds a permit to provide training to a medication aide candidate who is enrolled in a medication aide training program.

(6) "Medication aide training program" means an instructional program provided at a qualified educational institution that prepares a nurse aide with the knowledge and ability to engage in practice as a medication aide and that is offered by a person who holds a permit.

(7) "Nurse aide" means an individual who holds a registration to engage in practice as a nurse aide. A nurse aide is not a health professional licensed under article 15, a registered dietitian, or someone who volunteers to provide nursing or nursing-related services without pay.

(8) "Nurse aide trainer" means an individual who holds a permit to provide training to a nurse aide candidate who is enrolled in a nurse aide training program.

(9) "Nurse aide training program" means an instructional program that prepares a nurse aide candidate with the knowledge and ability to engage in practice as a nurse aide and that is offered by a person that holds a permit.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am 2023, Act 274, Eff. Mar. 7, 2024.

**Popular name:** Act 368

**333.21905 Definitions; P to R.**

Sec. 21905. (1) "Permit" means an authorization granted by the department under this part to conduct training or instruction of nurse aide candidates under the program described in section 21907(a) or medication aide candidates under the described in section 21907(b).

(2) "Practice as a medication aide" means administering regularly scheduled medications to residents of a nursing home or skilled nursing facility while under the supervision of a registered professional nurse licensed under article 15. Practice as a medication aide is not the practice of nursing as that term is defined in section 17201 and does not include administering controlled substances, administering medications in injectable forms, the initial administration of medications, or the administration of as needed medications including pro re nata medications.

(3) "Practice as a nurse aide" means providing nursing or nursing-related services to a patient or resident. Practice as a nurse aide is not the practice of nursing as that term is defined in section 17201.

(4) "Qualified educational institution" means a degree- or certificate-granting public or private college or university, junior college, or community college.

(5) "Registration" means an authorization granted by the department under this part granting permission to an individual to engage in practice as a nurse aide under the program described in section 21907(a) or engage in practice as a medication aide under the program described in section 21907(b).

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am 2023, Act 274, Eff. Mar. 7, 2024.

**Popular name:** Act 368

**333.21907 Nurse aide and medication aide training, registration, and permit program; administration by department.**

Sec. 21907. The department shall do both of the following:

(a) Administer a nurse aide training, registration, and permit program in this state in conformance with this part, 42 USC 1396r, and 42 CFR parts 483 and 488.

(b) Administer a medication aide training and permit program as established in rules promulgated by the department under this part.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

**333.21909 Practice as nurse aide; registration required; nurse aide trainer or program; permit required.**

Sec. 21909. (1) An individual shall not engage in practice as a nurse aide unless the individual holds a registration to engage in practice as a nurse aide or is in compliance with 42 CFR 483.35.

(2) A person shall not offer a nurse aide training program or provide training or instruction to a nurse aide candidate unless the person holds a permit to offer that training program or provide that training or instruction.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

**333.21911 Registration to engage in practice as nurse aide; requirements; permit as nurse aide trainer or training program; requirements.**

Sec. 21911. (1) The department shall grant a registration to engage in practice as a nurse aide to an applicant who meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Subject to subsection (4), demonstrates to the department that the applicant has met both of the following:

(i) Successfully completed a nurse aide training program approved by the department.

(ii) Is competent as demonstrated by successful completion of a nurse aide competency examination approved by the department.

(d) Meets the requirements for registration in rules promulgated under section 21923.

(2) The department shall grant a permit as a nurse aide trainer to an applicant who meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Is a registered professional nurse licensed under article 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii), or who meets the requirements for a permit in rules promulgated under section 21923.

(3) The department shall grant a permit as a nurse aide training program to an applicant that meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Meets the requirements for a permit in 42 CFR 483.152 and in rules promulgated under section 21923.

(d) Demonstrates to the department that the applicant's curriculum is consistent with other nurse aide training programs as provided by rules promulgated by the department under this part.

(4) Except as provided under subsection (6), the department shall allow an applicant to complete a nurse aide competency examination online or through remote means, or at a nursing care facility that proctors the examination under 42 CFR 483.154. The department shall allow the testing vendor to contract with the staff of the nursing care facility to proctor a nurse aide competency examination as provided under 42 CFR 483.154.

(5) Subject to subsection (6), the department shall not deny a person a permit under subsection (3) solely because the nurse aide training program allows individuals to complete curricula online or through remote means, or counts the time an individual has worked performing skills necessary of a nurse aide as time in training.

(6) The online option described under subsections (4) and (5) does not apply to training required under 42 CFR 483.152(a)(3) or to testing required under 42 CFR 483.154(b)(2).

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am. 2022, Act 79, Imd. Eff. May 19, 2022;—Am. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

### **333.21912 Nurse aide and nurse aide trainer registration or permit; nontransferable.**

Sec. 21912. A registration or permit is not transferable. A certificate of registration or certificate of permit must state the persons to which it applies.

**History:** Add. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

### **333.21913 Applicant from another state; registration requirements.**

Sec. 21913. The department may grant a registration to an applicant who is from another state and seeking a registration to practice as a nurse aide if the applicant meets any of the following requirements:

(a) The applicant passes a training program that the department determines is equivalent to or exceeds a nurse aide training program offered in this state and the applicant passes a competency examination approved by the department.

(b) The applicant's status as a nurse aide in the other state is in good standing, as verified by that state's nurse aide registry, and the department determines that the other state's training program is equivalent to or exceeds a nurse aide training program offered in this state.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

### **333.21915 Registration or permit; time period effective; application for renewal.**

Sec. 21915. (1) A registration or permit is effective for no longer than 2 years after the date it was granted.

(2) A registration or permit is renewable if the applicant pays the fee prescribed in this part, submits an application for renewal to the department on a form and in a manner prescribed by the department, and demonstrates to the department that the applicant has met the requirements for renewal in rules promulgated under section 21923, including any requirement for the successful completion of continuing education.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

### **333.21916 Practice as nurse aide or training by nurse aide trainer prohibited until renewal of registration or permit.**

Sec. 21916. If a nurse aide does not renew the nurse aide's registration, the nurse aide shall not engage in practice as a nurse aide until the nurse aide's registration is renewed by the department. If a nurse aide trainer does not renew the nurse aide trainer's permit, the nurse aide trainer shall not provide training to a nurse aide candidate until the nurse aide trainer's permit is renewed by the department. If a person does not renew its permit as a nurse aide training program, the nurse aide training program shall not provide instruction to a nurse aide candidate until the permit is renewed by the department.

**History:** Add. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

### **333.21917 Registration while individual in military service or United States Public Health Service.**

Sec. 21917. The registration of an individual while in active service in the military service of the United States, an auxiliary branch of the military service of the United States, or the United States Public Health Service, who was registered at the time of induction or entering into service, continues in effect without further action by the individual until discharge or leaving the service as long as the individual remains in compliance with 42 USC 1396r(b)(5)(D).

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018.

**Popular name:** Act 368

### **333.21918 Fees; payable to department; revocation or denial; nonrefundable.**

Sec. 21918. The fees prescribed in this part are payable to the department or the department's contractor at the time an application for an initial or renewal registration or permit is submitted to the department. If an application for registration or permit is denied, or if a registration or permit is revoked before its expiration date, the department shall not refund the fees paid to the department.

**History:** Add. 2023, Act 273, Eff. Mar. 7, 2024.

Popular name: Act 368

### **333.21919 Fees.**

Sec. 21919. (1) An applicant for registration to practice as a nurse aide or a permit to conduct training or instruction of a nurse aide candidate, or renewal of that registration or permit, shall pay the following biennial fees:

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|--|--------------------|
| (a) Nurse aide   | \$40.00            |
| (b) Nurse aide trainer   | \$60.00            |
| (c) Except as otherwise provided in subdivision (d), nurse aide training program                           | \$300.00, per site |
| (d) Nurse aide training program offered by a secondary education institution or a skilled nursing facility | \$100.00, per site |

(2) In addition to the fees prescribed in subsection (1), an applicant for registration to practice as a nurse aide shall pay a nurse aide competency examination fee of \$175.00, per examination.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am. 2023, Act 273, Eff. Mar. 7, 2024.

Popular name: Act 368

### **333.21920 Practice as medication aide; registration required; medication aide trainer or program; permit required; applicant from another state; practice as medication aide prohibited until renewal of registration permit; renewal application; fees.**

Sec. 21920. (1) An individual shall not engage in practice as a medication aide unless the individual holds a registration to engage in practice as a medication aide.

(2) A person shall not offer a medication aide training program or provide training or instruction to a medication aide candidate unless the person holds a permit to offer that training program or provide that training or instruction.

(3) The department may grant a registration to engage in practice as a medication aide to an applicant who meets all of the following requirements:

- (a) Submits an application on a form and in a manner prescribed by the department.
- (b) Pays the fee prescribed in this section.

(c) Demonstrates to the department that the applicant holds a current registration to engage in practice as a nurse aide and that the applicant has worked as a nurse aide in a nursing home or skilled nursing facility for at least 2,000 hours during the 2-year period immediately preceding the date of the applicant's application.

(d) Demonstrates to the department that the applicant has successfully completed a medication aide training program and a competency examination approved by the department.

(e) Meets the requirements for registration in rules promulgated under section 21923.

(4) The department may grant a permit as a medication aide trainer to an applicant who meets all of the following requirements:

- (a) Submits an application on a form and in a manner prescribed by the department.
- (b) Pays the fee prescribed in this section.

(c) Is a registered professional nurse licensed under article 15 who meets the requirements for a permit in rules promulgated under section 21923.

(5) The department may grant a permit as a medication aide training program to an applicant that meets all of the following requirements:

- (a) Submits an application on a form and in a manner prescribed by the department.
- (b) Pays the fee prescribed in this section.
- (c) Meets the requirements for a permit in rules promulgated under section 21923.

(d) Demonstrates to the department that the applicant's curriculum is consistent with other medication aide training programs, as provided by rules promulgated by the department under this part. However, a medication aide training program must incorporate the National Council of State Boards of Nursing medication assistant-certified model curriculum.

(6) The department may grant registration to an applicant who is from another state and seeking a registration to practice as a medication aide if the applicant demonstrates to the department that the applicant has successfully completed a medication aide training program from Indiana, Ohio, or Wisconsin, and the applicant passes a competency examination approved by the department.

(7) If a medication aide does not renew the medication aide's registration, the medication aide shall not engage in practice as a medication aide until the medication aide's registration is renewed by the department. If a medication aide trainer does not renew the medication aide trainer's permit, the medication aide trainer shall not provide training to a medication aide candidate until the medication aide trainer's permit is renewed.

by the department. If a person does not renew its permit as a medication aide training program, the medication aide training program shall not provide instruction to a medication aide candidate until the permit is renewed by the department.

(8) An applicant for registration to practice as a medication aide or a permit to conduct training or instruction of a medication aide candidate, or renewal of that registration or permit, shall pay the following biennial fees:

- |                                      |                    |
|--------------------------------------|--------------------|
| (a) Medication aide                  | \$160.00           |
| (b) Medication aide trainer          | \$200.00           |
| (c) Medication aide training program | \$500.00, per site |

(9) In addition to the fees prescribed in subsection (8), an applicant for registration to practice as a medication aide shall pay a medication aide competency examination fee of \$175.00, per examination.

**History:** Add. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

### **333.21921 Nurse aide and medication aide registration fund.**

Sec. 21921. (1) The nurse aide and medication aide registration fund is created within the state treasury.

(2) The state treasurer shall credit the fees collected under this part to the fund and may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year must remain in the fund and does not lapse to the general fund.

(4) The department is the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only to implement the programs described in section 21907.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

### **333.21923 Rules; scope; applicability to nursing homes or skilled nursing facilities.**

Sec. 21923. (1) The department may promulgate and enforce rules to implement this part. The rules may include, but not be limited to, rules establishing the following:

- (a) Requirements for surveying a nurse aide training program.
- (b) Requirements for investigating allegations against a nurse aide and taking action against that nurse aide.
- (c) Requirements for investigating allegations and taking action against a nurse aide trainer or nurse aide training program.
- (d) Requirements for enforcing this part.
- (e) Eligibility requirements to grant and renew a registration or permit under this part.
- (f) Competency requirements.
- (g) Examination requirements for registration.
- (h) Requirements for renewal.
- (i) Requirements for surveying a medication aide training program, requirements for investigating allegations against a medication aide in a nursing home or skilled nursing facility where a medication aide engages in the practice of a medication aide and taking action against that medication aide, and requirements for investigating allegations and taking action against a medication aide trainer or medication aide training program.

(2) Rules promulgated under this part that are applicable to nursing homes or skilled nursing facilities must be uniform insofar as is reasonable.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018;—Am. 2023, Act 273, Eff. Mar. 7, 2024.

**Popular name:** Act 368

### **333.21925 Contractual agreements.**

Sec. 21925. The department may enter into 1 or more contractual agreements for the administration of this part.

**History:** Add. 2017, Act 172, Eff. Feb. 19, 2018.

**Popular name:** Act 368