

**G782**

*(Rev. 219; Issued: 04-12-24; Effective: 04-12-24; Implementation: 04-12-24)*

*§484.80(f) Standard: Eligible training and competency evaluation organizations.*

**A home health aide training program and competency evaluation program may be offered by any organization except by an HHA that, within the previous 2 years:**

*(1) Was out of compliance with the requirements of paragraphs (b), (c), (d), or (e) of this section; or*

*(2) Permitted an individual who does not meet the definition of a “qualified home health aide” as specified in paragraph (a) of this section to furnish home health aide services (with the exception of licensed health professionals and volunteers); or*

*(3) Was subjected to an extended (or partially extended) survey as a result of having been found to have furnished substandard care (or for other reasons as determined by CMS or the state); or*

*(4) Was assessed a civil monetary penalty of \$5,000 or more as an intermediate sanction; or*

*(5) Was found to have compliance deficiencies that endangered the health and safety of the HHA's patients, and had temporary management appointed to oversee the management of the HHA; or*

*(6) Had all or part of its Medicare payments suspended; or*

*(7) Was found under any federal or state law to have:*

*(i) Had its participation in the Medicare program terminated; or*

*(ii) Been assessed a penalty of \$5,000 or more for deficiencies in federal or state standards for HHAs; or*

*(iii) Been subjected to a suspension of Medicare payments to which it otherwise would have been entitled; or*

*(iv) Operated under temporary management that was appointed to oversee the operation of the HHA and to ensure the health and safety of the HHA's patients; or*

*(v) Been closed, or had its patients transferred by the state; or*

*(vi) Been excluded from participating in federal health care programs or debarred from participating in any government program.*

#### ***Interpretive Guidelines §484.80(f)***

*The home health aide training and competency evaluation program may be offered by any HHA, except an HHA that falls under one of the exceptions specified in the regulation. These exceptions include, but are not limited to, agencies that have been found out of compliance with the home health aide requirements any time in the last 2 years, agencies that permitted an unqualified individual to function as a home health aide, and agencies that have been found to have compliance deficiencies that endangered patient health and safety. The full list of exceptions is included in the regulatory text.*

“Substandard care” is defined as care that is noncompliant with federal HHA regulations at a condition-level.

If an HHA chooses to use volunteers to provide patient care services, the volunteer must either: (1) be licensed by the State to provide the service (RN/LPN/LVN/physical therapist, occupational therapist or speech therapist); or (2) have successfully completed any training and competency requirements applicable to the service performed.

The most reliable source of information to assure that an HHA has not been excluded from participating in federal health care programs is the List of Excluded Individuals and Entities on the HHS Office of Inspector General (OIG) website: <https://oig.hhs.gov/exclusions/>. In addition, a reliable source to confirm whether an HHA has been debarred (in accordance with the debarment regulations at 2 CFR 180.300) is the System for Award Management (SAM), an official website of the U.S. government: <https://www.sam.gov/portal/SAM/##11#1>.

#### *Prohibition/Loss of Home Health Aide Training and Competency Evaluation Program*

If a partially extended survey is conducted, but no condition-level deficiency is found, then the HHA would not be precluded from offering its own aide training and/or competency evaluation program. If a condition-level deficiency is found during a partially extended or extended survey, then the HHA may complete any training course and competency evaluation program that is in progress; however, the HHA may not: (1) accept new candidates into the program; or (2) begin a new program for two years after receipt of written notice from the CMS Regional Office of such condition-level deficiency. Correction of the condition-level deficiency does not lift the two-year restriction identified in this standard.

*If an HHA loses the authority to operate a home health aide training and competency evaluation program, that does not preclude the HHA from using a contractor to acquire training (see 54 FR 33354, 33358 (Aug. 14, 1989)). If the HHA has its own training and competency lab onsite, it may be permissible for a contractor to conduct the training on the HHA premises. However, the HHA must have no influence or role in the conduct of the training and competency evaluation. The program must be independent of the HHA in all other regards.*