

Date: August 31, 1993

To: Home Health Agencies HHA 14

From: Judy Fryback, Director  
Bureau of Quality Compliance

Subject: Suspension of Approval to Operate Home Health Aide Training and Competency  
Evaluation Program

The purpose of this memo is to advise you of the procedures used to notify home health agencies of the suspension of approval to operate training and testing programs for home health aides.

#### RATIONALE

Requirements at 42 CFR 484.36(a)(2)(i) specify that agencies out of compliance during the previous two years with certain regulations may not operate a home health aide training program. This includes those agencies which have:

- ... “been subject to an extended survey as a result of having been found to have furnished substandard care or for other reasons at the discretion of the HCFA or the State.”
- ... “been assessed a civil monetary penalty of not less than \$5000 as an intermediate sanction.”
- ... “been found to have compliance deficiencies that endanger the health and safety of the HHA’s patients or has had a temporary management appointed to oversee the management of the HHA.”
- ... “had all or part of its Medicare payments suspended.”

HCFA program letter 93-29 to state agencies (attached) provides direction to state agencies on enforcement of these requirements. Effective immediately, when Bureau of Quality Compliance surveyors identify a situation in which an agency is furnishing substandard care, as evidenced by condition level noncompliance, the agency will be advised at the exit conference that the agency may not operate an aide training and testing program and the anticipated duration of the suspension.

Agencies with conditions of participation out of compliance are permitted to provide routine inservice training for their staff, and are allowed to continue to conduct the annual performance reviews of their aides, as required by federal regulation.

If you have any questions regarding this matter, please contact Gail Joseph, RN at (608) 267-0467.