

Supporting Statement A

Paid Feeding Assistants in Long Term Care Facilities and Supporting Regulations

A. Background

The intent of this record maintenance requirement is to protect nursing home residents by ensuring that facilities employ only feeding assistants who have successfully completed a state approved training program. Nursing home providers are expected to maintain a record of all individuals, used by the facility as feeding assistants, who have successfully completed the course for paid feeding assistants.

B. Justification

1. Need and Legal Basis

There is no specific legal basis for this information collection at 42 CFR 483.160. However, the law and regulations contain similar requirements for collections of the same information in the form of a State registry for nurse aides. Those requirements are in sections 1819 (e) (2) and 1919 (e)(2) of the Social Security Act and in regulations at 42 CFR 483.156. Providers are **not** required to formally report this information to a State or Federal agency. We are only requiring that nursing home providers retain this information so we can ensure that feeding assistants are properly trained and able to competently feed nursing home residents. This information will be reviewed as part of our oversight responsibility for survey and certification of nursing homes.

Paid feeding assistants are an important component in review of nursing home quality (not special oversight) consistent with review for other professions where individuals will have to provide employee training certifications. This also provides clarity that it is expected that facilities would retain a copy of this certification.

2. Information Users

It is normal and prudent business practice for nursing home providers to request employees to provide evidence that they are properly trained, licensed and/or credentialed to perform specific tasks or jobs. We expect nursing home providers would retain this information as part of their risk management plan.

In addition, we expect that State surveyors will use this information during on-site surveys to verify that all feeding assistants used by the facility have completed required training.

3. Use of Information Technology

Facilities are not required to retain this information in an automated format but may do so if

that is their preference. It is anticipated that providers will likely retain hardcopies of the employees' training certificates or other documentation that provides evidence that the required training was completed.

This is a record maintenance requirement that is not intended to be complicated or burdensome to the provider. This information:

- Is not collected by CMS;
- Is not required have to be in an electronic format;
- Does not require a signature form the respondent; and,
- Does not require an electronic signature.

4. Duplication of Efforts

We are not aware of any other requirement related to paid feeding assistants that duplicates this information collection.

5. Small Businesses

The burden on small businesses is minimal. Maintaining records of training, certifications and/or licenses is a routine business and risk management practice.

6. Less Frequent Collection

The information needs to be collected after a feeding assistant successfully completes the required training and before he or she begins working with residents.

7. Special Circumstances

There are no special circumstances associated with this collection.

8. Federal Register/Outside Consultation

The 60-day Federal Register notice published on May 26, 2016 (81 FR 33537). There were no public comments received.

The 30-day Federal Register notice published on July 29, 2016 (81 FR 49984). There were no public comments received.

9. Payments/Gifts to Respondents

There are no payments or gifts to respondents.

10. Confidentiality

The intent is for the information to be used only by the nursing home provider (i.e. employer) and the State surveyors at the time of an on-site survey. We make no pledges of confidentiality.

11. Sensitive Questions

There are no questions of a sensitive nature in this information.

12. Burden Estimates (Hours & Wages)

Based on a study conducted in 2004, at that time approximately 80 percent of the States have allowed the use of paid feeding assistants for nursing home residents, but within those States, relatively few facilities use paid feeding assistants. This study has not been updated, burden estimates are based on that information. Therefore, our rough estimate is that 20 percent of nursing homes (20% of 13,280 (the number of nursing homes in the States that implemented the regulation)) were using paid feeding assistants. If we assume that on average each facility hires 2 feeding assistants the result is a total of 4,250. See this study which provides additional information. <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/downloads/PFAFinalReportandAppndx.pdf> We expect that nursing home providers (respondents) will retain hard copy record of this information and it will take on average 30 minutes per month to maintain this record (6 hours per year) to copy certificates and file in their system. There may be some months when nursing home providers may not hire new paid feeding assistants and therefore, will not have information to copy or add to their tracking system (paper or computer). Using an estimate of 4,250 facilities at 6 hour/year, the total would be 25,500 annual hours. We estimate that the average office assistant <http://www.bls.gov/oes/current/oes439061.htm> is paid \$31 per hour, which includes 100% of salary to estimate for fringe benefits and overhead. The total cost would be \$790,500 nationwide. This is no change from the previous PRA submission.

13. Capital Costs

There are no capital costs associated with this information collection.

14. Cost to Federal Government

There is no cost to the Federal Government.

15. Changes to Burden

There are no program changes and no burden adjustments.

16. Publication/Tabulation Dates

This collection of information is not intended for publication.

17. Expiration Date

CMS will publish a notice in the Federal Register to inform the public of both the approval and the expiration date. In addition, the public will be able to access the expiration date on OMB's website by performing a search using the OMB control number.