

**Readopt with amendment He-E 804, effective 10-1-23 (Document #13735), to read as follows:**

**PART He-E 804 LICENSED NURSING ASSISTANT TRAINING AND MEDICATION NURSING ASSISTANT TRAINING REIMBURSEMENT**

He-E 804.01 Definitions.

(a) “Approved nursing assistant training program (training program)” means a program of study in New Hampshire, which includes training or competency testing, that has been approved by the New Hampshire board of nursing pursuant to RSA 326-B:32.

(b) “Department” means the New Hampshire department of health and human services.

(c) “Licensed nursing assistant (LNA)” means an individual who is licensed by the New Hampshire board of nursing pursuant to RSA 326-B:14 and Nur 301.05.

(d) “Medication nursing assistant (MNA)” means a licensed nursing assistant authorized to administer medication pursuant to RSA 326-B:14, II-a and Nur 301.06.

(e) “Nursing facility (NF)” means an institution or a distinct part of an institution, licensed by the department in accordance with RSA 151 as a nursing facility, that provides one or more of the following as defined in Section 1919(a) of the Social Security Act and is not primarily for the care and treatment of mental diseases:

(1) Skilled nursing care and related services for residents who require medical or nursing care;

(2) Rehabilitation services for the rehabilitation of injured, disabled, or sick individuals; or

(3) On a regular basis, health-related care and services to individuals who because of their mental or physical condition require care and services above the level of room and board which can be made available to them only through an institution.

(e) “Third party” means a person or persons other than the applicant.

He-E 804.02 Requirements, Conditions, and Limitations. The department shall reimburse for the costs of LNA or medication nursing assistants (MNA) training or competency testing subject to the following requirements, conditions, and limitations:

(a) Costs shall have been incurred for a board of nursing approved LNA or MNA training program or competency testing;

(b) Costs shall have been actually paid by the LNA, MNA, or a third party;

(c) Individuals shall have begun employment or received an offer of employment as an LNA or MNA in a licensed nursing facility within 12 months of completing the training program, including passing the competency testing; and

(d) The application requirements in He-E 804.03 shall have been met.

He-E 804.03 Application Requirements.

(a) The LNA or MNA shall complete an application, form Bureau of Adult and Aging Services (BAAS) 292 “Application for Reimbursement for Licensed Nursing Assistant or Medication Nursing Assistant Training Program and/or Competency Testing,” (August 2024) in full attesting that the information provided in Section A of the application is accurate and that the LNA or MNA is, has been, or will be employed by the nursing facility named and shall submit the following documentation along with the application:

(1) Legible and itemized receipts from the agency that provided the training or competency testing, or the entity that processed the payment that documents the proof of payment by the LNA or MNA. The receipts shall contain the applicant’s name and, if applicable, the third party payor, the description of the LNA or MNA training program or competency testing taken, and the amount(s) the applicant and third party payor, if applicable, paid for the training program or competency testing; and

(2) An attached certificate from the agency that provided the training or competency testing to the LNA or MNA that shows the date the LNA or MNA successfully completed the training or competency testing.

(b) If a third party is seeking reimbursement for paying for an LNA or MNA’s training or competency testing, the third party shall provide the following on the application:

(1) The amount requested for training program or competency testing reimbursement;

(2) The third party’s dated signature attesting that the information provided in section b of the application is accurate that the third party has paid the amount listed in (b)(1) above for LNA or MNA training or competency testing for the applicant; and

(3) Attach legible and itemized receipts from the agency that provided the training or competency testing, or the entity that processed the payment, that documents proof of payment by the third party. The receipt shall contain the third party’s name, the description of the LNA or MNA training program or competency testing taken, and the amount that the third party paid for the training program or competency testing.

(c) The LNA, MNA, or third party shall submit the application and accompanying documentation required in (a) above or (b) above, or (a) and (b) above if applicable, to the administrator of the employing nursing facility.

(d) The nursing facility administrator shall complete section c on the application.

(e) The nursing facility administrator shall submit the completed application to the department by mailing it to:

The Department of Health and Human Services  
Bureau of Adult and Aging Services  
Attn: Nursing Assistant Reimbursement 105 Pleasant Street  
Concord, NH 03301-3857.

(f) The bureau of adult and aging services shall review the application for completeness, accuracy, and to verify that the individual is an LNA or MNA.

He-E 804.04 Payment.

(a) Upon receipt of a completed application and determination that the requirements in He-E 804.02 and He-E 804.03 have been met, the department shall indicate on the application the amount of

reimbursement to be made, sign and date the request for reimbursement, and make payment to the LNA, MNA, or third party as follows:

- (1) Payment shall be made from the medicaid administrative account in a lump sum, one-time payment;
- (2) Payment for expenses paid by the LNA or MNA shall be mailed to the LNA or MNA at the address provided;
- (3) Payment for expenses paid by a third party shall be mailed to the third party at the third party's address; and
- (4) Payment shall be limited to the actual costs incurred and for the LNA or MNA training program minus other amounts incurred including, but not limited to, clothing, ancillary items, and criminal record background checks.

(b) The department shall retain a copy of the application and the applicant's receipt(s), for 3 years from completion date.

(c) If the department determines that the requirements in He-E 804.02 and He-E 804.03 have not been met, the department shall deny payment and notify the applicant in writing of the reason(s) for denial and what steps, if any, the applicant may take to receive reimbursement.

**Appendix**

<b>RULE</b>	<b>Specific State or Federal Statutes or Regulations the Rule Implements</b>
He-E 804.01	RSA 161:4-a, IX
He-E 804.02	RSA 161:4-a, IX and 42 USC 1396r
He-E 804.03	RSA 161:4-a, IX and 42 USC 1396r
He-E 804.04	RSA 161:4-a, IX