




**Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Office of Medicaid**  
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**MassHealth**  
**Continuous Skilled Nursing Agency**  
**Bulletin 13**  
**July 2023**

**TO:** Continuous Skilled Nursing Agencies Participating in MassHealth

**FROM:** Mike Levine, Assistant Secretary for MassHealth 

**RE:** **Complex Care Assistant Training and Comprehension Program and Supervision Requirements**

### **Introduction**

In July 2023, the Executive Office of Health and Human Services (EOHHS) issued amendments to 130 CMR 438.000: *Continuous Skilled Nursing Agency* including the addition of a new service called Complex Care Assistant services. Complex care assistant services are medically necessary services authorized by MassHealth or its designee that are delivered to complex care members. Continuous Skilled Nursing (CSN) agencies must ensure all complex care assistants complete a competency training and comprehension program that meets the requirements established at 130 CMR 438.415(C)(3). Additionally, complex care assistants must be supervised by a Registered Nurse (RN) in accordance with 130 CMR 438.415(C)(5).

This bulletin clarifies the requirements for the complex care assistant competency training and comprehension program and ongoing supervision of complex care assistant services. All rules related to the delivery and payment of complex care assistant services, as established under 130 CMR 438.000, remain in effect.

### **Organizations that May Provide Complex Care Assistant Services**

MassHealth-enrolled CSN agencies may provide complex care assistant services. Home health agencies that provide CSN services in accordance with 130 CMR 438.000 are not permitted to provide complex care assistant services unless they are also enrolled as a CSN agency.

### **Complex Care Assistant Supervision Requirements**

In accordance with 130 CMR 438.415(C)(5)(a), an RN supervisor must make an onsite visit to the member's home no less frequently than every 14 days to assess the quality and safety of the complex care assistant services provided. The supervisory visit may be made by using two-way audio-video telecommunications technology that allows for real-time interaction between the RN and the patient, and representative as needed, no more than once per patient in a 60-day certification period.

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## **Organizations that May Provide a Competency Training and Comprehension Program**

The complex care assistant competency training and comprehension program may be provided by any organization as long as that organization

- has no cited instances of noncompliance related to complex care assistant training or home health aide training by either MassHealth, the agency's accrediting organization, or any other state or federal organization;
- has not permitted an individual who does not meet the requirements of a qualified complex care assistant, as specified at 130 CMR 438.000, to provide complex care assistant services, with the exception of licensed health professionals;
- has no cited compliance deficiencies that endangered the health and safety of members that required temporary management appointed to oversee the organization;
- is not under a settlement agreement with the Massachusetts State Attorney General's Medicaid Fraud Division;
- is not subject to MassHealth payment suspension from EOHHS;
- if participating in Medicare, is not subject to Medicare payment suspension;
- has not been terminated from MassHealth participation; and
- has not been excluded from participating in state or federal health care programs or debarred from participating in any government program.

## **Complex Care Assistant Competency Training and Comprehension Program**

The complex care assistant competency training and comprehension program must train and assess an assistant's ability to perform personal care services and other enhanced care services specific to the complex care member the assistant is serving. To provide complex care assistant services, an individual must meet the competency requirements for personal care services and enhanced care services as listed below.

### **Personal Care Services, Training, and Competency Requirements**

The personal care services that may be done by a complex care assistant are the same as those that may be done by a home health aide and are defined at 130 CMR 403.416(B) and (C). The competency training and comprehension program for personal care services delivered by a complex care assistant must adhere to the home health aide training and competency evaluation program standards described in 42 CFR 484.80. Accordingly, a complex care assistant is qualified as long as the individual has completed

- a training and competency evaluation program as described at 42 CFR 484.80(b) and (c); or
- a competency evaluation program that meets the requirements established at 42 CFR 484.80(c).

Alternatively, an individual who holds a current Certified Nursing Assistant license and is in good standing with the Massachusetts Department of Public Health's Nurse Aide Registry Program is considered to have completed the personal care training and competency requirements for complex care assistant services.

### **Enhanced Care Services**

After being deemed competent by the training organization and as designated in EOHHS guidance, complex care assistants are also permitted to perform the following enhanced care services that do not require the skills, judgement, or assessment of a nurse:

- enteral G-tube/J-tube feedings
- skin care including application of OTC products or routine G-tube/J-tube care
- oxygen therapy
- oral (dental) suction to remove superficial oral secretions
- ostomy and catheter care
- modified meal preparation
- equipment management and maintenance (wheelchair, CPAP/BiPAP, oxygen and Respiratory care equipment)
- transportation to medical providers / pharmacy
- incidental services

When a complex care assistant is also a member's parent, guardian, spouse, or other natural caregiver, tasks performed in the individual's capacity as a natural caregiver that fall outside a complex care assistant's scope are not reimbursable by MassHealth. Provision of complex care assistant services are limited to permissible personal care and enhanced care tasks as described in this bulletin and at 130 CMR 438.415(C). Documentation of complex care assistant services must reflect permissible personal care and enhanced care tasks in accordance with the member's plan of care, as described in 130 CMR 438.416, and with the member care instructions, as described in 130 CMR 438.415(C)(4)

### **Training Requirements for Enhanced Care Services**

CSN agencies must ensure complex care assistants are proficient in safely providing the enhanced care services listed above that are specific for the complex care member the assistant will serve. Proficiency in performing enhanced care services is defined as

- demonstrated competency in physically performing each task;
- the ability to perform each task according to relevant technical standards;
- comprehension of the specific situations or times when each task needs to be performed;
- comprehension as to why each task needs to be performed;
- demonstrated competency and knowledge of relevant equipment;
- demonstrated competency in the use of personal protective equipment;
- comprehension of appropriate steps that need to be taken if equipment does not perform as expected;
- comprehension of the circumstances under which the RN supervisor must be contacted; and
- comprehension of the signs and symptoms requiring medical attention and nursing assessment.

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Complex care assistants have two paths to meet the competency training and comprehension requirements established at 130 CMR 438.415(C)(3):

1. **Training and Evaluation:** The complex care assistant has received at least 10 hours of direct training on the enhanced care services specific to the member they will serve and the assistant's proficiency, as defined above, in performing each trained task safely has been evaluated and documented; or
2. **Evaluation:** The complex care assistant's proficiency, as defined above, in safely performing each task relevant and specific to the member they will serve has been evaluated and documented.

For option 1, the 10 hours of direct training must be provided by an RN. For either option, a RN must also conduct the proficiency evaluation. If there has been a period of 24 consecutive months in which the complex care assistant was not providing complex care assistant services reimbursed by MassHealth, the complex care assistant must be reevaluated for proficiency in performing enhanced care services.

### **Change in Enhanced Care Services and Resumption of Care Training**

If a complex care member experiences a change in enhanced care service needs, as determined by the CSN agency and the RN supervisor, the complex care assistant's proficiency in completing the new task must be evaluated and additional training must be provided as necessary before the assistant continues to provide the new services to the member. The agency must update member care instructions as described in 130 CMR 438.415(C)(4) to reflect the change in enhanced care service needs.

When a CSN agency conducts a resumption of care due to a break in services, including those caused by hospitalization, the CSN agency and RN supervisor must evaluate the member for changes in complex care assistant services. If there is a change in enhanced care needs, the complex care assistant's proficiency must be evaluated and new training provided as necessary before providing the new enhanced care service.

### **Documentation of Competency Training and Comprehension Program**

CSN agencies must maintain a sufficient record in the complex care assistant's employee file showing that the assistant has successfully completed a competency training and comprehension program specific to the member they serve. The record must include evidence the assistant

- completed training on personal care services and enhanced care services and has been evaluated to safely perform the care; or
- the assistant's proficiency in performing personal care services and enhanced care services has been evaluated and shows that they can safely perform the care.

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As a part of the documentation, the training organization must produce a certificate documenting completion of the competency training and comprehension program. The certificate must include

1. the name of the individual certified;
2. the name of the training organization;
3. a statement that the individual completed a home health aide training and competency evaluation program or a competency evaluation program that meets the standards described at 42 CFR 484.80 and 130 CMR 438 (C)(3);
4. a statement that the individual has met the competency training and comprehension program requirements for complex care assistant enhanced care services that meets the standards described at 130 CMR 438.415(C)(3);
5. the date of completion; and,
6. the signature of the organization's clinical supervisor or director.

A complete list of enhanced care tasks the individual has completed a training and comprehension program for, including identification of specific equipment the assistant is proficient in using related to these tasks (e.g., low profile button g-tube, mushroom gastrostomy tube), must be attached to the certificate. If the complex care assistant receives training and/or completes a proficiency evaluation for additional enhanced care tasks the member requires, this list must be updated to reflect the additional tasks.

If the assistant completed a separate home health aide training and competency evaluation program, the certificate does not need to include item 3 above as long as the certificate is attached to documented proof the assistant completed the home health aide training and competency evaluation program.

A copy of the certificate documenting the assistant's completion of the complex care assistant competency training and comprehension program must be made available to the assistant for their own personal records and upon their request. If a CSN agency chooses to hire a complex care assistant who previously completed a competency training and comprehension program through another agency or organization, it is up to the hiring CSN agency to determine if additional competency training or comprehension evaluation is required for the assistant to care for any specific member. Documentation of an assistant's completion of a competency training and comprehension program must be maintained by the CSN agency according to 130 CMR 450.000.

### **12-Month Evaluation of Personal Care and Enhanced Care Services**

A 12-month enhanced care evaluation must be conducted by a RN. The evaluation must review the member-specific enhanced care tasks the assistant performs according to the member's care instructions. The complex care assistant's proficiency must be evaluated and new training provided as necessary. The CSN agency must document the 12-month evaluation that demonstrates the assistant's continued proficiency in performing the enhanced care tasks.

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**Questions**

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