

AGING AND LONG-TERM SUPPORT ADMINISTRATION  
RESIDENTIAL CARE SERVICES  
*“Transforming Lives”*

## CHAPTER 26 – OBRA REGISTRY

### **OBRA REGISTRY– OVERVIEW**

The Omnibus Budget Reconciliation Act (OBRA) of 1987 was signed into law by President Ronald Reagan, and set forth new provisions for Medicare and Medicaid sections related to new standards for care in the nursing home setting. One major provision of OBRA is in regards to the use of nurse aides. In addition to nurse aide training requirements, the act specifies that each state must have a registry for nurse aides.

The purpose of the nurse aide registry is to maintain a database of individuals who meet the federal requirements to provide caregiving to residents of skilled nursing facilities and nursing facilities. The registry also informs nursing home staff, through an inquiry process, of persons who are ineligible to work in a skilled nursing home due to findings of abuse, neglect, or misappropriation of property.

The provisions of OBRA apply to all nursing facilities and skilled nursing facilities certified through the Centers for Medicare and Medicaid Services (CMS) to receive Medicaid or Medicare funding.

The following Revised Code of Washington (RCW) Chapters, Code of Federal Regulations (CFR), and Washington Administrative Codes (WAC) authorizes Residential Care Services (RCS) to establish and maintain a nurse aide registry, and to investigate reports of abuse, neglect or misappropriation of property in the nursing home setting, as well as establishing training and competency requirements for nurse aides:

- [CHAPTER 18.51 RCW NURSING HOMES](#)
- [CHAPTER 74.42 RCW NURSING HOMES - RESIDENT CARE, OPERATING STANDARDS](#)
- [CHAPTER 74.34 RCW ABUSE OF VULNERABLE ADULTS](#)
- [42 CFR §483.35](#)
- [42 CFR §483.150 THROUGH §483.158](#)
- [CHAPTER 388-97 WAC NURSING HOMES](#)
- [CHAPTER 18.88A RCW NURSING ASSISTANTS](#)
- [CHAPTER 246-841 WAC NURSING ASSISTANTS](#)



- [CHAPTER 246-842 WAC NURSING ASSISTANTS - NURSING HOMES - NURSING ASSISTANTS TRAINING PROGRAM](#)

Residential Care Services collaborates with the following state and federal agencies in developing and maintaining the OBRA Registry program:

- The Centers for Medicaid and Medicare Services
- Washington State Department of Health

### **SUBJECT MATTER EXPERT**

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### ACRONYMS AND DEFINITIONS USED IN CHAPTER 26:

ALTSA	<ul style="list-style-type: none"> <li>• Aging and Long Term Support Administration; an administration within DSHS</li> </ul>
Business days	<ul style="list-style-type: none"> <li>• Business days are Monday through Friday excluding federal and state holidays.</li> </ul>
DOH	<ul style="list-style-type: none"> <li>• Washington State Department of Health</li> </ul>
DSHS	<ul style="list-style-type: none"> <li>• Washington State Department of Social and Health Services</li> </ul>
NA or NA-C	<ul style="list-style-type: none"> <li>• Nurse Aide, Nursing Assistant, or Nurse Assistant-Certified. Refers to the individuals on the OBRA Registry, or applying to be on the registry. The terms are interchangeable in this document.</li> </ul>
NATCEP	<ul style="list-style-type: none"> <li>• Nursing Assistant Training And Competency Evaluation Program</li> </ul>
RCS	<ul style="list-style-type: none"> <li>• Residential Care Services; a division within ALTSA</li> </ul>
STARS	<ul style="list-style-type: none"> <li>• Secure Tracking and Reporting System; a database maintained by ALTSA. STARS houses the OBRA Registry.</li> </ul>
Testing Vendor	<ul style="list-style-type: none"> <li>• The testing company contracted by DOH to administer NA-C competency tests</li> </ul>

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## 26A MAINTAINING REGISTRY CONTENT

### **BACKGROUND**

Federal rules at 42 CFR §483.156 specify the information the OBRA registry must contain for each individual who has successfully completed a nurse aide training and competency evaluation program, and found by the State to be competent to function as a nurse aide or who may function as a nurse aide because of meeting criteria in §483.150. The information includes:

- The individual's full name;
- Information necessary to identify each individual;
- The date the individual became eligible for placement in the registry through successfully completing a nurse aide training and competency evaluation program or competency evaluation program, or by meeting the requirements of 42 CFR §483.150; and
- The following information on any finding by the State survey agency of abuse, neglect, or misappropriation of property by the individual:
  - Documentation of the State's investigation, including the nature of the allegation and the evidence that led the State to conclude that the allegation was valid;
  - The date of the hearing, if the individual chose to have one, and its outcome; and
  - A statement by the individual disputing the allegation, if he or she chooses to make one; and
  - This information must be included in the registry within 10 working (business) days of the finding and must remain in the registry permanently, unless the finding was made in error, the individual was found not guilty in a court of law, or the State is notified of the individual's death.

Only the State survey and certification agency may place on the registry findings of abuse, neglect, or misappropriation of property.

The state must determine which individuals are ineligible to work because they have performed no nursing or nursing-related services for a period of 24 consecutive months for monetary compensation, unless the individual's registry entry includes documented findings of abuse, neglect, or misappropriation of property.

This section contains the procedures that OBRA Registry program staff are required to follow to create and maintain registry content.

## **A. MAINTAINING REGISTRY CONTENT**

1. [REGISTRY CONTENT REQUIREMENTS](#)
2. [ADDING A NURSE AIDE TO THE REGISTRY](#)
3. **ADDING OR REMOVING A FINDING TO A NURSE AIDE ON THE OBRA REGISTRY – UNDER CONSTRUCTION**
4. [VERIFYING RE-TRAINING/TESTING OR RE-TESTING OF A NURSE AIDE WITH AN EXPIRED STATUS](#)
5. [UPDATING REGISTRY CONTENT](#)

## 26A1 REGISTRY CONTENT REQUIREMENTS

### **BACKGROUND**

As the state nursing home survey and certification agency, RCS is responsible to create and maintain OBRA registry content. Management of the program is the responsibility of the NATCEP Manager.

### **PROCEDURE**

- A. Designated status. Individuals on the registry are designated as either active, expired, or ineligible by OBRA staff.
- a. **Active** means the individual has successfully completed a training and competency program meeting federal requirements as described in section 26A. The individual must have worked in a nursing or nursing related capacity for compensation within the past 24 months. To have active status, the individual must not have actions or findings that render them ineligible (see b). The person with active status is eligible to work as a nurse aide in the nursing home setting.
  - b. **Ineligible** means there is a state disciplinary action or finding of abuse, neglect, or misappropriation of property in Washington State or another state. The individual with ineligible status is not eligible to work in the nursing home setting unless reassigned by a state nursing home survey and certification agency as eligible based on the finding or action being overturned.
  - c. **Expired** means the individual has not performed nursing or nursing-related services for a period of 24 consecutive months for monetary compensation. If no work history in the past 24 months is established, the individual with expired status is not eligible to work in the nursing home setting, unless or until, they successfully re-train and re-test, or re-test. If they successfully re-test, the expired status returns to active status.
    - i. Individuals with ineligible status (see b) who have not performed nursing or nursing related services for a period of 24 consecutive months will not be designated as expired. Those individuals will continue to be designated as ineligible.

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## 26A2 ADDING A NURSE AIDE TO THE REGISTRY

### **BACKGROUND**

A NA is added to the registry through one of two methods.

1. A NA who successfully completed testing and competency requirements through an approved program in Washington State may be added when the testing vendor attests the NA has met all competency requirements; or
2. A NA who successfully completed testing and competency requirements in another state may be added to the registry after the Washington State OBRA registry program receives endorsement information from DOH.

### **PROCEDURE**

- A. Adding NAs to the OBRA Registry after successful completion of training and competency requirements.
  - a. Once a nurse aide candidate passes the skills and written tests, the testing vendor provides OBRA Registry staff with test results through an electronic download. This download also provides the needed identifying information about the individual.
  - b. Test score transfers: The testing vendor notifies the OBRA Registry staff new testing scores are ready to be uploaded.
    - i. OBRA Registry staff receive test results from the testing vendor on a secure file transfer (File Zilla) one to two days following testing.
    - ii. OBRA Registry staff transfer new test score results to the STARS database.
    - iii. Transferred files are then uploaded into the registry in the STARS database.
- B. Adding NAs who trained and tested out-of-state to the registry (also known as adding to the registry through endorsement)
  - a. Once a week, DOH sends the OBRA Registry program a list of people who received their nurse aide certification from another state, but want to work in Washington State as a NA.
  - b. OBRA staff must add the names supplied by DOH to the STARS database within one business day of receiving the list from DOH. To add an out-of-state NA to STARS:
    - i. Search for the NA by name or social security number (SSN) in STARS.
    - ii. If the person's name and SSN is found, skip to step "iv" and complete the steps to add the person to the OBRA Registry.

- iii. If the name is not found, select “add a person,” which will open a blank demographics page.
- iv. Fill in the NA’s name, date of birth, and SSN.
- v. Select “add OBRA Registry.”
- vi. For registry origin, choose “endorsement.”
- vii. Choose the state that provided the endorsement.
- viii. To determine the expiration date, add two years to the last day the individual worked as a NA, and insert that date into the “expiration date” box.
  1. If the expiration date (the date the person last worked as a NA plus two years) is a past date, STARS will reflect the OBRA registry status as “expired.”
  2. Add a comment in the note section that the NA status was expired at the time the person was added to the registry.
- ix. Select the “Save person” button, in the upper left corner.

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**26A3 ADDING OR REMOVING A FINDING TO A NURSE AIDE ON  
THE OBRA REGISTRY – UNDER CONSTRUCTION**

## **26A4 VERIFYING RE-TRAINING/TESTING OR RE-TESTING OF NURSE AIDES WITH AN EXPIRED STATUS**

### **BACKGROUND**

According to 42 CFR §483.35(d)(6), if, since an individual's most recent completion of a training and competency evaluation program, there has been a continuous period of 24 consecutive months during which the individual has not provided nursing or nursing related services for monetary compensation, the individual must complete a new training and competency evaluation program or a new competency evaluation program.

### **PROCEDURE**

- A. OBRA Registry staff change an expired status to active status only after successful testing results are received from the testing vendor. The process for receiving the test results is the same as receiving test results for a new NA (see section 26A2 of this Standard Operating Procedure).
- B. The OBRA Registry staff check the STARS registry to confirm the identifying information matches the individual who has re-tested.
- C. The STARS database, after receiving the successful test results, will change the individual's status to active and update the expiration date to be two years from the last date tested.

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## 26A5 UPDATING REGISTRY CONTENT

### **PROCEDURE**

#### A. Work history

1. STARS automatically changes the status of a NA from active to expired after 24 months with no report of a work history. The NA will remain in expired status until a report of a work history is received, or successful re-testing is completed.
  - i. A nursing facility may report work history for NAs.
  - ii. If a NA does not work at a nursing facility, the NA may provide work history of nursing or nursing related services by submitting in writing the start and end dates of any nursing related employment, and the name of the employer.
  - iii. If a work history cannot be established for a NA for a 24-month period, the NA will have to re-train and re-test, or re-test, to be eligible to work in a nursing home or facility (see section 26A4).
2. The OBRA staff will update work history in STARS according to the process described in Chapter 26B1, Section D, 1-4.

#### B. Name changes

1. When a NA's first or last name does not match the current STARS record, but the social security number and date of birth positively identify the person, the OBRA Registry staff request verification from the NA of the name change. Verification could be, but is not limited to, a marriage certificate or court papers verifying the name change.
2. Previous names and aliases are permanently retained in STARS.

#### C. Deletions from the registry

1. Federal rules (42 CFR 483.156) prohibit state registries from removing the name of any individual with a finding from their registry, unless the finding is overturned or the state is notified of the individual's death.
2. After a NA is added to the Washington State OBRA Registry, OBRA Registry staff will not remove that individual from the registry, regardless of the NA's status.

### **NATCEP MANAGER RESPONSIBILITY**

The NATCEP Manager will conduct the following activities in relation to Chapter 26, Section A of this procedure:

1. Train new staff and ensure they are able to demonstrate they understand this procedure.
2. Conduct periodic reviews of this procedure to ensure staff are following it correctly.
3. Request training or clarification from headquarters as needed.

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## 26B INQUIRIES

### **BACKGROUND**

Federal regulations at 42 CFR §483.35 require nursing homes to receive registry verification the individual has met competency requirements prior to hiring the individual, unless the individual is a full-time employee in a training and competency evaluation program approved by the state. If the individual can prove that he or she has recently successfully completed a training and competency evaluation program or competency evaluation program approved by the state and has not yet been included in the registry, the facility may hire that individual, but the facility is responsible to follow up to ensure that person actually becomes registered.

The OBRA Registry staff must have a process for providing verification to facilities, and the process must be sufficiently accessible to meet the needs of the public and health care providers promptly.

### **B. INQUIRIES**

1. [PROCESSING OBRA INQUIRIES FROM PROVIDERS/STAFFING AGENCIES](#)
2. [PROCESSING OUT OF STATE INQUIRIES](#)

## 26B1 PROCESSING OBRA INQUIRIES FROM PROVIDERS/STAFFING AGENCIES

### PROCEDURE

- A. Inquiries from facilities or staffing agencies must be made on DSHS form 16-193, “Nursing Assistant Registry Inquiry.”
1. The form must be typewritten or filled in electronically by the facility, and sent to the OBRA Registry program using the following email address:  
[obraregistry@dshs.wa.gov](mailto:obraregistry@dshs.wa.gov).
- B. OBRA staff will return any incomplete or incorrect inquiry forms to the sender without processing the request. The returned request must contain an explanation of what additional or corrected information is needed to complete the verification.
- C. Timelines for processing inquiries:
1. OBRA staff will complete inquiries regarding new hire and pre-hire individuals within three business days.
  2. OBRA staff will complete all other inquiries within two business days.
- D. Upon receiving an inquiry, OBRA staff will verify the registry status of each NA on the inquiry form, and update the registry with new information. For each individual:
1. In the STARS database, using the search function, search for the NA by name or social security number.
  2. Select the person from the search list provided by clicking on the blue person icon (Tip: STARS search function will only list 100 entries; if more than 100 exist, use additional identifiers to narrow the search). Click on OBRA Registry to open the OBRA Registry page.
  3. Using information from the inquiry to update the registry for individuals with active status.
    - i. If the individual is a new hire/pre-hire, add two years to the anticipated date of hire. Use that date to update the expiration date.
    - ii. If the individual is a renewal, add two years to the current date. Use that date to update the expiration date.
    - iii. If the individual is terminating employment, add two years to the last day worked. Use that date to update the expiration date.
  4. If the selected individual has expired status, OBRA staff will request a work history that verifies the individual worked in a nursing related capacity in the past 24 months (see 26A5).

- i. If a work history is obtained, OBRA staff will add two years to the last verified date of work, and that date becomes the new expiration date. STARS will automatically change the status of the individual from expired to active unless the last date worked plus two years is in the past.
      - ii. If a work history cannot be established for a NA for a 24-month period, the NA will have to re-train and re-test, or re-test, to be eligible to work (see section 26A4).
  - 5. OBRA staff **must not** update the expiration date, if the NA has ineligible status. The NA is ineligible to work as a NA in a nursing home, regardless of work history.
  - 6. After updating any needed information for an individual, OBRA staff will:
    - i. Record the old expiration date in the note section.
    - ii. Select the “save person” button in the upper left corner of the screen.
- E. Developing an inquiry response.
  - 1. In STARS, use the Provider tab to search for a nursing home or use the Administrative Organization tab for a staffing agency inquiry.
    - i. Type in the name of the provider or staffing agency. Select the name of the facility or agency from the search results. Add additional identifiers, such as an address, if needed to find the provider or staffing agency.
    - ii. Select New Inquiry button.
    - iii. Add the date and time the inquiry was received.
    - iv. Add the NA to the inquiry by selecting the “add person” button. This will open a slide-out panel titled “Link person to inquiry.” Do not use the regular search function.
    - v. Search for the NA using the “Link person to inquiry” slide-out panel, and then select the NA’s name from the search results list. The individual’s name, social security number and status will populate into the inquiry.
    - vi. If additional information about the NA is needed from the facility or agency, such as missing work history, verification of a social security number, verification of a name change, or an anticipated hire date, add a scripted message to the inquiry.
      - 1. Use the talk bubble icon located on the right side of the screen. Clicking on this icon will open a new page with standard scripted messages that can be inserted on the inquiry form to request additional information.

2. Choose the correct message, and click on “update and close” to insert the message. The inserted message will apply to the selected NA.
- vii. Continue to add employees until all individuals an entity is requesting verification about are listed.
- viii. When finished adding NAs, select save provider, on the left side of the screen.
- ix. Verify the information is correct and complete by selecting “Open Doc” to preview the form.
- x. When verification is complete, select the “send” button. STARS will email the form to the provider or agency.
  1. If the email is successfully sent, a green paper airplane icon will display in the inquiry log.
  2. If an error icon (red triangle) appears, STARS will highlight the error(s) or missing field(s). Correct the errors, verify the form is correct, and select the “send” button to re-send.
  3. If a gray hourglass icon appears, the message has not sent. Click on the “send” button to send.

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## 26B2 PROCESSING OUT-OF-STATE INQUIRIES

### **PROCEDURE**

- A. OBRA staff must:
1. Respond to all out-of-state inquiries received through United States Post Service mail or email.
  2. Print all email requests.
  3. Request additional identifiers from the requesting state if the request does not include enough information to identify the NA.
  4. Respond to all out-of-state requests within two business days of receipt of the inquiry, with a completed inquiry or a request for additional information.
- B. If the NA's name is in the registry, OBRA staff must:
1. Verify the license status from DOH Credential Search website.
  2. Stamp the document with the date received using the OBRA/RCS stamp (official seal) and the address stamp.
  3. Verify OBRA status in the STARS database.
    - i. In the STARS database, in the search section, search for the NA by name or social security number.
    - ii. If found, select the appropriate person from the search list provided.
    - iii. Navigate to the OBRA registry page. Select the plus sign under interstate verifications. Fill out the following fields that will populate the screen:
      1. "Received Date," the date the inquiry was received;
      2. "Response Date," the date the OBRA program responded to the inquiry; and
      3. "State responded to," name of the state making the inquiry.
    - iv. Select the save person button, in the upper left corner.
- C. If the NA is not in the OBRA Registry, note that on the documentation.
- D. Mail the inquiry results to the requesting state through United States Postal Service mail.

### **NATCEP MANAGER RESPONSIBILITY**

NATCEP Manager will conduct the following activities in relation to Chapter 26, Section B of this procedure:

1. Train new staff and ensure they are able to demonstrate they understand this procedure.
2. Conduct periodic reviews of this procedure to ensure staff are following it correctly.
3. Request training or clarification from headquarters as needed.

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## APPENDIX A: TOPIC RESOURCES AND FORMS

### **RESOURCES**

1. STARS OBRA Registry View Basics: [RCS SharePoint](#), then RCS Systems/STARS/STARS Manuals
2. STARS Computer Application – OBRA Registry Inquiry-Quick Guide: [RCS SharePoint](#), then RCS Systems/STARS/STARS Manuals
3. [42 CFR §483](#)
4. Nurse Aide Registry web page: <https://www.dshs.wa.gov/altsa/residential-care-services/nurse-aide-registry>
5. Abuse, Neglect and Exploitation CMS booklet:  
<https://qsep.cms.gov/data/107/AbuseNeglectExploitation.pdf>

### **Forms**

1. Link for Nursing Assistant Registry Inquiry, DSHS Form 16-193:  
<https://www.dshs.wa.gov/office-of-the-secretary/forms>  
Search by the form number or name “Nurse Aide Registry Inquiry”

### **QUALITY ASSURANCE REVIEW**

This procedure will be reviewed for accuracy and compliance at least every two years.

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## APPENDIX B: CHANGE LOG

EFFECTIVE DATE	CHPT SECT #	WHAT CHANGED? BRIEF DESCRIPTION	REASON FOR CHANGE?	COMMUNICATION & TRAINING PLAN
11/10/2020	26	Establishment of Chapter 26		MB R20-139

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