

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 81
“NATCEP Updates”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 249A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 249A and 42 CFR Sections 483.151, 483.152, 483.154, and 483.156

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 23, 2026
10 a.m.

Microsoft Teams
Meeting ID: 299 521 373 675 206
Passcode: Dq6qm6ow

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking implements federal updates to the Nurse Aid Training and Competency Evaluation Programs (NATCEP) by amending Chapter 81 to update the date certain for internal references to 42 CFR Sections 483.151, 483.152, 483.154, and 483.156. This proposed rulemaking also restores a student-to-teacher ratio to help ensure the quality of clinical instruction provided to nurse aide trainees.

The Centers for Medicare and Medicaid Services (CMS) issued a policy clarification memorandum in April 2026, updating training, supervision, and instructor qualifications for NATCEP. Because NATCEP is State-approved under federal law (42 CFR Part 483, Subpart D), each State must update its own NATCEP regulations and approval processes to align with CMS’s clarified requirements. States are responsible for implementing these changes in their own statutes, rules, and program approvals.

Iowa addresses CMS’s NATCEP requirements in Chapter 81 by referencing the applicable federal regulations with a date certain. The current date certain used in Chapter 81 is August 1, 2024. As such, there is a need to update that date certain to ensure that the new federal requirements apply.

This proposed rulemaking also reinstates a student-to-teacher ratio of one registered nurse or licensed practical nurse assistant to every 15 students within a clinical training setting. This

requirement was inadvertently removed during the 2024 Red Tape Review since it was thought to be covered by referencing the federal regulation. Reestablishing this student-to-teacher ratio will help ensure the quality of the clinical portion of nurse aide training.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Residents of facilities who receive reimbursement from CMS and their families will benefit from the updated requirements in this proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

The Department does not currently have any quantitative information related to the number of individuals who may be impacted in the future by this proposed rulemaking.

- **Qualitative description of impact:**

This proposed rulemaking is intended to update the dates certain used in referencing federal regulations, as well as to restore a student-to-teacher ratio for clinical instruction.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department may incur personnel and other administrative costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed rulemaking is appropriate to effectuate CMS's 2026 policy clarification memo.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **81.13(2)“e”** as follows:

e. Withdrawal of approval. The department of inspection, appeals, and licensing will follow the provision of ~~42 CFR 483.151(e) (as amended to August 1, 2024)~~ 42 CFR 483.151(f) as amended to January 1, 2027, regarding withdrawals of approvals.

ITEM 2. Amend subrule 81.13(3) as follows:

81.13(3) *Requirements for approval of a nurse aide training and competency evaluation program.* The department has designated the department of inspections, appeals, and licensing to approve required nurse aide training and competency evaluation programs. Policies and procedures governing approval of the programs are set forth in 42 CFR 483.152 ~~(as amended to August 1, 2024)~~ as amended to January 1, 2027.

a. to *c.* No change.

d. Clinical setting student-to-teacher ratio. The ratio of department of inspections, appeals, and licensing-approved instructors to students shall not exceed one registered nurse, or licensed practical nurse functioning as an assistant to a registered nurse, who is in the proximate area in the clinical setting, for every 15 students in the clinical setting.

ITEM 3. Amend subrule 81.13(4) as follows:

81.13(4) *Nurse aide competency evaluation.* Nurse aid competency evaluation program shall be administered in accordance with 42 CFR 483.154 ~~(as amended to August 1, 2024)~~ as amended to January 1, 2027.

a. to *d.* No change.

ITEM 4. Amend paragraph **81.13(5)“a”** as follows:

a. Establishment of registry. The department of inspections, appeals, and licensing shall establish and maintain a registry of nurse aides in accordance with 42 CFR 483.156 ~~(as amended to August 1, 2024)~~ as amended to January 1, 2027. In addition, the registry shall contain a record of known convictions by a court of law of a person convicted of abuse, neglect, mistreatment, or misappropriation of resident property.