*** § 2803-j. Nursing home nurse aide registry.** 1. The department shall develop and maintain, or cause to be developed and maintained, a nurse aide registry of individuals who have successfully completed a nurse aide training program approved by the commissioner or the commissioner of education or the accrediting body of other states or federal authorities including the military, and a competency evaluation program approved by the commissioner. The department, or any entity with which the department contracts, may charge a fee not to exceed one hundred sixty-five dollars, adjusted annually to reflect increases in the consumer price index for the purposes of implementing the competency evaluation program approved by the commissioner and maintaining the registry, as provided for in this section.

2. In accordance with federal law and regulation, no charges shall be imposed on a nurse aide for any costs for the nurse aide training or competency evaluation program.

3. The nurse aide registry shall include, but not be limited to, the following information:

(a) Identification of individuals who have successfully completed a nurse aide training and competency evaluation program, or a nurse aide competency evaluation program;

(b) Name, address (at time competency test was passed), and date of birth, of individuals listed in the registry;

(c) Name and date of state approved training and competency evaluation program successfully completed by an individual; and

(d) In accordance with the provisions of section twenty-eight hundred three-d of this article, findings of instances of physical abuse, mistreatment, neglect or misappropriation of resident property by a nurse aide in a nursing home, and any brief statement by the nurse aide disputing the findings.

4. Notwithstanding any inconsistent provision of this article, unless otherwise required by federal law or regulation as a condition of federal aid, in which case such law or regulation shall be controlling and the provisions of paragraph a of subdivision seven of section twenty-eight hundred seven of this article shall not apply, the cost of

any fee charged pursuant to subdivision one of this section paid by a residential health care facility shall be included in rates of payment determined in accordance with this article for such residential health care facility based on estimated costs for a prospective rate period and subsequently reconciled to actual expenses and statistics for such rate period by prospective adjustments of rates of payment.

* NB There are 2 § 2803-j's