

NURSE AIDES

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REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Are references required to be checked with previous employer, especially on nurse aides, upon/before employment?

According to the guidelines under 42 CFR §483.13(c), F226, the facility must “have policies and procedures to screen potential employees for a history of abuse, neglect or mistreating residents. This includes attempting to obtain information from previous employers and/or current employers.”

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Do sitters have to complete the training requirements for nurse aides and be listed with the NC Nurse Aide I Registry?

No.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Does DHSR have the right to verify whether a facility verified the nurse aide's registry number on an application form?

DHSR has the right to verify the facility's documentation, but there are no requirements for this verification to be maintained on an application form. Both Licensure and Certification require facility verification that an individual is listed on the Nurse Aide Registry before allowing the individual to work as a nurse aide except under the conditions identified in 42 CFR §483.75 (e) (5) and Licensure rule 10A NCAC 13D .2304.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

What is the requirement in Omnibus Budget Reconciliation Act (OBRA) '87 for Cardiopulmonary Resuscitation (CPR) training for nurse aides and to what level are aides expected to be trained?

Cardiopulmonary Resuscitation (CPR) training for nurse aides is not addressed in OBRA '87. It is addressed in 10A NCAC 13D .2309 (f).

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

What if the facility does provide at least 12 hours of continuing education each year for nurse aides, but each individual nurse aide does not attend at least 12 hours of continuing education? What recourse does the facility have? Who is ultimately accountable, the nurse aide or the facility?

The facility must provide 12 hours of continuing education to nurse aides annually based on areas of weakness as determined in the nurse aide's performance review and special needs of the residents as determined by the facility staff. The facility is ultimately accountable to see that the staff are fully trained and attend continuing education classes. If nurse aides do not attend required classes, the facility's recourse is an internal matter and would depend on facility policy. The nurse aide must have the required hours to be employed by the facility.

Note: Inservice training can be on an individual basis and can be less than one hour each as long as the total is 12 hours.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

May long term care staff other than licensed nurses or Nurse Aide Is feed residents?

Yes, if the facility complies with the CFR §483.35 (h) Paid Feeding Assistant requirement.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

May facilities have contracts with, or otherwise require employees to repay a facility for nurse aide training and competency evaluation programs or competency evaluation programs if the employee does not remain with the facility for a specified period? May nursing facilities charge, or otherwise require employees to assume responsibility, for costs associated with nurse aide training and competency evaluation programs or competency evaluation programs?

No. According to the preamble to the final regulations, “The cost of nurse aide training and competency evaluation is borne by the Medicare and Medicaid programs. It is inappropriate for a facility to ask a nurse aide to repay the facility for an expense for which it has already been paid.” Further, “No programs that charge fees to any nurse aides who are employed by, or who have an offer of employment from, a facility may be approved by the State.”

42 CFR §483.152(c)(1) and 42 CFR §483.154(c)(2) of the final regulations prohibit an aide who is employed by, or who has received an offer of employment from, a facility on the date on which the aide begins a nurse aide training and competency evaluation program or competency evaluation program, being charged for any portion of the program, including any fees for textbooks or other required course materials. Further, if the individual receives an offer of employment from a nursing facility within 12 months of completing an Nurse Aide Training Competency Evaluation Program or Competency Evaluation Program, the State will provide for reimbursement on a pro rata basis. 42 CFR §483.158 of the final regulations provides information regarding Federal Financial Participation for nurse aide training and competency evaluation.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

What level of nurse aide can remove a fecal impaction?

Nurse Aide IIs.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Can nurse aides give enemas? If so, what level of nurse aide and what type of enema?

A nurse aide I can give a non-medicated enema that does not have a systemic effect.

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FILE TOPIC: Nurse Aides

May a nurse aide who is trained, but not listed, feed residents?

Yes, provided he/she is an employee of the facility, is enrolled in a DHSR approved training program, has completed a minimum of eight hours of classroom study and demonstrates with the skills check-off list that he/she is deemed competent to feed residents.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Can nurse aides apply products such as cleansers and skin barrier to incontinent resident's skin? Can these items be kept at the resident's bedside?

Nurse aides may apply products such as skin barriers and cleansers. These products may be kept at the bedside without a physician's order. These products should be stored safely.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Can a student who has successfully completed a state approved Nurse Aide Training program be employed by a nursing facility as a Nurse Aide while waiting to take the Nurse Aide Competency evaluation?

If the individual has worked in the facility for four months or less, a facility may employ an individual who has successfully completed the training component of a state approved training and competency evaluation program, and is waiting to take the competency evaluation. The individual must be a full-time employee and be determined proficient for the tasks he/she is assigned to perform. The training program and the facility must have an agreement (such as a memorandum of understanding) that the training program has a responsibility to be available to answer questions from its students (Federal Register/ Vol. 58 No. 187 Thursday September 26, 1991, page 48896-48897) during the waiting period.

A facility may not employ any individual as a nurse aide in the facility for more than four months, on a full-time basis unless that individual is competent to provide nursing and nursing related services; has completed a training and competency evaluation program or a competency evaluation program approved by the State, and has been determined proficient for the tasks he/she is assigned to perform.

Note: Part-time employees are not eligible to be used by the facility in these instances according to 42 CFR §483.75(e)(2).

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

If a provider employs agency personnel as nurse aides, must the provider contact the registry to obtain confirmation of listing?

The facility is ultimately responsible for making sure all the nurse aides it uses are listed on the Registry. Federal regulation 42 CFR §483.75(e)(5) provides as follows:

Registry verification. Before allowing an individual to serve as a nurse aide, a facility must receive registry verification that the individual has met competency evaluation requirements unless -- 1) The individual is a full-time employee in a training and competency evaluation program approved by the State; or 2) 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. Facilities must follow up to ensure that such an individual actually becomes registered.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Is a facility required to have a documented check-off list in the personnel file of Nurse Aide
Is who are hired with experience if they are listed on the registry?

No. Neither the federal regulations nor licensure rules require a check-off list. However, 42 CFR §483.75(e)(8) requires the facility to complete a performance review of every nurse aide at least once every 12 months, and must provide regular in-service education based on the outcome of these reviews. Also, see licensure rule 10A NCAC13D .2211, regarding personnel standards.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

How soon after a Nurse Aide Training Program Coordinator in an approved program resigns, does the Division of Health Service Regulation have to be notified?

Facilities must notify the Nurse Aide Training and Registry Administration at the Division of Health Service Regulation when there are substantive changes to their training program including changes in coordinators, instructors, and curriculum. To ensure the program remains eligible for Medicaid funding of training program costs, facilities are encouraged to notify the State of anticipated changes prior to the actual change. In abrupt or unanticipated changes, facilities are encouraged to notify the registry as soon as possible.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Is there a rule or regulation to prohibit an unlisted nursing assistant from establishing an employment pattern of less than 120 days in numerous facilities, thus avoiding the competency requirement?

No. Although the rule attempts to discourage such a practice, there is nothing to actually prevent this pattern from occurring. Facilities are encouraged to send employees for competency determination as soon as possible after training is completed.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

What are the qualifications for nurse aide training program coordinators and instructors?

Program Coordinator

1. Registered Nurse (RN), currently licensed in North Carolina.
2. Minimum of at two years experience as a registered nurse.
3. At least one year of experience in the provision of long term care facility services, or
 - a) experience supervising or teaching of students in a long term care facility, or
 - b) work experience in a skilled nursing facility which is a distinct part of a hospital.

Primary Instructor

1. Registered nurse, currently licensed in North Carolina.
2. Minimum of two years experience as a registered nurse.
3. Completed a course in teaching adults, or
 - a) experience in teaching adults, or
 - b) experience in supervising nurse aides.

Note: The Director of Nursing in a facility may be the program coordinator but is prohibited from performing the actual training. The program coordinator may also be an instructor if he/she is not employed as the Director of Nursing in the facility, and otherwise meets the qualifications for an instructor.

483.125 (a)(5)(iv) does state that other healthcare professionals may supplement the training and 483.125 (a)(5)(i) states that the course is taught by or under supervision of a RN. The tasks of proficiency checks and student evaluations are the responsibility of the approved RN for the program, not supplemental personnel.

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

When a surveyor conducts a complaint investigation, discovers and substantiates an allegation under Tag F 223 when, how, and by whom is the Nurse Aide to be reported to the Health Care Personnel Registry Section?

The administrator shall ensure that the Health Care Personnel Registry Section of the Division of Health Service Regulation is notified within 24 hours of the health care facility becoming aware of all allegations against health care personnel as defined in G.S. 131E-256 (a)(1), which includes: abuse, neglect, misappropriation of resident property, misappropriation of the property of the facility, diversion of drugs belonging to a health care facility or a resident, fraud against a health care facility or a resident and injuries of unknown source in accordance with 42 CFR §483.13 which is incorporated by reference.

The facility shall thoroughly investigate allegations of resident abuse, resident neglect, or misappropriation of resident property in accordance with 42 CFR §483.13 which is incorporated by reference, including subsequent amendments, and shall document all relevant information pertaining to such investigation and shall take whatever steps are necessary to prevent further incidents of abuse, neglect or misappropriation of resident property while the investigation is in progress.

Health Care Personnel Registry Section
2709 Mail Service Center
Raleigh, NC 27699-2709
919/855-3968
919/733-3207 (FAX)

REGULATORY FOCUS BULLETIN

FILE TOPIC: Nurse Aides

Is there a regulatory requirement regarding the age of training materials for the Nurse Aide Registry?

No. However, all facilities/agencies are encouraged to use current, up-to-date materials in training, whether for nurse aide training programs or in-service education. This was recommended by the Nurse Aide Advisory Committee and is covered in the Committee-approved model curriculum introduction which states, "Use of up-to-date textbooks is an important learning resource for students. We suggest that instructors review several textbooks and select one to use in teaching the course. Several others may be purchased as reference books depending on budget resources. Each section of the curriculum includes a blank section for listing relevant resources for student reading." Instructors are encouraged to use a variety of materials that they have previewed and feel comfortable with. Some prefer one author/publisher over another. The State doesn't recommend any particular text.