

[Code of Federal Regulations]
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TITLE 42--PUBLIC HEALTH

CHAPTER IV--CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES (CONTINUED)

PART 483_REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES--Table of Contents

Subpart D_Requirements That Must Be Met by States and State Agencies: Nurse Aide Training and Competency Evaluation, and Paid Feeding Assistants

Sec. 483.152 Requirements for approval of a nurse aide training and
competency evaluation program.

(a) For a nurse aide training and competency evaluation program to
be approved by the State, it must, at a minimum--

- (1) Consist of no less than 75 clock hours of training;
- (2) Include at least the subjects specified in paragraph (b) of this
section;
- (3) Include at least 16 hours of supervised practical training.
Supervised practical training means training in a laboratory or other
setting in which the trainee demonstrates knowledge while performing
tasks on an individual under the direct supervision of a registered
nurse or a licensed practical nurse;
- (4) Ensure that--
 - (i) Students do not perform any services for which they have not
trained and been found proficient by the instructor; and
 - (ii) Students who are providing services to residents are under the
general supervision of a licensed nurse or a registered nurse;
- (5) Meet the following requirements for instructors who train nurse
aides;
 - (i) The training of nurse aides must be performed by or under the
general supervision of a registered nurse who possesses a minimum of 2
years of nursing experience, at least 1 year of which must be in the
provision of long term care facility services;
 - (ii) Instructors must have completed a course in teaching adults or
have experience in teaching adults or supervising nurse aides;
 - (iii) In a facility-based program, the training of nurse aides may
be performed under the general supervision of the director of nursing

for the facility who is prohibited from performing the actual training;
and

(iv) Other personnel from the health professions may supplement the instructor, including, but not limited to, registered nurses, licensed practical/vocational nurses, pharmacists, dietitians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech/language/hearing therapists, and resident rights

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experts. Supplemental personnel must have at least 1 year of experience in their fields;

(6) Contain competency evaluation procedures specified in Sec. 483.154.

(b) The curriculum of the nurse aide training program must include--

(1) At least a total of 16 hours of training in the following areas prior to any direct contact with a resident:

- (i) Communication and interpersonal skills;
- (ii) Infection control;
- (iii) Safety/emergency procedures, including the Heimlich maneuver;
- (iv) Promoting residents' independence; and
- (v) Respecting residents' rights.

(2) Basic nursing skills;

- (i) Taking and recording vital signs;
- (ii) Measuring and recording height and weight;
- (iii) Caring for the residents' environment;
- (iv) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and
- (v) Caring for residents when death is imminent.

(3) Personal care skills, including, but not limited to--

- (i) Bathing;
- (ii) Grooming, including mouth care;
- (iii) Dressing;
- (iv) Toileting;
- (v) Assisting with eating and hydration;
- (vi) Proper feeding techniques;
- (vii) Skin care; and
- (viii) Transfers, positioning, and turning.

(4) Mental health and social service needs:

- (i) Modifying aide's behavior in response to residents' behavior;
- (ii) Awareness of developmental tasks associated with the aging process;
- (iii) How to respond to resident behavior;
- (iv) Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity; and
- (v) Using the resident's family as a source of emotional support.

- (5) Care of cognitively impaired residents:
 - (i) Techniques for addressing the unique needs and behaviors of individual with dementia (Alzheimer's and others);
 - (ii) Communicating with cognitively impaired residents;
 - (iii) Understanding the behavior of cognitively impaired residents;
 - (iv) Appropriate responses to the behavior of cognitively impaired residents; and
 - (v) Methods of reducing the effects of cognitive impairments.
- (6) Basic restorative services:
 - (i) Training the resident in self care according to the resident's abilities;
 - (ii) Use of assistive devices in transferring, ambulation, eating, and dressing;
 - (iii) Maintenance of range of motion;
 - (iv) Proper turning and positioning in bed and chair;
 - (v) Bowel and bladder training; and
 - (vi) Care and use of prosthetic and orthotic devices.
- (7) Residents' Rights.
 - (i) Providing privacy and maintenance of confidentiality;
 - (ii) Promoting the residents' right to make personal choices to accommodate their needs;
 - (iii) Giving assistance in resolving grievances and disputes;
 - (iv) Providing needed assistance in getting to and participating in resident and family groups and other activities;
 - (v) Maintaining care and security of residents' personal possessions;
 - (vi) Promoting the resident's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff;
 - (vii) Avoiding the need for restraints in accordance with current professional standards.
- (c) Prohibition of charges. (1) No nurse 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 may be charged for any portion of the program (including any fees for textbooks or other required course materials).
- (2) If an individual who is not employed, or does not have an offer to be

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employed, as a nurse aide becomes employed by, or receives an offer of employment from, a facility not later than 12 months after completing a nurse aide training and competency evaluation program, the State must provide for the reimbursement of costs incurred in completing the program on a pro rata basis during the period in which the individual is employed as a nurse aide.

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CHAPTER IV--CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES (CONTINUED)

PART 483_REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES--Table of Contents

Subpart D_Requirements That Must Be Met by States and State Agencies: Nurse Aide Training and Competency Evaluation, and Paid Feeding Assistants

Sec. 483.154 Nurse aide competency evaluation.

(a) Notification to Individual. The State must advise in advance any individual who takes the competency evaluation that a record of the successful completion of the evaluation will be included in the State's nurse aid registry.

(b) Content of the competency evaluation program--(1) Written or oral examinations. The competency evaluation must--

(i) Allow an aide to choose between a written and an oral examination;

(ii) Address each course requirement specified in Sec. 483.152(b);

(iii) Be developed from a pool of test questions, only a portion of which is used in any one examination;

(iv) Use a system that prevents disclosure of both the pool of questions and the individual competency evaluations; and

(v) If oral, must be read from a prepared text in a neutral manner.

(2) Demonstration of skills. The skills demonstration must consist of a demonstration of randomly selected items drawn from a pool consisting of the tasks generally performed by nurse aides. This pool of skills must include all of the personal care skills listed in Sec. 483.152(b)(3).

(c) Administration of the competency evaluation. (1) The competency examination must be administered and evaluated only by--

(i) The State directly; or

(ii) A State approved entity which is neither a skilled nursing facility that participates in Medicare nor a nursing facility that participates in Medicaid.

(2) No nurse 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 competency evaluation program may be charged for any portion of the program.

(3) If an individual who is not employed, or does not have an offer to be employed, as a nurse aide becomes employed by, or receives an offer of employment from, a facility not later than 12 months after completing a nurse aide competency evaluation program, the State must provide for the reimbursement of costs incurred in completing the program on a pro rata basis during the period in which the individual is employed as a nurse aide.

(4) The skills demonstration part of the evaluation must be--

(i) Performed in a facility or laboratory setting comparable to the setting in which the individual will function as a nurse aide; and

(ii) Administered and evaluated by a registered nurse with at least one year's experience in providing care for the elderly or the chronically ill of any age.

(d) Facility proctoring of the competency evaluation. (1) The competency

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evaluation may, at the nurse aide's option, be conducted at the facility in which the nurse aide is or will be employed unless the facility is described in Sec. 483.151(b)(2).

(2) The State may permit the competency evaluation to be proctored by facility personnel if the State finds that the procedure adopted by the facility assures that the competency evaluation program--

(i) Is secure from tampering;

(ii) Is standardized and scored by a testing, educational, or other organization approved by the State; and

(iii) Requires no scoring by facility personnel.

(3) The State must retract the right to proctor nurse aide competency evaluations from facilities in which the State finds any evidence of impropriety, including evidence of tampering by facility staff.

(e) Successful completion of the competency evaluation program. (1) The State must establish a standard for satisfactory completion of the competency evaluation. To complete the competency evaluation successfully an individual must pass both the written or oral examination and the skills demonstration.

(2) A record of successful completion of the competency evaluation must be included in the nurse aide registry provided in Sec. 483.156 within 30 days of the date if the individual is found to be competent.

(f) Unsuccessful completion of the competency evaluation program.

(1) If the individual does not complete the evaluation satisfactorily, the individual must be advised--

(i) Of the areas which he or she; did not pass; and

(ii) That he or she has at least three opportunities to take the evaluation.

(2) The State may impose a maximum upon the number of times an individual upon the number of times an individual may attempt to complete the competency evaluation successfully, but the maximum may be no less than three.

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Subpart D_Requirements That Must Be Met by States and State Agencies: Nurse Aide Training and Competency Evaluation, and Paid Feeding Assistants

Sec. 483.156 Registry of nurse aides.

(a) Establishment of registry. The State must establish and maintain a registry of nurse aides that meets the requirement of this section.

The registry--

(1) Must include as a minimum the information contained in paragraph (c) of this section:

(2) Must be sufficiently accessible to meet the needs of the public and health care providers promptly;

(3) May include home health aides who have successfully completed a home health aide competency evaluation program approved by the State if home health aides are differentiated from nurse aides; and

(4) Must provide that any response to an inquiry that includes a finding of abuse, neglect, or misappropriation of property also include any statement disputing the finding made by the nurse aide, as provided under paragraph (c)(1)(ix) of this section.

(b) Registry operation. (1) The State may contract the daily operation and maintenance of the registry to a non-State entity. However, the State must maintain accountability for overall operation of the registry and compliance with these regulations.

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

(3) The State must determine which individuals who (i) have successfully completed a nurse aide training and competency evaluation program or nurse aide competency evaluation program; (ii) have been deemed as meeting these requirements; or (iii) have had these requirements waived by the State do not qualify to remain on the registry because they have performed no nursing or nursing-related services for a period of 24 consecutive months.

(4) The State may not impose any charges related to registration on individuals listed in the registry.

(5) The State must provide information on the registry promptly.

(c) Registry Content. (1) The registry must contain at least the following information on each individual who has successfully completed a nurse aide training and competency evaluation program which meets the requirements of Sec. 483.152 or a competency evaluation which meets the requirements of Sec. 483.154 and has been 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 Sec. 483.150:

(i) The individual's full name.

(ii) Information necessary to identify each individual;

(iii) 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 Sec. 483.150; and

(iv) The following information on any finding by the State survey agency of abuse, neglect, or misappropriation of property by the individual:

(A) 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;

(B) The date of the hearing, if the individual chose to have one, and its outcome; and

(C) A statement by the individual disputing the allegation, if he or she chooses to make one; and

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(D) This information must be included in the registry within 10 working 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.

(2) The registry must remove entries for individuals who have performed no nursing or nursing-related services for a period of 24 consecutive months, unless the individual's registry entry includes documented findings of abuse, neglect, or misappropriation of property.

(d) Disclosure of information. The State must--

(1) Disclose all of the information in Sec. 483.156(c)(1) (iii) and (iv) to all requesters and may disclose additional information it deems necessary; and

(2) Promptly provide individuals with all information contained in the registry on them when adverse findings are placed on the registry and upon request. Individuals on the registry must have sufficient opportunity to correct any misstatements or inaccuracies contained in the registry.

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Subpart D_Requirements That Must Be Met by States and State Agencies:

Nurse Aide Training and Competency Evaluation, and Paid Feeding Assistants

Sec. 483.158 FFP for nurse aide training and competency evaluation.

(a) State expenditures for nurse aide training and competency evaluation programs and competency evaluation programs are administrative costs. They are matched as indicated in Sec. 433.15(b)(8) of this chapter.

(b) FFP is available for State expenditures associated with nurse aide training and competency evaluation programs and competency evaluation programs only for--

- (1) Nurse aides employed by a facility;
- (2) Nurse aides who have an offer of employment from a facility;
- (3) Nurse aides who become employed by a facility not later than 12 months after completing a nurse aide training and competency evaluation program or competency evaluation program; or
- (4) Nurse aides who receive an offer of employment from a facility

not later than 12 months after completing a nurse aide training and competency evaluation program or competency evaluation program.

Rule R414-7B. Nurse Aide Training and Competency Evaluation Program.

As in effect on January 1, 2006

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[R414-7B-0. Authority and Purpose.](#)

A. Authority

The nurse aide training and competency evaluation program is authorized by the Omnibus Budget Reconciliation Act (OBRA) of 1987, P.L. 100-203, Section 4211(b) (5)(A-G),(e)(2)(1-2),(f)(2)(A-B), which is hereby adopted and incorporated by reference.

B. The purpose of the nurse aide training and competency evaluation program is to provide quality services to residents of nursing facilities by nurse aides who are able to assist residents in maintaining independence, demonstrate sensitivity to residents' needs, and demonstrate observational and documenting skills that are needed in the assessment of residents' health, physical condition, and well-being.

[R414-7B-1. Definitions as used in this chapter:](#)

A. "Nurse aide" means any individual providing nursing or nursing-related services to residents in a nursing facility, but does not include an individual who is a licensed health professional or who volunteers to provide such services without monetary consideration.

B. "Licensed health professional" means a physician; physician assistant; nurse practitioner; physical, speech, or occupational therapist; registered professional nurse; licensed practical nurse; or licensed or certified social worker.

C. "Nursing facility" means an institution licensed and certified to provide long-term care, and includes those facilities previously or currently licensed and Medicaid-certified as an Intermediate Care Facility (ICF) or a Skilled Nursing Facility. An intermediate care facility for the mentally retarded (ICF/MR) is not included in this definition.

D. "Resident" means an individual residing in and receiving medical long-term nursing services in a Medicaid-certified nursing facility.

E. "Train-the-trainer program" means a state-approved program which consists of formal instructions to potential instructors on how to train adults through demonstrations and lectures.

F. "Retraining" means required training for those nurse aides who have not performed paid services for a continuous period of 24 months since the most recent completion of a training and competency evaluation program.

G. "Competency evaluation" means a written or oral examination which addresses each requirement of OBRA 1987 for nurse aides, and a demonstration of the tasks the aide will be expected to perform as part of his function as a nurse aide.

H. "Testing out or challenging the test" means that those individuals acting as nurse aides in nursing facilities as of July 1, 1989, may be determined competent by taking the competency evaluation without enrolling in the approved nurse aide training course.

I. "Deemed competency" means that those individuals who, prior to January 1, 1989, completed a nurse aide training program that met the State's requirements at the time it was offered, may be determined to have completed a training and competency evaluation program and be certified as competent.

J. "State survey agency" means the Bureau of Facility Review in the Division of Health Care Financing, which is responsible for certification of nursing facilities and for conducting surveys to determine compliance with Medicaid requirements.

R414-7B-2. Procedures for Achieving Certification.

A. All nurse aides employed by a nursing facility after July 1, 1989, shall complete the nurse aide training approved by the State Office of Vocational Education, and pass the nurse aide competency evaluation or be enrolled in the nurse aide training program by January 1, 1990.

B. A nursing facility must make the necessary provision for the individual to participate in and complete the competency evaluation by January 1, 1990.

C. Deemed competency

1. Individuals who were certified as nurse aides by the State Office of Vocational Education before January 1, 1989, shall be deemed to have met the OBRA requirement upon completion of the approved in-service training on mental retardation and mental illness.

2. It shall be the responsibility of the nursing facility to provide this in-service training on mental retardation and mental illness and to notify the State Office of Vocational Education when it is completed.

D. Testing out

Those aides employed by a nursing facility on or before July 1, 1989, who have not been deemed certified, if they elect to test out, shall be determined competent by:

1. successfully testing out on the competency evaluation, including the written and skills components of the evaluation, provided by the State Office of Vocational Education or a State Office of Vocational Education-approved program which meets federal requirements; and

2. presenting proof of employment at a nursing facility.

E. Nurse aides certified in other states

Nurse aides certified in other states before July 1, 1989, may be deemed as certified nurse aides in Utah if they complete the approved in-service training on mental retardation and mental illness provided by the nursing facility. After July 1, 1989, they may be deemed as certified nurse aides in Utah if they have documentation of certification in another state.

R414-7B-3. Competency Evaluation.

A. Administration of the competency evaluation

1. Vocational centers and community colleges are approved by the State Office of Vocational Education to provide competency evaluations to nurse aides, using both written or oral examinations and demonstration of skills.

a. The written examination shall be administered by the vocational centers and community colleges approved by the State Office of Vocational Education with the following exception. Nursing facility personnel may proctor the written examination when the State Office of Vocational Education is confident that the competency evaluation program is secure from tampering, is standardized and scored by a testing, education or other organization approved by the State Office of Vocational Education, and requires no actual administration or scoring by facility personnel.

b. The skills demonstration component shall be performed in a facility or laboratory setting comparable to the setting in which the individual will function as a nurse aide, and must be administered and evaluated by a registered nurse with at least one year's experience in providing care for the elderly or the chronically ill of any age. The skills demonstration shall be administered only by the State Office of Vocational Education.

2. If the individual fails to satisfactorily complete the evaluation, the individual must be advised of the areas in which he was inadequate, and that he may take the evaluation a maximum of three times.

3. Any individual who takes the competency evaluation must be advised in advance that a record of the successful completion of the evaluation shall be included in the nurse aide registry, and shall be required to sign a Release of Information form which indicates the nurse aide's understanding of information that is required to be entered into the nurse aide registry.

4. The State Office of Vocational Education shall periodically update and validate the competency evaluation.

B. Content of the Competency Evaluation

1. Written or oral examination

The State Office of Vocational Education shall establish a written or oral examination (in the case of individuals with limited literacy in English) that addresses each requirement as prescribed in OBRA 1987. The questions shall be developed from a pool of test questions, only a portion of which shall be used in any one evaluation, under a system which maintains the integrity of both the pool of questions and the individual evaluations.

2. Demonstration of skills

The competency evaluation must include demonstration of the tasks the aide will be expected to perform as part of his function as a nurse aide.

C. Requirements for the skills training component

1. For the skills training component of the evaluation, a performance record shall be developed for each nurse aide training program of major duties and skills taught which consist of, at a minimum:

- a. a listing of the duties and skills expected to be learned in the program;
- b. a record documenting when the aide performs this duty or skill;
- c. documentation of satisfactory or unsatisfactory performance;
- d. the date of the performance;
- e. the instructor supervising the performance.

2. At the completion of the nurse aide training program, the nurse aide and his employer shall receive a copy of this record. If the individual did not successfully perform all the duties and skills on this performance record, he shall receive supervision for all duties and skills not satisfactorily performed until such satisfactory performance is confirmed.

3. The demonstration aspect of the skills training portion of the competency evaluation consists of a minimum performance of five tasks, all of which are included in the performance record. These five tasks are selected for each aide from a pool of evaluation items ranked according to degree of difficulty. A random selection of tasks shall be made with at least one task from each degree of difficulty.

R414-7B-4. Nurse Aide Training Program.

A. Administration

1. Training and competency evaluation programs shall be administered through the State Office of Vocational Education in accordance with a contract between the Division of Health Care Financing and the Department of Education.
2. All agencies conducting nurse aide training programs shall be approved by the State Office of Vocational Education.
3. Each area vocational center, community college, or nursing facility that conducts nurse aide training programs shall designate a qualified registered nurse to oversee training and instruction.

B. Training program approval and review

1. Process

- a. The State Office of Vocational Education shall review and render a determination regarding approval or disapproval of any nurse aide training when requested to do so by a Medicare or Medicaid-participating nursing facility. The State Office of Vocational Education, at its option, may also agree to review and render approval or disapproval of any nurse aide training program when requested to do so by another entity.
- b. The State Office of Vocational Education must, within 30 days of the date of an acceptable request, either advise the requestor of the State Office of Vocational Education's determination, or must seek additional information from the requesting entity with respect to the program for which it is seeking approval.
- c. Nursing facilities may apply for approval of a nurse aide training program by completing an application provided by the State Office of Vocational Education.

2. Requirements

- a. The State Office of Vocational Education shall approve any nurse aide training program which meets the criteria specified in OBRA 1987, the federal Health Care Financing Administration's guidelines, and guidelines designated by the State Division of Health Care Financing.
- b. Minimal content requirements must be met for the nurse aide training program to be approved by the State Office of Vocational Education. The nurse aide training program must consist of no less than 80 hours of training. The curriculum of the nurse aide training program must include at least the following subjects:
 - 1) at least 16 hours of training in the following areas prior to any direct contact with a resident:
 - a) communication and interpersonal skills;
 - b) infection control, including AIDS;
 - c) safety and emergency procedures;
 - d) promoting residents' independence;
 - e) respecting residents' rights;
 - f) basic nursing skills.
 - 2) The skills training of at least 16 hours shall ensure that each nurse aide, at a minimum, demonstrates competencies in the following areas:
 - a) Basic nursing skills:
 - (1) caring for residents when death is imminent;
 - (2) taking and recording vital signs;
 - (3) measuring and recording height;
 - (4) caring for residents' environment;
 - (5) recognizing abnormal signs and symptoms of common diseases and conditions.
 - b) Personal care skills, including, but not limited to:
 - (1) bathing, including mouth care;
 - (2) grooming;

- (3) dressing;
 - (4) toileting;
 - (5) assisting with eating and hydration;
 - (6) proper feeding techniques; and
 - (7) skin care.
- c) Basic restorative services:
- (1) use of assistive devices in ambulation, eating, and dressing;
 - (2) maintenance of range of motion;
 - (3) proper turning and positioning in bed and chair;
 - (4) bowel and bladder training;
 - (5) care and use of prosthetic and orthotic devices; and
 - (6) transfer techniques;
- d) Mental health and social service skills:
- (1) modifying his own behavior in response to the resident's behavior;
 - (2) identifying developmental tasks associated with the aging process;
 - (3) training the resident in self-care according to the resident's ability;
 - (4) behavior management by reinforcing appropriate resident behavior and reducing or eliminating inappropriate behavior;
 - (5) allowing the resident to make personal choices, providing and reinforcing other behavior consistent with resident's dignity; and
 - (6) using the resident's family as a source of emotional support.
- e) Residents' rights:
- (1) providing privacy and maintaining confidentiality;
 - (2) promoting the residents' rights to make personal choices to accommodate their needs;
 - (3) giving assistance in solving grievances;
 - (4) providing needed assistance in getting to, and participating in, resident and family groups and other activities;
 - (5) maintaining care and security of residents' personal possessions;
 - (6) providing care which maintains residents free from abuse, mistreatment, or neglect; reporting any instances of such poor care to appropriate facility staff; and
 - (7) maintaining the residents' environment and care through appropriate nurse aide behavior so as to minimize the need for physical and chemical restraints.
- c. Qualifications of instructors:
- 1) Non-nursing facility-based programs:
Nurse aide training and competency evaluation programs must have a program coordinator or primary instructor who is a registered nurse with at least two years of experience in caring for the elderly or chronically ill of any age.
- 2) Nursing facility-based programs:
- a) The program coordinator in a nursing facility-based program may be the director of nursing for the facility as long as the facility remains in full compliance with OBRA 1987, Section 4211, requirements.
 - b) The primary instructor must be a licensed nurse with at least one year of experience in a nursing facility.
 - 3) The program coordinator or primary instructor must have successfully completed a "train-the-trainer" type program approved by the State Office of Vocational Education or have demonstrated competence to teach adult learners as defined by the State Office of Vocational Education.
 - 4) Qualified personnel from the health professions may supplement the program coordinator or primary instructor in the case of non-facility programs, or the program instructor in the case of facility-based programs, and as program trainers in both facility-based and non-facility-based programs;
 - 5) Program trainers may include: registered nurses, licensed practical or vocational nurses, pharmacists, dietitians, social workers, sanitarians, fire safety experts,

nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech or language therapists, and any other appropriate and duly qualified personnel.

6) To function as program trainers, these health professionals must have a minimum of one year of current experience in the care of the elderly or chronically ill of any age, or have equivalent experience, and must be currently licensed, registered or certified in their field.

7) Licensed practical nurses, under the general supervision of the primary instructor, may provide classroom and skills training instruction and supervision if they have at least two years of experience in caring for the elderly or chronically ill of any age, or have equivalent experience.

8) Instructor-to-student ratio

A student-to-instructor ratio of 15:1 for clinical instruction and 30:1 for theory instruction shall not be exceeded.

9) Facilities

A classroom must be provided that has the following:

- a) adequate space and furniture for the number of students;
- b) adequate lighting and ventilation;
- c) comfortable temperature;
- d) appropriate audio-visual equipment;
- e) skills lab equipment to simulate a resident's unit;
- f) clean and safe environment;
- g) appropriate textbooks and reference materials.

C. Compliance reviews

1. Initial post-approval and ongoing reviews

After the initial approval of a training and competency evaluation program, an initial one-year post- approval review shall be done by the State Office of Vocational Education to determine the program's compliance with the OBRA 1987 requirements.

2. After the one-year review, an on-site review shall be completed at least every two years by the State Office of Vocational Education.

3. A self-evaluation shall be submitted by the program provider to the State Office of Vocational Education each year that an on-site review is not scheduled.

4. Minimum program review standards

The training and evaluation program review must include:

- a. skills training experience;
- b. maintenance of qualified faculty members for both classroom and skills portions of the training and competency evaluation programs;
- c. maintenance of the security of the competency evaluation examinations;
- d. a record of complaints received about the program;
- e. a record that each nursing facility has provided certified nurse aides with six hours of staff development training per quarter with compensation for the training;
- f. curriculum content that meets federal and state requirements; and
- g. classroom facilities that meet federal requirements for nurse aide training programs.

5. Division of Health Care Financing shall enforce the standards for nurse aide training and competency evaluation described in OBRA 1987, Section 4211, which are hereby adopted and incorporated by reference.

6. In addition to the required nurse aide training, all nurse aides shall receive an orientation program from the nursing facility where they are employed, which is not included in the required 80 hours of training. This orientation phase shall include, but is not limited to, an explanation of:

- 1) the organizational structure of the facility;
- 2) the facility policies and procedures;

- 3) the philosophy of care of the facility;
- 4) the description of the resident population; and
- 5) the employee rules.

R414-7B-5. Nurse Aide Registry.

- A. A central nurse aide registry has been developed and shall be maintained under the direction of the State Office of Vocational Education. This registry must include identification of individuals who have successfully completed and passed the nurse aide training and competency evaluation program with a passing score of 75 percent or above.
- B. Any organization responsible for the nurse aide competency evaluation program must report to the nurse aide registry within 30 days the names of all individuals who have satisfactorily completed the nurse aide training and competency evaluation program.
- C. The registry shall also document substantiated allegations of resident neglect, abuse, or misappropriation of resident property by a nurse aide in a nursing facility, including an accurate summary of the findings. If the nurse aide disputes the findings, this information shall also be entered into the registry.
- D. The Division of Health Care Financing's Bureau of Facility Review shall investigate such complaints. A nurse aide shall be entitled to a hearing, to be conducted through the Division of Health Care Financing, before a substantiated claim can be entered against the nurse aide.
- E. The Division of Health Care Financing shall enforce the standards for the nurse aide registry described in OBRA 1987, Sections 4211 and 4212, which are hereby adopted and incorporated by reference.

R414-7B-6. Limitations.

- A. The State Office of Vocational Education may not approve a facility-based nurse aide training program if, in the prior two years, the facility's participation in the Medicare and Medicaid programs has been terminated.
- B. Nurse aide training programs must be reviewed and reapproved at least every two years.
- C. The competency evaluation, both written and skills components, may not be administered by a skilled nursing facility which participates in Medicare nor a nursing facility which participates in Medicaid.
- D. After January 1, 1990, nursing facilities may not use nurse aides for more than four months unless they have completed the nurse aide training and competency evaluation program.
- E. After January 1, 1990, a nursing facility may not permit an individual to work as a nurse aide for monetary compensation unless the facility has checked the credentials of the nurse aide through the nurse aide registry.
- F. Upon review of program performance standards, those programs not meeting minimum requirements and which do not provide an acceptable plan for correcting deficiencies shall be terminated from the program.
- G. Retraining
Nurse aides who have not performed paid services for a continuous period of 24 months since the most recent completion of a training and competency evaluation program shall be required to undergo necessary retraining.

KEY

medicaid

[Date of Enactment or Last Substantive Amendment](#)

1989

[Notice of Continuation](#)

November 3, 2004

[Authorizing, Implemented, or Interpreted Law](#)

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