

## SUBCHAPTER 4.1

NURSE AIDE TRAINING AND  
COMPETENCY EVALUATION PROGRAM

§17-1737-41 Definitions. For the purpose of this subchapter:

"Facility-based NATCEP" means a NATCEP that is based in a nursing facility and sponsored primarily by that nursing facility.

"Initial State certification of a NATCEP" means the State's application process which is designed to ensure that the training program will be under the supervision of instructors who meet Federal requirements. The State will determine whether the training program meets State approval and contains all of the skill requirements mandated by Federal and State law.

"NATCEP" means the nurse aide training and competency evaluation program.

"Non-facility based NATCEP" means a NATCEP that is not based in a nursing facility and not sponsored by a nursing facility and classes are usually not held in a nursing facility.

"Nurse aide" means any individual providing nursing or nursing-related services to residents in a nursing facility but does not include an individual:

- (1) Who is a licensed health professional; or
- (2) Who volunteers to provide such services without monetary compensation.

"Nursing Facility" means a skilled nursing facility (SNF) or intermediate care facility (ICF), or both.

"On going certification of a NATCEP" means the review process in which the State determines whether the State certified training program continues to meet instructor and skill requirements mandated by Federal and State law.

"Resident" means a resident of a SNF or NF or any legal representative of the resident.

"State certified NATCEP" means a NATCEP that has met the State's certification requirements.

"Supervised Practical Training" means training in a laboratory setting designed to simulate the nursing home environment in which the trainee learns and demonstrates knowledge and proficiency while performing tasks on an individual. Certain basic nursing skills may be taught by a licensed practical nurse, or other health care professionals under the general supervision of a registered nurse.

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§17-1737-42 Nurse aide training and competency program requirements for facility-based and non-facility based NATCEP. (a) The Medicaid agency shall review and certify or deny all facility based and non-facility based NATCEP upon request.

- (1) The curriculum must be in the format prescribed by the Medicaid agency. If it is not in the correct format or is incomplete, it will be returned to the requestor.
  - (2) Within ninety days of the submission of a complete curriculum in the prescribed format, the Medicaid agency will advise the requestor in writing whether or not the NATCEP has been certified or if additional information is needed before a decision can be made.
  - (3) Submission of additional information must be in the prescribed format.
  - (4) The Medicaid agency reserves the right to conduct an onsite review of the NATCEP prior to rendering a decision.
  - (5) The NATCEP must submit a copy of its written curriculum and a written request to have its program State certified and in the correct format. If it is not in the correct format or is incomplete, it will be returned for further correction.
- (b) The curriculum requirements, at a minimum, must include the following:

- (1) One hundred clock hours of training. Thirty hours or more must be spent in classroom activities of which at least sixteen hours must be in the following areas prior to any direct contact with residents:
  - (A) Communication and interpersonal skills;
  - (B) Infection control;
  - (C) Safety and emergency procedures, including Heimlich maneuver;
  - (D) Understanding and promoting resident's independence; and
  - (E) Respecting residents' rights.
- (2) Basic nursing skills, to include recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor;
- (3) Personal care skills;
- (4) Mental health and social service needs;
- (5) Care of cognitively impaired residents;
- (6) Basic restorative services; and
- (7) Resident's rights.

(c) The following are other classroom activities that familiarize students with the role of nurse aides in the health care delivery system and to assess the trainee's ability to provide quality nurse aide services:

- (1) Introduction to the health care delivery system in Hawaii with special emphasis on agencies and facilities that care for the aged;
- (2) Correct conduct, language, and dress;
- (3) General preventive health care with emphasis on controlling the spread of infections;
- (4) Basic information about human bodily functions; and
- (5) Basic medical terminology.

(d) For supervised practical training, seventy hours of the one hundred clock hours of training referenced in subsection (b) paragraph (1), must include at a minimum, the following:

- (1) Basic nursing skills which must be taught and directly supervised by a registered nurse for a minimum of thirty hours;
- (2) Basic personal care skills which must be

taught and directly supervised by a licensed practical or vocational nurse working under the supervision of a registered nurse at a minimum of thirty hours; and

- (3) Basic restorative services which must be taught by a licensed or certified therapist working under the supervision of a registered nurse for ten hours minimum.

(e) Restriction of activities of students in a NATCEP are as follows:

- (1) Students must not perform any services for which they have not been trained and found proficient by the instructor.
- (2) Students providing services to residents must be under the general supervision of a registered nurse.

(f) Instructional techniques may include, but are not limited to, the following:

- (1) Lectures;
- (2) Written assignments;
- (3) Audiovisual aids; and
- (4) Role playing.

(g) The NATCEP must have an objective way of measuring the student's performance in classroom activities and practical training that include, but is not limited, to the following:

- (1) Testing;
- (2) Oral and written;
- (3) Student assessment forms; and
- (4) Attendance records including tardiness and absenteeism;
- (5) Evaluation on the student's understanding and ability to perform correctly each skill; and
- (6) Evidence that the student does not complete the program before achieving competence in all areas of supervised practical training.

(h) Instructor requirements are as follows:

- (1) The training of nurse aides must be performed by or under the general supervision of a registered nurse who possesses a minimum of two years of nursing experience, at least one year of which must have been in the provision of long term care facility services;

- (2) Instructors must have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides;
- (3) All practical training must be performed by or under the general supervision of a registered nurse with current licensure in the State of Hawaii;
- (4) Certain basic nursing skills in the practical training may be taught by a licensed practical nurse or other health care professional under the general supervision of a registered nurse;
- (5) 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;
- (6) Other personnel from the health professions may supplement the instructor, including, but not limited to, registered nurses, licensed practical or vocational nurses, pharmacists, physicians, dieticians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech, language, and hearing therapists, and resident rights experts; and
- (7) Supplemental personnel must have a least one year of experience in their fields.
  - (i) State certification may not be granted for a period longer than two years.
  - (j) When there are substantial changes made to the program within the two-year period, the program must notify the State and the State must review that program.
  - (k) The State may withdraw certification of a NATCEP if the State determines that the program:
    - (1) Does not meet ongoing instructor and skill requirements mandated by Federal and State law; and
    - (2) Does not allow unannounced visits by the Medicaid agency.

The Medicaid agency will notify the NATCEP in writing indicating the reason or reasons for withdrawal of certification. A student who has already started a NATCEP that had its certification withdrawn, will be permitted to complete the course.

- (1) Facility-based NATCEP requirements.
- (1) The State may not certify a NATCEP which, in the previous two years:
  - (A) Has operated under a waiver;
  - (B) Has been subject to an extended (or partial extended) survey;
  - (C) Has been assessed a civil money penalty of not less than \$5,000;
  - (D) Has been subject to a remedy to ensure the health and safety of its residents; and
  - (5) Pursuant to State action, was closed or had its residents transferred.
- (2) A State may not, until two years since the assessment of the penalty (or penalties) has elapsed, certify a NATCEP offered by or in a facility that within the two-year period beginning October 1, 1988:
  - (A) Had its participation terminated;
  - (B) Was subject to a denial of payment;
  - (C) Was assessed a civil money penalty of not less than \$5,000 for deficiencies in a nursing facility standards; and
  - (D) Operated under temporary management appointed to oversee the operation of the facility.

(m) A requirement for a non-facility based NATCEP is that the non-facility based NATCEP must conduct supervised practical training in a laboratory setting designed to simulate the nursing home environment.

(n) The director of commerce and consumer affairs has responsibility for the nurse aide competency program and registry of nurse aides, which includes but is not limited to, the following:

- (1) Notification to an individual;

- (2) Content and administration of the competency evaluation; and
- (3) Establishment, operation, and content of the registry of nurse aides.

An individual must successfully pass both the written or oral examination and the skills demonstration. An individual who does not complete the competency evaluation successfully, may have at least three opportunities to pass the evaluation.

(o) The director of commerce and consumer affairs shall:

- (1) Establish and maintain a registry of all individuals who have satisfactorily completed a nurse aide training and competency evaluation program certified by the State;
- (2) The registry shall include specific documented findings by the State of resident neglect or abuse or misappropriation of resident property as well as any brief statement of the individual disputing the findings; and
- (3) When inquiries to the registry are made concerning an individual listed in the registry, any information disclosed concerning such a finding shall also include disclosure of any such statement in the registry relating to the finding or a clear and accurate summary of such a statement.

(p) A provider may appeal the department's decision. The appeal shall be filed in accordance with the requirements of chapter 17-1736, subchapter 3. [Eff **AUG 25 2007** ] Auth: HRS §346-14) (Imp: 42 C.F.R. §§483.1, 483.75, 483.151, 483.152, 483.154, 483.156)