Nebraska CTE

Certified Nursing Assistant

SCOPE AND AUTHORITY. These regulations govern the qualifications and training requirements for nurse aides employed in nursing homes. Statutory authority for this chapter is Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 71-6038, 71-6039, and 71-6040 to 71-6042. These regulations are consistent with federal requirements at 42 CFR § 483, Subpart D, as it existed on the effective date of these regulations. 001

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DEFINITIONS. Definitions are found in Neb. Rev. Stat. § 71-6038 and this chapter. 002

1 **ADMINISTRATOR.** The operating officer for the health care facility, regardless of whether titled as administrator, manager, superintendent, director, or with a similar designation. The administrator of a licensed intermediate care facility, nursing facility, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities must be licensed by the State of Nebraska. 002.01

2 **CURRICULUM.** A detailed outline, description, or syllabus submitted to the Department as part of the course approval process by an association, hospital, nursing home, educational institution, or health care facility sponsoring a nurse aide training program. 002.02

3 **NURSE AIDE REGISTRY.** The central data bank of individuals eligible to function as nurse aides in certified facilities established by 471 Nebraska Administrative Code (NAC) 12. 002.03

4 **PROGRAM OR COURSE.** The terms program and course are used synonymously in these regulations. The Nurse Aide Training Program consists of one course. 002.04

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5 **RESIDENT. Any person domiciled, residing, or receiving care and treatment, for a period in excess of 24 hours, in a nursing home.** 002.05

NURSE AIDE REQUIREMENTS. 003

1 **PRACTICE. To act as a nurse aide, individuals must meet the requirements of Neb. Rev. Stat. § 71-6039 and the following:** 003.01

A Successfully complete a Department-approved training program; 003.01.A

B Demonstrate at least the minimum acceptable proficiency in tasks or duties connected with each skill in the curriculum prescribed in 172 NAC 108-004, as determined by the registered nurse administering the course and the course instructor; and 003.01.B

C Successfully complete a competency evaluation as described in 172 NAC 108-006. 003.01.C

2 **FINDINGS OF CONVICTION. The Department will document convictions of crimes involving moral turpitude rationally related to the practice of a nurse aide by placing a finding of conviction on the Nurse Aide Registry.** 003.02

A WRITTEN NOTICE. Nurse aides will be notified in writing of a finding of conviction. 003.02.A

B DISCIPLINARY ACTION. A nursing home is subject to disciplinary action against its license under Neb. Rev. Stat. § 71-6042 or this chapter. 003.02.B

NURSE AIDE TRAINING PROGRAMS. 004

1 **NURSING HOME NURSE AIDE TRAINING PROGRAM. Courses of training for all facility types outlined in Neb. Rev. Stat. § 71-6039 except Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) must be given by a single sponsor or organization and include, at a minimum, 75 clock hours of instruction, including at least 16 hours of supervised practical training. In addition, the course must include at least 1 hour of instruction on the responsibility of each nurse aide to report suspected abuse or neglect at a minimum, the curriculum must include:** 004.01

A At least 16 hours of training in the following areas prior to any direct contact with residents: 004.01.A

i Communication and interpersonal skills; 004.01.A.I

ii Infection control; 004.01.A

iii Safety and emergency procedures, including emergency measures for choking; 004.01.A.III

iv Promoting residents' independence; 004.01.A.IV

v Respecting residents' rights; 004.01.A.V

B Basic nursing skills: 004.01.B

i Taking and recording vital signs; 004.01.B.I

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ii Measuring and recording height and weight; 004.01.B

iii Caring for residents' environment; 004.01.B.III

iv Recognizing abnormal changes in body functioning and the importance of reporting changes to supervisors; 004.01.B.IV

v Caring for residents when death is imminent; 004.01.B.V

C Personal care skills, including, but not limited to: 004.01.C

i Bathing; 004.01.C.I

ii Grooming, including mouth care; 004.01.C.II

iii Dressing; 004.01.C.III

iv Toileting; 004.01.C.IV

v Assisting with eating and hydration; 004.01.C

vi Proper feeding techniques; 004.01.C.VI

vii Skin care; 004.01.C.VII

viii Transfers, positioning, and turning; 004.01.C.VIII

D Mental health and social service needs: 004.01.D

i Modifying behavior in response to residents' behavior; 004.01.D.I

ii Awareness of developmental tasks associated with the aging process; 004.01.D.II

iii Responding to resident behavior; 004.01.D.III

iv Allowing residents to make personal choices, providing and reinforcing other behavior consistent with residents' dignity; 004.01.D.IV

v Using residents' family as a source of emotional support; 004.01.D.V

E Care of cognitively impaired residents: 004.01.E

i Techniques for addressing unique needs and behaviors of residents with dementia, Alzheimer's and other diseases affecting cognitive functioning; 004.01.E.I

ii Communicating with cognitively impaired residents; 004.01.E.II

iii Understanding behavior of cognitively impaired residents; 004.01.E.III

iv Appropriate responses to behavior of cognitively impaired residents; 004.01.E.IV

v Methods of reducing effects of cognitive impairments; 004.01.E.V

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F Basic restorative services: 004.01.F

i Training residents in self-care according to their abilities; 004.01.F.I

ii Use of assistive devices in transferring, ambulation, eating and dressing; 004.01.F.II

iii Maintaining range of motion; 004.01.F.III

iv Proper turning and positioning in bed and chair; 004.01.F.IV

v Bowel and bladder training; 004.01.F.V

vi Care and use of prosthetic and orthotic devices; 004.01.F.VI

G Residents' rights: 004.01.G

i Providing privacy and maintaining confidentiality; 004.01.G.I

ii Promoting the residents' right to make personal choices to accommodate their needs; 004.01.G.II

iii Assisting in resolving grievances and disputes; 004.01.G.III

iv Providing assistance in getting to and participating in resident and family groups and activities; 004.01.G.IV

v Maintaining care and security of personal possessions; 004.01.G.V

vi Promoting residents' right to be free from abuse, mistreatment, and neglect and reporting of such treatment to appropriate facility staff; and 004.01.G.VI

vii Avoiding restraints in accordance with current professional standards. 004.01.G.VII

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2 **INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES NURSE AIDE TRAINING PROGRAM. Courses of training for nurse aides employed by intermediate care facilities for individuals with intellectual disabilities (ICF/IID) must be given by a single sponsor or organization and include, at a minimum, 15 hours of classroom instruction in basic personal care and 5 hours of classroom instruction in basic therapeutic and emergency procedures. In addition, the course must include at least 1 hour of instruction on the responsibility of each nurse aide to report suspected abuse or neglect. At a minimum, the curriculum must include:** 004.02

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A At least 15 hours of basic personal care training in the following areas: 004.02.A

8 Bed-making, (both occupied and unoccupied); 004.02.A.I.8

ii Active range of motion: 004.02.A.II

1 Ambulation; 004.02.A.II.1

2 Positioning; 004.02.A.II.2

3 Transfer techniques; 004.02.A.II.3

4 Use of physical restraints; 004.02.A.II.4

iii Foods and fluids: 004.02.A.III

1 Basic nutrition; 004.02.A.III.1

2 Diet descriptions; 004.02.A.III.2

3 Preparation of residents for meals; 004.02.A.III.3

4 Feeding techniques; 004.02.A.III.4

5 Reporting intake and output; 004.02.A.III.5

6 Weighing techniques; 004.02.A.III.6

iv Elimination: 004.02.A.IV

1 Appropriate use of urinal and bedpan; 004.02.A.IV.1

2 Bowel and bladder retraining; 004.02.A.IV.2

3 Incontinent care; 004.02.A.IV.3

4 Enemas; 004.02.A.IV.4

v Safety and accident prevention: 004.02.A.V

1 Lighting; 004.02.A.V.1

2 Siderails; 004.02.A.V.2

3 Call lights; 004.02.A.V.3

4 Wheelchairs; 004.02.A.V.4

5 Smoking; 004.02.A.V.5

vi Infection prevention techniques: 004.02.A.VI

1 Handwashing and gloving; 004.02.A.VI.1

2 Care of linen and equipment; 004.02.A.VI.2

3 Introduction to isolation techniques; 004.02.A.VI.3

vii Aging process: 004.02.A.VII

1 Basic principles; 004.02.A.VII.1

2 Psychosocial needs; 004.02.A.VII.2

3 Communication skills; 004.02.A.VII.3

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B At least 5 hours of therapeutic and emergency procedures training in at least the following areas: 004.02.B

i Fire and disaster safety and procedures; 004.02.B.I

ii Basic emergency care: 004.02.B.II

1 Recognition of signs and symptoms of emergencies including bleeding, burns, convulsions, fainting, falls, and choking; 004.02.B.II.1

2 Procedures for reporting; 004.02.B.II.2

iii Measuring vital signs: 004.02.B.III

1 Temperature; 004.02.B.III.1

2 Pulse; 004.02.B.III.2

3 Respirations; 004.02.B.III.3

4 Blood pressure; 004.02.B.III.4

C At least 1 hour of training in procedures for reporting suspected abuse or neglect, including: 004.02.C

i The requirements of the Adult Protective Services Act and the Child Protection and Family Safety Act; and 004.02.C.I

ii Resident rights as set forth in 175 NAC 12 and 175 NAC 17. 004.02.C.II

3 **PROGRAM ADMINISTRATION. Courses must be administered by registered nurses who hold a current license to practice as such in Nebraska or have the authority to practice as such in Nebraska under the provisions of the Nurse Licensure Compact.** 004.03

4 **COURSE ADMINISTRATION DOCUMENTATION. A registered nurse administering a nurse aide course must document an individual's successful completion of the course in a document, the original of which must be given to the individual, containing the following information:** 004.04

A Individual's name; 004.04.A

B Individual's date of birth; 004.04.B

C Date of successful completion of the course; 004.04.C

D Course sponsor; and 004.04.D

E Course instructor. 004.04.E

5 **REQUIRED DOCUMENTATION. The information required by 172 NAC 108-004.04 must also be submitted to the Department in a document signed by the administrator that also includes the individual's social security number.** 004.05

Personal care: 004.02.A.I

i **Personal care:** 004.02.A.I

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Ba **athing;** 004.02.A.I.1

Oral hygiene; 004.02.A.I.2	**2 Oral hygiene;** 004.02.A.I.2
Backrubs; 004.02.A.I.3	**3 Backrubs;** 004.02.A.I.3
Nail care; 004.02.A.I.4	**4 Nail care;** 004.02.A.I.4
Shaving; 004.02.A.I.5	**5 Shaving;** 004.02.A.I.5
Hair care; 004.02.A.I.6	**6 Hair care;** 004.02.A.I.6
Dressing; 004.02.A.I.7	**7 Dressing;** 004.02.A.I.7

APPROVAL OF NURSE AIDE TRAINING PROGRAMS. Any association, educational institution, skilled nursing facility, nursing facility, intermediate care facility, or intermediate care facilities for individuals with intellectual disabilities (ICF/IID) may apply for approval to conduct a training course for nurse aides. 005

1 APPLICATION FORM AND CONTENT. Applications must be made on a form provided by the Department and submitted with the curriculum for the course as defined in 172 NAC 108-004. The application must include the following: 005.01

A Course title; 005.01.A

B Sponsor's name; 005.01.B

C Title, author, publisher, and edition of any textbook to be used or, if no textbook is to be used, a list of written materials to be used and the source of such materials; 005.01.C

D Specific objectives for the course; 005.01.D

E Units to be covered in the course, as determined by the components required by 172 NAC 108-004.01, items A-G, and 172 NAC 108-004.02, items A-C, and the hours to be spent on each unit; 005.01.E

F Methods of instruction for each unit listed in 172 NAC 108-004, such as lecture, demonstration, simulation, slide presentation, or other electronic methods; 005.01.F

G Description of the practical training to be provided for each unit; 005.01.G

H Reading assignments in the text or in other materials for each unit; 005.01.H

I Evaluation method for each unit, such as written examination, student presentation or demonstration, or competency check-off; 005.01.I

J Timing of evaluations, such as after each unit or comprehensively at the end of the course; 005.01.J

K Grading system to be used; and 005.01.K

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L Tasks and duties that students will be evaluated for competency on for each unit and the examinations to be used, including, at a minimum: 005.01.L

i Procedures for administering examinations; 005.01.L.I

ii Procedures for ensuring the security of examinations, during administration and otherwise, including the number of times particular examinations will be used; 005.01.L.II

iii Procedures for validating that examinations measure competency in the unit being tested; and 005.01.L.III

iv Procedures for reporting grades to the sponsor and Department. 005.01.L.IV

2 **APPLICATION SUBMISSION. The administrator for the entity conducting the course must submit the application at least 30 days prior to the date when the course is to be given.** 005.02

3 **COMPLETE APPLICATIONS. Only complete applications will be considered. Applications must include:** 005.03

A All information requested on the application; 005.03.A

B A complete curriculum as defined in this chapter; and 005.03.B

C The signature of the administrator of the entity making application. 005.03.C

4 **CONTINUING APPROVAL. Once an application for approval has been granted, reapproval is not required for each occasion on which the course is administered so long as the course is not changed or the course requirements are not changed by law. If the course or any portion thereof is changed, reapplication must be made in accordance with this chapter. When only a portion of a course is changed, the applicant may submit only documentation and information regarding the changes made, but must clearly identify those portions that are unchanged by so stating on the application.** 005.04

5 **APPLICATIONS TO CONDUCT APPROVED COURSES DEVELOPED BY OTHERS. Associations, educational institutions, skilled nursing facilities, nursing facilities, intermediate care facilities, and intermediate care facilities for individuals with intellectual disabilities (ICF/IID) may, with the consent of the developer, conduct nurse aide training courses developed by others that have been approved by the Department. Such facilities must apply for approval in accordance with this chapter, but need not submit curriculum materials required by this chapter except to the extent that the course will vary in any manner from the approved course. Applicants must indicate on the application the title of the approved course to be used, name of the entity whose approved course will be used, and the date on which such course was approved.** 005.05

6 **CHANGES TO APPROVED COURSES. Any changes in approved courses must be submitted to the Department for approval.** 005.06

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ONSITE INSPECTION. All nurse aide training courses are subject to periodic on-site eview by the Department. Sponsors of approved courses must give the

Department at least 5 working days' written notice of the date when a course will be held and the location of the course. 005.07

8 **ATTENDANCE RECORDS. The sponsor must maintain attendance records for courses for a minimum of 2 years from the date of completion. Attendance records are subject to review by the Department upon request.** 005.08

DENIAL, SUSPENSION, OR REVOCATION OF APPROVAL. The Department may deny, suspend, or revoke approval of a nurse aide training course for failure to meet the requirements of Neb. Rev. Stat. §§ 71-6038 to 71-6042 and this chapter. 005.09

9 **DENIAL, SUSPENSION, OR REVOCATION OF APPROVAL. The Department may deny, suspend, or revoke approval of a nurse aide training course for failure to meet the requirements of Neb. Rev. Stat. §§ 71-6038 to 71-6042 and this chapter.** 005.09

COMPETENCY EVALUATIONS. The Department may administer and evaluate competency evaluations; contract for the administration and evaluation of competency evaluations; or request applications for approval to administer and evaluate competency evaluations. Skilled nursing facilities that participate in Medicare and nursing facilities that participate in Medicaid are not eligible to administer and evaluate competency evaluations. A nurse aide course instructor cannot teach a student in the nurse aide course and administer the co to ap

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1 **CONTENT. A competency evaluation must contain a written or oral portion and a skills demonstration portion.** 006.01

A WRITTEN PORTION. The written or oral portion must: 006.01.A

i Address each course requirement listed in section 004 of these regulations; 006.01.A.I

ii Be developed from a pool of questions, only a portion of which is used in any one examination; 006.01.A.II

iii Use a system that prevents disclosure of both the question pool and the individual competency evaluations; 006.01.A.III

iv If oral, be read from a prepared text in a neutral manner; 006.01.A.IV

v Be tested for reliability and validity using nationally recognized standards; and 006.01.A.V

vi Meet all other requirements set forth in 42 CFR § 483, Subpart D. 006.01.A.VI

B SKILLS DEMONSTRATION. The skills demonstration portion must: 006.01.B

i Address each personal care skill listed in section 004 of these regulations; 006.01.B.I

ii Consist of demonstration of randomly selected items drawn from a pool of tasks generally performed by nurse aides; 006.01.B.II

iii Be performed in a setting comparable to the setting in which the nurse aide will operate and 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; and 006.01.B.III

iv Meet all other requirements set forth in 42 CFR § 483, Subpart D. 006.01.B.IV

approval must include a copy of the evaluation plan and procedures and assurances that the requirements of this section will be met. 006

2 **NOTIFICATION. Persons taking the competency evaluation will be advised in advance that a record of the successful completion of the examination will be included in the state's nurse aide registry.** 006.02

3 **SUCCESSFUL COMPLETION. A score of PASS must be achieved for both the written, oral, and skills demonstration parts of the test. The competency testing entity will inform the nurse aide of the test score within 5 calendar days of the completion of the test and will inform the nurse aide registry of the nurse aide's scores within 14 calendar days after the test is completed.** 006.03

4 **UNSUCCESSFUL COMPLETION. Any person who does not complete the evaluation satisfactorily will be advised in writing within 5 calendar days after the test is scored of the areas which the person did not pass and that the person has 3 opportunities to take the evaluation. The competency testing entity will inform the nurse aide registry of the nurse aide's scores within 14 calendar days after the test is completed.** 006.04

5 **STORAGE OF EVALUATION INSTRUMENT. Evaluation instruments must be securely stored when they are not being administered or processed.** 006.05

6 **DATA MANAGEMENT AND TRANSMISSION. Any contractor or provider of competency evaluations must meet state and federal requirements for nurse aide certification testing. This includes a secure system for data management and transmission of data to the Department, as well as the maintenance and security of questions in the written and skills examination pool.** 006.06

A QUALITY ASSURANCE. Any contractor or provider of competency evaluations shall conduct a standard quality assurance program measuring elements of structure, process, and outcomes of all components of the nurse aide competency evaluation. Written and skills exams must be linked to the nurse aide job analysis and supported by psychometric data determining the validity of all testing items on an ongoing basis. 006.06.A

B 006.06(B) DATA COLLECTION AND REPORTING. Data collection and reporting shall include the following reports as requested by the Department: 006.06.B

i Pass and fail rates by program or contract; 006.06.B.I

ii Psychometric analysis of exam items; 006.06.B.II

iii Candidate satisfaction rates; 006.06.B.III

iv Americans with Disabilities Act (ADA) accommodations provided; 006.06.B.IV

v Quality assurance data; and 006.06.B.V

vi Data that supports intra- and inter rater-reliability of the nurse aide tester. 006.06.B.VI