

RULES AND REGULATIONS
FOR THE REGISTRATION OF NURSING ASSISTANTS
AND THE STATE REVIEW AND APPROVAL
OF NURSING ASSISTANT TRAINING AND
COMPETENCY EVALUATION PROGRAMS

(R23-17.9-NA)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

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the provisions of section 42-35-4.1 of the
Rhode Island General Laws, as amended)**

INTRODUCTION

These rules and regulations are promulgated pursuant to the authority conferred under Chapter 23-17.9 of the General Laws of Rhode Island, as amended, and are established for the purpose of defining the minimum standards for: (1) the training, competency evaluation and registration of nursing assistants; and (2) and to adopt unified standards for nursing assistants in this state to ensure safe and adequate care to individuals receiving nursing assistants' health care services in this state.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following issues have been given consideration in arriving at the regulations: (a) alternative approaches to the regulations; (b) duplication or overlap with other state regulations; and (c) significant economic impact on small business as defined in Chapter 42-35 of the General Laws, as amended, which would result from the proposed regulations. No alternative approach, duplication or overlap was identified. The health safety and welfare of the public overrides any economic impact which may result from these regulations. Consequently these rules and regulations are adopted in the best interest of the health, safety and welfare of the public.

These amended rules and regulations shall supersede any other *Rules and Regulations for the Registration of Nursing Assistants and the State Review and Approval of Nursing Assistant Training and Competency Evaluation Programs* promulgated by the Department of Health and filed with the Secretary of State.

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PART I **DEFINITIONS**
R23-17.9-NA

Section 1.0 **Definitions**

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 **"Act"** refers to Chapter 23-17.9 of the General Laws of Rhode Island, as amended, entitled, "Registration of Nursing Assistants."
- 1.2 **"Approval"** means the process whereby the Director of Health evaluates and grants official recognition to training and/or competency evaluation programs for nursing assistants in this state based on the requirements herein.
- 1.3 **"Certifying agency"** means the Rhode Island Department of Health.
- 1.4 **"Competency evaluation"** means a process whereby a Nursing Assistant demonstrates that he/she can perform the skills and exercise the judgement that is necessary to carry out the job of Nursing Assistant as defined in these regulations.
- 1.5 **"Director"** means the Director of the Rhode Island Department of Health or his/her designee.
- 1.6 **"Division"** means the Division of Professional Regulation, Rhode Island Department of Health.
- 1.7 **"Health care facility"** means any facility licensed pursuant to the provisions of Chapter 23-17 of the General Laws, or which is receiving services from agencies licensed pursuant to Chapter 23-17.7.
- 1.8 **"Nursing assistant"** means a nurse's aide, or orderly or home health aide who is a paraprofessional, registered, pursuant to the provisions of Chapter 23-17.9 of the General Laws, and who is trained to give personal care and related health care and assistance based on his or her level of preparation to individuals who are sick, disabled, dependent, or infirm, and who are residents of or who receive services from health care facilities licensed pursuant to Chapter 23-17 of the General Laws, or who are receiving services from agencies licensed pursuant to Chapter 23-17.7.
- 1.9 **"Nursing assistant trainee"** means a person enrolled in a nursing assistant training and competency evaluation program herein referred to as (NATCEP).
- 1.10 **"Nursing assistant training program"** means an organized course of classroom instruction and practical training, approved by the Director and offered by a licensed health care facility, or within an agency or organization, or within a vocational-technical or other program, or within a college or other education facility, and which has as a major goal the preparation of individuals to function as nursing assistants and to discharge those duties commensurate with their basic preparation.
- 1.11 **"Patient"** refers to clients, residents and/or patients.
- 1.12 **"Supervision"** means the provision or exercise of control and direction over the services of the nursing assistant under the direction of a registered nurse licensed in this state or other appropriate health professionals duly licensed, registered and/or certified as may be required by the laws of this

state.

- 1.12.1 ***"Direct supervision"*** means supervision provided by the supervisor as set forth in section 2.6 herein, and who is and remains on the premises, in the building, while the nursing assistant duties are being performed and evaluates the performance of the nursing assistant.
- 1.12.2 ***"Indirect supervision"*** means supervision provided by the supervisor as set forth in section 2.6 herein, and who does not need to be on the premises while the nursing assistant duties are being performed, but who is responsible for the assignment of duties and evaluation of the performance of the nursing assistant.

PART II ***REQUIREMENTS FOR REGISTRATION***
(R23-17.9-NA)

Section 2.0 ***General Requirements***

- 2.1 On and after 1 October 1990, no person shall be employed in this state as a nursing assistant in a health care facility or in a private setting such as a private home or any other setting, unless he or she is registered as a nursing assistant in accordance with the provisions of the Act and the rules and regulations herein.
- 2.2 Individuals hired as nursing assistants, if a nursing assistant trainee, must complete the basic nursing assistant training program, and competency evaluation as set forth in section 13.0 herein, no later than one hundred twenty (120) days from the employee's effective date of employment, and must be duly registered with the Rhode Island Department of Health.
- 2.2.1 Individuals who change employment prior to completion of the training program within one hundred twenty (120) days from the date of employment, will not be allowed additional time for completion of the training program without prior approval of the Director.
- 2.3 Notwithstanding any provision of section 23-17.9-2 of the Rhode Island General Laws, as amended, the definition of "nursing assistant" shall not apply to those persons designated solely as personal care attendants, or programs established and administered for the purpose of providing personal care attendant service, established by Chapter 40-8.1-1 entitled, "Personal Care Attendant Program," or Chapter 161-E entitled, "Personal Care for the Severely Disabled."

Employees of privately and publicly operated, residential programs for people with retardation or developmental disabilities who have successfully passed a qualifying competency evaluation or completed a training program for residential instructors shall be exempt from the provisions of sections 23-17.9-3 and 23-17.9-6. The competency evaluation and training program must be approved by the divisions of retardation services and developmental disabilities of the Department of Mental Health, Retardation and Hospitals and incorporated into that Department's rules, regulations and standards for licensing facilities pursuant to Chapter 40.1-24.

Furthermore, no provision of the Act shall apply to those persons who are actively matriculated in a bachelor's of science in nursing, associate degree program in nursing, an accredited licensed practical nursing program or registered nurse course of study in a National League for Nursing accredited nursing program provided those persons have completed a minimum of two (2) clinical courses and provided those individuals are supervised by a registered nurse (an R.N).

- 2.4 No person shall assume the title of nursing assistant or such similar title or use any abbreviations or any other words, letters, signs, figures or devices to indicate that the individual using same is a nursing assistant as set forth in these regulations, unless registered in this state as a nursing assistant. The only abbreviation which a nursing assistant may use in this state is limited to "N.A."
- 2.5 ***Identification:***
Nursing assistants shall be subject to the policies of the employing institution and/or agency with regard to wearing identification.
- 2.6 ***Supervision:***

Pursuant to the provisions of section 23-17-9.2 of the Act of reference 1, nursing assistants shall be

supervised as defined in section 1.12 herein, in the discharge of those nursing assistant duties as set forth in Appendix I. Registered nurses and other appropriate professionals of the health care team, licensed, registered and/or certified as may be required by the laws of Rhode Island, shall supervise nursing assistants. A registered nurse must supervise any acts, functions or tasks performed by a nursing assistant which are nursing-related. In the absence of a nurse, a licensed physician may supervise nursing functions.

2.6.1 The type of supervision, (i.e., direct or indirect supervision) shall be determined by the health care facility based on the qualifications and demonstrated competencies of the individual nursing assistant, with the exception, however, of those duties listed in Appendix I-C which can be discharged only under direct supervision as defined in section 1.12.1 herein.

Section 3.0 ***Qualifications for Registration***

3.1 An applicant seeking registration as a nursing assistant must:

- a) be of good moral character;
- b) have successfully completed a state-approved training program and the competency examination (NATCEP).

Section 4.0 ***Application For Registration***

4.1 Application for registration to be employed in this state as a nursing assistant shall be made on forms provided by the Division. Said forms must be completed and notarized. Such application shall be accompanied by documented evidence pertaining to the following:

- a) documented evidence of qualifications as listed in section 3.1;
- b) one (1) unmounted passport-type photograph of the applicant (head and shoulder view) approximately 2x3 inches in size;
- c) the processing fee (non-refundable) of twenty-five dollars (\$25.00) made payable by certified check or money order to the General Treasurer, state of Rhode Island; Personal checks shall not be accepted.
- d) an original or notarized copy of birth certificate or proof of lawful entry into the United States.

Section 5.0 ***State Approved Competency Evaluation (Qualifying Examinations)***

5.1 Each applicant seeking registration as a nursing assistant as defined in section 1.8 herein shall be required to successfully complete a state approved competency evaluation for nursing assistants, in order to be registered.

5.1.1 Applicants seeking registration as a nursing assistant shall be given three (3) opportunities to successfully complete a competency evaluation program (CEP) for nursing assistants_(i.e., three (3) opportunities to successfully complete the written and clinical components of the examination).

5.1.2 After three (3) unsuccessful attempts to complete the CEP, the nursing assistant must repeat the Nursing Assistant Training and Competency Evaluation Program (NATCEP).

- 5.1.3 On and after July 1, 2000, all applicants shall be required to successfully complete the CEP within a period of one (1) year from the date of initiation of training. Failure to successfully complete this process within one (1) year shall require that the applicant repeat the NATCEP.
- 5.1.4 The CEP qualifying examination shall be selected, approved, administered and evaluated by the Director or his/her designee.
- 5.1.5 Each training program shall submit an application for testing, accompanied by applications for licensure and the appropriate fee(s), (listed below) to be paid by the training program or the applicant (as in subsection a) or b) below) each time an applicant is required to sit for an examination.

Fee Structure: Fees shall be charged as follows:
 Written examination\$20.00
 Clinical examination \$25.00

- a) The testing fee(s) is paid by the individual applicant only in the following circumstances: If the applicant is unemployed, is a student nurse (i.e., is matriculating in a program leading to the RN or LPN license), is an individual with training equivalent to nursing assistant training or is otherwise qualified to test as determined by the Department, or is a licensee with a lapsed license.
 - b) If the nursing assistant shall be continuously employed by the same facility for six (6) months after the application, then the testing fee paid by the individual applicant shall be directly refunded on a pro rata basis between months six (6) and twelve (12) to the applicant by the facility or agency. The fee shall be refunded to the applicant by the employer (i.e., facility or agency) if a Department of Health application receipt is presented to the facility or agency by the applicant within one (1) year of the date on the receipt.
- 5.1.6 Fees for re-testing (up to three {3} times maximum) shall be the same as those listed above (i.e., twenty dollars (\$20.00) for the written examination and twenty-five dollars (\$25.00) for the clinical examination.

Section 6.0 ***Out-of-State Applicants***

- 6.1 A registration may be issued without examination to an out-of-state applicant seeking registration as a nursing assistant in this state, if the applicant has been duly registered or certified or licensed as a nursing assistant or home health aide under the laws of another state or territory or District of Columbia, and if in the opinion of the Division, the applicant meets the qualification requirements for nursing assistants as set forth in these rules and regulations.
 - 6.1.1 An application for registration shall be submitted to the Division by the employing agency and/or individual on forms provided by the Division and accompanied by documented evidence of credentials as set forth in section 4.0 herein including the application fee of twenty-five dollars (\$25.00) made payable by certified check or money order to the General Treasurer, state of Rhode Island, and such additional supporting documentation as may be required by the Division.
 - 6.1.2 In addition, the certifying and/or registration and/or licensing agency in each state in which the applicant holds or has held registration, certification and/or licensure as a nursing assistant or

home health aide must submit to the Division in this state a statement confirming whether or not the applicant is or has been in good standing.

- 6.1.3 Individuals who are duly registered, certified and/or licensed by examination as nursing assistants or home health aides under the laws of another state, territory or District of Columbia, shall be allowed to work as a nursing assistant in this state for a period of ninety (90) days from the date of employment, provided the individuals apply for registration in accordance with the requirements of section 4.0 herein, and are duly registered as nursing assistants in this state within ninety (90) days from the date of commencement of employment.
- 6.1.4 demonstrate employment or training as a nursing assistant within the past twenty-four (24) months.

Section 7.0 *Issuance and Renewal of Registration and Fee*

- 7.1 Upon the recommendation of the Division, the Director shall issue to applicants who have satisfactorily met the registration requirements herein, a registration as a nursing assistant in this state. Said registration, unless sooner suspended or revoked, shall expire biennially (every two (2) years) on the first day of July of every other year following the date of issuance of the original registration.
- 7.2 On or before the first day of May of every year, the Division shall mail an application for renewal of registration to every individual scheduled to be registered that year on an odd/even year basis with respect to the registration number. Every nursing assistant so registered who is to renew his or her registration shall file with the Division such renewal application duly executed together with the renewal fee of twenty four dollars (\$24.00) made payable by certified check or money order to the General Treasurer, State of Rhode Island, before the fifteenth (15th) day of June. Personal checks shall not be accepted.
 - 7.2.1 An applicant seeking renewal must have been employed as a nursing assistant within the prior 24 months; or

have completed a NATCEP/CEP within the past 24 months.
 - 7.2.2 An applicant seeking renewal must have said employment verified by his/her respective employer on the renewal form provided by the Department.
- 7.3 Upon receipt of such renewal application and payment of said fee, the Director shall grant a renewal registration effective the first (1st) day of July, and expiring on the first (1st) day of July two (2) years later unless the registration is sooner suspended or revoked.
- 7.4 Any nursing assistant who allows his or her registration to lapse by failing to renew it on or before the first (1st) day of July of the next two (2) years, as provided above, may be reinstated by the Director upon submission of an application and payment of the renewal fee of twenty-four dollars (\$24.00) unless the registration has been suspended or revoked. Furthermore, the provisions of section 7.2 apply.

Section 8.0 *Denial, Revocation or Suspension of Registration/Disciplinary Proceedings*

- 8.1 Pursuant to the statutory provisions of sections 23-17.9-8 and 23-17.9-9 of reference 1, the Department may deny, suspend or revoke any registration issued hereunder or may reprimand, censure or otherwise discipline an individual who has been found guilty of violations of the Act or the

rules and regulations herein, in accordance with section 23-17.9-8 of reference 1 and upon decision and after hearing as provided pursuant to section 18.0 herein in any of the following cases:

- a) upon proof that such nursing assistant is unfit or incompetent by reason of negligence, habits or other causes;
- b) upon proof that such nursing assistant has willfully or repeatedly violated any of the provisions of the Act or the rules and regulations herein; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the agency/home in which he or she is providing nursing assistant services;
- c) upon proof that such nursing assistant has been convicted in a court of competent jurisdiction, either within or without this state, of a felony;
- d) upon proof that the nursing assistant has otherwise violated the provisions of the Act;
- e) has engaged in conduct detrimental to the health, welfare, and safety of patients/residents in his/her care.

8.2 All hearings and reviews as may be required herein shall be conducted in accordance with the provisions of section 18.0 of these rules and regulations.

Section 9.0 ***Nurse Assistant Registry:***

9.1 The Division shall maintain a nurse assistant registry that must include all persons who have successfully completed training and competency evaluation, or the competency evaluation for nursing assistants, or who otherwise qualify for registration.

9.3 The registry shall include all final disciplinary actions with respect to registration status, including, but not limited to, revocation, suspension or other disciplinary action, in accordance with Chapter 42-35. Furthermore, the Department shall also comply with all federal requirements.

9.4 ***Disclosure Limitations:***

9.4.1 Within twenty-four (24) hours, the Registry shall disclose verbally, to any person requesting, the following:

- 1) whether the name of the individual specified is included on the registry;
- 2) the date of the competency evaluation, or the date of eligibility by reciprocity or exemptions, pursuant to sections 2.2 and 6.1, and the name of the entity that performed the competency evaluation, or other basis for evaluation.

The above disclosures shall be followed by written confirmation in ten (10) working days, if requested.

9.4.2 All other information shall remain confidential, except to:

- 1) specified health care providers considering to hire the nursing assistant.
- 2) all official agencies determined by the state as having a need to know.

9.5 Failure to renew registration shall be noted in the registry.

PART III ***REQUIREMENTS PERTAINING TO NURSING ASSISTANT TRAINING AND
COMPETENCY EVALUATION PROGRAM***
R23-17.9-NAA

Section 10.0 ***Nursing Assistant Training and Competency Evaluation Program***

- 10.1 Every individual who is employed as nursing assistant shall be required to successfully complete an approved basic nursing assistant training program and/or competency evaluation program as set forth in section 13.0 herein.

Section 11.0 ***Approval of Training and/or Competency Evaluation Program***

- 11.1 Any school, college, institution, health care facility or other education facility or program conducting or operating a basic nursing assistant program for the purpose of preparing individuals to provide nursing assistant health care services, is required to receive approval from the Director, prior to conducting or offering said nursing assistant training and competency evaluation program. Approval of a training and/or competency evaluation program shall be granted for two (2) years, if the program is found to meet the requirements herein, and such approval may be renewed biennially unless approval has been sooner revoked or suspended. On-site reviews shall be conducted every two (2) years by the Director, or his/her designee, to determine the program's compliance with the requirements set forth herein.
- 11.2 Any school, college, institution, health care facility or other education facility or program approved by the Director, conducting or operating a competency evaluation program for the purpose of certifying individuals competent to perform the duties of a nursing assistant, is required to receive approval from the Director for such competency evaluation program. Approval of the program shall be granted for 2 (two) years if the program is found to meet the requirements herein, and such approval may be renewed biennially unless approval has been sooner revoked or suspended. On-site reviews shall be conducted every two (2) years by the Director, to determine the program's compliance with the requirements set forth herein.
- 11.3 The Director shall approve programs under the Department's jurisdiction in accordance with section 11.1 herein. Said programs shall not charge fees to nursing assistant trainees. Said fees for nursing assistant training programs will be reimbursed to the nursing assistant in accordance with section 5.1 of these regulations.

Section 12.0 ***Application For And Issuance of Approval:***

12.1 ***Training and Competency Evaluation Programs:***

An institution, college, agency, or other education and/or health care facility, or such other, desiring to conduct a training and competency evaluation program for the preparation of individuals to provide nursing assistant health care services shall apply to the Director for approval by submitting a completed application on forms provided by the Director, accompanied by documented evidence pertaining to no less than the following:

- a) purpose and need for establishing the program;
- b) evidence of support and fiscal administration accountability;
- c) sources and locations of potential students, faculty, classrooms, conference rooms, clinical

laboratory for practical experience and other resources;

- d) names and qualifications of instructors;
- e) copy of the curriculum including provisions for the practical experience; and
- f) such other documentary evidence to support compliance with the nursing assistant training program requirements herein.

12.2 The Director shall grant approval of training programs on a biennial basis, if the training and competency evaluation program is found to meet the prescribed requirements of section 13.0 herein. Such approval shall be based on data accompanying the application for program approval and from the on-site visits conducted every two (2) years by the Director or his/her designee in accordance with section 11.1 above.

12.2.1 The application fee for biennial training and competency evaluation program certification shall be one hundred eighty-seven dollars and fifty cents (\$187.50).

12.2.2 Such fees as required in section 12.2.1 shall not apply to the approval of any nursing assistant training program within a facility administered and operated by the state of Rhode Island.

Section 13.0 *Standards for the Approval of Training Component of the Training and Competency Evaluation Program*

13.1 *Organization and Administration*

The basic nursing assistant training and competency evaluation program shall consist of an organized sequence of classroom instruction with integrated practical experience provided by a community college or other educational facility, a vocational-technical program, a health care facility or such others as approved by the Director. Approved programs may include those nursing or other medical training, hospital corpsman training, etc., which meets or exceeds the requirements for the basic nursing assistant training program. An individual who meets the qualifications of section 13.2 herein shall be designated as responsible for the management of the instructional and practical portions of the program. Furthermore, utilizing the federal and national standards pertaining to nursing assistants, nurses aides, home health aides and the National Home Care Council, or its successor agency, as guidelines, the nursing assistant training program shall consist of the provisions as set forth in this section and shall include:

- a) written statements of purpose, philosophy and objectives;
- b) organization with clearly defined authorities and responsibilities and a chart showing the relationships and channels of communication of the program to other agencies, programs, etc.
- c) practical experiences related to areas of instruction of the didactic segment of the program; and
- d) written policies and procedures pertaining to the nursing assistant training program.

13.2 *Instructors:*

- a) *Program Coordinator*

The program coordinator and any/all instructor(s) providing instruction in nursing-related duties and/or supervision must be a registered nurse with a minimum of two (2) years of nursing experience, and must have documented evidence of teaching and/or appropriate supervisory experience. Directors of Nursing are prohibited from performing actual training, but may supervise clinical training.

- b) Competent resource personnel from various areas of the health field may participate as program instructors at the discretion of the program coordinator. Such personnel may include: licensed practical nurses (LPNs) with two (2) years of experience, one (1) of which is in long term care; dietitians; pharmacists; physical therapists and others. Instructors must have completed a course in teaching adults or have experience in teaching adults, or supervising nursing assistants, and must have at least one (1) year of experience in their respective fields.

13.3 ***Students:***

Each nursing assistant training program shall have available for students written policies pertaining to no less than the following:

- a) admission, re-admission, retention, dismissal and course completion requirements;
- b) the identification of the resource facilities for the practical experience in a long-term care or appropriate acute care facility;
- c) a list of the restricted activities for nursing assistants such as:
 - (i) an individual cannot be employed as a nursing assistant by a facility for more than 120 days unless he or she has satisfactorily completed an approved training program and holds a registration as a nursing assistant; and
 - (ii) in facility based training programs, trainees are permitted to provide only that care for which the student has demonstrated competency; and
 - (iii) such other activities as may be deemed appropriate.
- d) the supervision requirement of nursing assistants in all settings in accordance with section 2.6 herein; and
- e) such other provisions as may be deemed appropriate.

13.4 ***Resources and Facilities:***

Each nursing assistant program shall have adequate resources/facilities consistent with the philosophy, purposes, objectives and policies of the nursing assistant program. Such resources/facilities shall include no less than:

- a) classroom, offices, and conference rooms accessible to and adequate for the number of students;
- b) sufficient instructional materials to meet the needs of students and instructor, including clinical

supplies;

- c) furnishings of appropriate size and numbers as may be required for the instructional program and for the number of students;
- d) an adequate number of service resources to provide the kinds of practical learning experiences as required to meet the curriculum objectives;
- e) adequate financial support to implement and operate the nursing assistant program;
- f) compliance with all applicable licensing laws and regulatory requirements.

13.5 ***Curriculum:***

13.5.1 The objectives of the nursing assistant training program shall reflect the purpose of the training to promote the provision of quality health care services by nursing assistants who are able to:

- a) communicate and interact competently on a one-to-one basis with the patients as part of a health team implementing patient care plans;
- b) demonstrate sensitivity to patients' emotional, social and mental health needs through skillful directed interactions;
- c) assist patients in attaining and maintaining functional independence;
- d) exhibit behavior in support and promotion of patients' rights and confidentiality; and
- e) demonstrate observation and documentation skills needed in support of patients' health, physical condition and well-being.

13.5.2 The nursing assistant program shall consist of no less than eighty (80) hours of classroom instruction and twenty (20) hours of practical experience integrated with the classroom topics and under supervision in accordance with the provisions of section 2.6 herein. The course of instruction shall be designed to provide instruction related to all the nursing assistant duties listed in Appendix I herein, and to provide:

- a) At its outset, at least sixteen (16) hours of classroom instruction prior to a trainee's direct involvement with patients. Such instruction shall include at a minimum:
 - (1) communication and interpersonal skills;
 - (2) infection control;
 - (3) safety and emergency procedures;
 - (4) promoting patients' independence; and
 - (5) respecting rights of patients and confidentiality of patient information.
- b) In addition, the training program shall provide specific knowledge and skills in the areas of physical, psychological and social subjects, including basic nursing skills, personal care skills,

mental health needs and basic restorative services as set forth in Appendix II; and

- c) At a minimum, the training program shall be consistent with instructional outcomes which shall include the demonstration of the following:
- (i) legal and ethical knowledge and responsibilities including the reporting of patient care abuse;
 - (ii) knowledge of basic human needs;
 - (iii) ability to promote a safe, clean and healthy environment;
 - (iv) understanding of developmental changes that occur during a life span;
 - (v) knowledge of nutritional needs and food management;
 - (vi) ability to provide personal care;
 - (vii) ability to perform special care activities;
 - (viii) ability to assist patients with activities of daily living;
 - (ix) ability to perform prescribed services of patient's health;
 - (x) ability to record or report observations and services rendered; and
 - (xi) acceptable communication skills and behavior in both the practical and instructional activities.

13.5.3 Upon successful completion of the nursing assistant training program, each nursing assistant must satisfactorily pass the Competency Evaluation in accordance with section 5.0 herein, in order to be eligible for registration as a nursing assistant in this state.

13.5.4 ***Evaluation of Curriculum:***

A systematic plan for on-going evaluation of the curriculum shall be established which includes evaluation provisions pertaining to no less than:

- a) the implementation of the curriculum design;
- b) the relationship of the curriculum with current needs of patients in health care facilities and current standards of practice;
- c) revisions and/or modifications of curriculum as may be necessary based on evaluation data and/or other federal and state requirements.

Section 14.0 ***Standards for Approval of a Competency Evaluation Program (State Examination)***

14.1 ***Organization and Administration***

The basic nursing assistant competency evaluation program shall consist of an organized and standardized

sequence of skills and knowledge testing, with integrated practical skills evaluation provided by a community college or other educational facility, a vocational-technical program, a health care facility or such others as approved by the Director.

An individual who meets the qualifications of section 13.2 herein shall be designated as responsible for the management of the instructional and practical portions of the program. Furthermore, utilizing the federal and national standards pertaining to nursing assistants, nurses aides, home health aides and the National Home Caring Council, or its successor agency, as guidelines, the nursing assistant competency evaluation program shall consist of the provisions as set forth in section 13.0 herein and shall include:

- a) written statements of purpose, philosophy and objectives;
- b) organization with clearly defined authorities and responsibilities and a chart showing the relationships and channels of communication of the program to other agencies, programs, etc.
- c) practical experiences related to areas of instruction of the didactic segment of the program;
and
- d) written policies and procedures pertaining to the nursing assistant competency evaluation program.

14.2 ***Instructors:***

- a) ***Program Coordinator***

The Program Coordinator must be a registered nurse with a minimum of two (2) years of nursing experience in providing patient care.

Directors of Nursing are prohibited from performing actual competency evaluations, but may supervise the program within his/her respective institution.

14.3 ***Program Policies:***

Each nursing assistant competency evaluation program shall have available for students written policies pertaining to no less than the following:

- a) competency evaluation completion requirements;
- b) the identification of the resource facilities for manual skills testing;
- c) a list of the restricted activities for nursing assistants;
- d) the supervision requirement of nursing assistants in accordance with section 2.6 herein; and
- e) such other provisions as may be deemed appropriate.

14.4 ***Resources and Facilities:***

Each nursing assistant competency evaluation program shall have adequate resources/facilities consistent with the philosophy, purposes, objectives and policies of the nursing assistant program. Such resources, facilities shall include no less than:

- a) appropriate testing/evaluation space;

- b) sufficient materials to meet the needs of candidates and instructors;
- c) furnishings of appropriate size and numbers as may be required for the program and for the number of candidates;
- d) an adequate number of service resources to provide the kinds of practical testing experiences as required to meet the competency evaluation requirements;
- e) adequate financial support to implement and operate the competency evaluation program.

14.5 ***Content of the Competency Evaluation Program:***

14.5.1 The objectives of the nursing assistant competency evaluation program shall reflect the purpose of the evaluation, which is to promote the provision of quality health care services by nursing assistants who are able to:

- a) communicate and interact competently on a one-to-one basis with the patient as part of a health team implementing patient care plans;
- b) demonstrate sensitivity to patients' emotional, social and mental health needs through skillful directed interactions;
- c) assist patients in attaining and maintaining functional independence;
- d) exhibit behavior in support and promotion of patients' rights and confidentiality; and
- e) demonstrate observation and documentation skills needed in support of patients' health, physical condition and well-being.

14.5.2 The nursing assistant program shall allow a nursing assistant to establish competency through oral or written methods and manual skills demonstration to establish skill and knowledge levels and shall test no less than the following, as elaborated in Appendix II:

- a) An examination and/or alternative to examination approved by the Director which shall address the following knowledge areas:
 - (i) communication and interpersonal skills;
 - (ii) infection control;
 - (iii) safety emergency procedures;
 - (iv) promotion of patients' independence;
 - (v) respecting patients' rights;
 - (vi) basic nursing skills;
 - (vii) mental health/social service needs;

- (viii) care of cognitively impaired patients;
- (ix) basic restorative services.
- b) In addition, the competency evaluation program must test specific manual skills as set forth in Appendix I. Where appropriate, skills demonstration must be performed on a real patient, or "pseudo-patient", but not on a mannequin.

14.5.3 Upon successful completion of the nursing assistant competency evaluation program, as certified by the program coordinator, each nursing assistant shall be eligible for registration as a nursing assistant in the state.

14.5.4 *Evaluation of Competency Evaluation:*

A systematic plan for on-going evaluation of the competency evaluation program be established which includes provisions pertaining to no less than:

- a) the implementation of the competency evaluation design;
- b) the relationship of the competency evaluation to current requirements for testing and evaluating nursing assistants;
- c) revisions and/or modifications of the competency evaluation as may be necessary based on evaluation data and/or other federal and state requirements.

Section 15.0 *Denial or Revocation of Approval/Termination of Program*

15.1 If the Director determines that an approved nursing assistant training and/or competency evaluation program does not meet the prescribed requirements herein, the Director shall notify, in writing, the institution and/or agency or such other of a proposed pending action to deny or revoke the approval of the program and the institution and/or agency shall be given an opportunity for a prompt and fair hearing in accordance with the provisions of section 18.0 herein.

15.2 Any education institution, health care facility, agency, or such other, whose nursing assistant training program terminates for whatever reason, shall make provisions for the appropriate storage of its students' records to insure future accessibility to the training program data.

15.2.1 Provisions shall be made for the completion of the training program for any individual who is enrolled in, and has begun the program, if, for whatever reason, the training facility terminates its services.

**PART IV *CONFIDENTIALITY / VIOLATIONS / RULES AND PROCEDURES /
ADVISORY BOARD AND SEVERABILITY***

Section 16.0 *Confidentiality*

- 16.1 Disclosure of any health information relating to patients shall be subject to all the statutory and federal requirements pertaining to confidentiality of patient care information, including the provisions of reference 5 on "Confidentiality of Health Care Information."

Section 17.0 *Violations and Penalties*

- 17.1 Any person who violates the statutory or regulatory provisions herein shall be subject to the disciplinary provisions of section 8.0 herein. The penalties for violations of section 23-17.9-9 of the Act provide for a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than one (1) year for any person who:
- a) obtains his or her registration by means of fraud, misrepresentation, or concealment of material facts;
 - b) practices as a nursing assistant under cover of any registration illegally or fraudulently obtained or unlawfully issued; or
 - c) practices as a nursing assistant without registration and/or practices during the time his or her registration issued under the provisions of the Act of reference 1 and the regulations herein is suspended or revoked; or
 - d) otherwise violates any of the provisions of the Act.

Section 18.0 *Rules Governing Practices and Procedures*

- 18.1 All hearings and reviews required under the provisions of Chapters 23-17.9 and 42-35 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the rules and regulations of reference 6.

Section 19.0 *Advisory Board*

- 19.1 Within the Division of Professional Regulation in the Department of Health, there shall be established an Advisory Board which shall meet at least once a year and consists of seven (7) members, two (2) of whom shall be registered nurses.
- 19.1.1 Members of the Advisory Board shall be appointed by the Director of Health: two (2) to serve for one (1) year; two (2) to serve for two (2) years; and three (3) to serve for three (3) years. No member shall be appointed for more than two (2) consecutive full terms. A member appointed for less than a full term (originally, or to fill a vacancy) may serve two (2) full terms in addition to that part of a full term, and a former member shall again be eligible for appointment after a lapse of one (1) or more years.
- 19.1.2 Successors to members of the Advisory board whose term expires shall be appointed in such year by the Director to hold office for three (3) years or until their respective successors are appointed.
- 19.1.3 The Director may remove any member of the Advisory Board for neglect of duty or incompetency and may fill vacancies which occur for any purpose for the remainder of the

unexpired term.

19.2 ***Functions of the Advisory Board:***

The Advisory Board shall serve in an advisory capacity to the Director in matters pertaining to the registry of nursing assistants and the practice of nursing assistants. The Advisory Board shall advise the Director on such matters as policies affecting examination, qualifications, issuance and renewal, denial or revocation of licenses, and the development of rules and regulations.

- 19.3 The Administrator of Professional Regulation shall be responsible for the administrative functions required to implement the provisions of Chapter 23-17.9 of the General Laws of Rhode Island, as amended, and the rules and regulations herein including such duties as: maintaining a register of all registered nursing assistants; maintaining all records pertaining to the registration of nursing assistants; conducting examinations and competency evaluation of nursing assistants as required; staffing the Advisory Board; and discharging such other duties as may be warranted.

Section 20.0 ***Severability***

- 20.1 If any provisions of these rules and regulations or the application to any individual or institution or agency or circumstances shall be held invalid, such invalidity shall not affect the provisions or the application of the regulations which can be given effect, and to this end the provisions of the regulations are declared to be severable.

APPENDIX I

A) DUTIES OF NURSING ASSISTANTS

A nursing assistant duly registered in this state may discharge the following duties under the supervision of a professional (registered) nurse or other appropriate professional member of a health team, licensed, registered or certified as may be required by the laws of this state, and in accordance with agency policies consistent with the requirements herein. A professional registered nurse must supervise all acts, functions, and tasks performed by a nursing assistant which are nursing-related. In the absence of a registered nurse, a licensed physician may supervise nursing functions.

Personal Care Skills

- ☐ Assist with feeding, hydration
- ☐ Bed bath, tub bath, shower
- ☐ Care of skin and back
- ☐ Foot care, foot soak, applying foot lotion
- ☐ Nail care
- ☐ Oral hygiene
- ☐ Shampoo hair (sink, tub, bed) comb/brush
- ☐ Shave

Basic Nursing Skills

- ☐ Application of dry heat and cold packs to intact skin
- ☐ Sitz bath to intact skin for comfort measures and pain relief only
- ☐ Application of topical over-the-counter (OTC) drugs to intact skin
- ☐ Apply lamb's wool
- ☐ Apply elastic stockings
- ☐ Caring of patients on precautions
- ☐ Making an occupied, unoccupied bed
- ☐ Measure intake and output
- ☐ Reinforce simple non-sterile dressings
- ☐ Remind patient to take medication
- ☐ Caring for a patient when death is imminent
- ☐ Post-mortem care
- ☐ Specimen collection
- ☐ Apply texas catheter
- ☐ Empty catheter bag, commode, urinal
- ☐ Assist with ostomy appliance
- ☐ Assist with commode, toilet, bedpans and urinals
- ☐ Change drainage bag
- ☐ Assist with bowel/bladder retraining
- ☐ Reporting or recording weight and height
- ☐ Taking and recording vital signs (temperature, pulse, and respiration (TPR) and blood pressure)

Rehabilitation Skills

- ☐ Ambulate
- ☐ Encourage self-help

- Positioning
- Normal range of motion
- Restraining and use of appropriate alternatives
- Transfer from bed, wheel chair, chair, commode
- Transfer using Hoyer lift
- Use of assistive devices in ambulation, eating and dressing

Environment

- Care of patient environment
- Handling of blood/body fluid spills
- Clean patient care area
- Do basic domestic chores (e.g., laundry, ironing, dishes, food preparation, where appropriate)

Recognition of and Reporting Signs and Symptoms

- Infection
 - redness
 - swelling
 - fever
 - chills
 - drainage
- Respiratory Problems
 - shortness of breath
 - rapid respirations
 - Cheyne-Stokes respirations
 - cough
- Cardiac Problems
 - chest pains
 - cyanosis lips/nails
 - rapid pulse
- GI/GU problems
 - abdominal pain
 - nausea
 - vomiting
 - blood: urine/stool
 - difficulty urinating
 - diarrhea
- Endocrine problems
 - drowsiness
 - thirst
 - sweating

B) EXCLUDED FROM THE DUTIES OF A NURSING ASSISTANT:

A nursing assistant is excluded from discharging the following duties:

- Sterile dressing application
- Gastric lavage or gavage

- | | |
|--|---|
| <input type="radio"/> Injections | <input type="radio"/> Cutting toenails or fingernails for diabetic |
| <input type="radio"/> Vaginal Irrigations | <input type="radio"/> Cutting toenails |
| <input type="radio"/> Giving advice on medical/nursing matters | <input type="radio"/> Any treatment to non-intact skin |
| <input type="radio"/> Change a Foley catheter | <input type="radio"/> Application of any topical drug which requires a prescription |
| <input type="radio"/> Tracheostomy tube care | |

Medications: may only remind patient to take medication, unless he or she has completed a state approved training course in drug administration, but then shall not administer drugs or biologicals under any circumstances in an acute care setting.

C) **DUTIES WHICH A NURSING ASSISTANT MAY PERFORM UNDER DIRECT SUPERVISION AS DEFINED IN SECTION 1.12.1 HEREIN:**

A nursing assistant may perform the following duties under direct supervision as defined herein:

- ☐ Enema
- ☐ Colostomy irrigation
- ☐ Application of hot packs using moist heat device or heat lamp

In addition, nursing assistants may be assigned nursing duties beyond those listed in Parts A and C above (but in no case may they may be assigned any of the duties excluded in Part B), so long as those duties are clearly delineated in agency policies, with documented evidence of training of each individual for each additional duty permitted to be discharged, and a record of such is filed in the individual's personnel file.

APPENDIX II

CURRICULUM OUTLINE ***BASIC NURSING ASSISTANT TRAINING PROGRAM***

(80 classroom hours)

(20 hours of practical experience)

PART I BEING A NURSING ASSISTANT - INTRODUCTION

- Function of the nursing assistant
 - in health care institutions
 - in the home
- Working with the health care team
- Ethical responsibilities
 - accountability
 - confidentiality
- Policies and procedures
- Communication and interpersonal skills
- Infection control
- Safety/emergency procedures
- Promoting patients' independence
- Respecting patients' rights

PART II BASIC HUMAN NEEDS

- Patients as human beings
 - Physical, emotional spiritual and mental health needs of patients throughout the life cycle
 - Modifying the nursing assistant's behavior in response to patient's behavior
 - Identifying developmental tasks associated with the life cycle
 - Behavior management (reinforcement, reduction, elimination of behaviors)
 - Allowing maximum independence in relation to patient's ability
- Working with the patient's family

PART III CARING FOR PATIENTS

- Admission and discharge procedures
- Personal care skills
 - To include instruction relative to all those personal care duties outlined in Appendix I, which a nursing assistant may discharge under supervision.
- Basic nursing skills
 - Taking and recording vital signs
 - Measuring and recording vital signs
 - Caring for patient's environment
 - Observing, reporting and documentation of abnormal signs and symptoms of common diseases
 - Caring for patients when death is imminent
 - Specimen collection (urine, stool, sputum)
 - Heimlich maneuver
- Basic Nutrition
 - Food and nutrition
 - Fluid balance

- intake and output
- maintaining proper hydration

PART IV BASIC RESTORATIVE SERVICES

- Rehabilitation
 - Basic body mechanics
 - Anatomy/physiology
- Training the patient in self-care, according to ability
- Use of assistive devices in transferring, ambulation, eating and dressing
- Maintenance of range of motion
- Proper turning and positioning in bed and chair
- Bowel and bladder training
- Care and use of prosthetic and orthotic devices

PART V CARE OF PATIENTS WITH SPECIFIC PROBLEMS

- The patient with cognitive impairment
 - Techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's disease and others)
 - Communicating with patients
 - Understanding behavior
 - Appropriate responses to behavior
 - Methods for reducing the effects of cognitive impairment
- Care of patients with diseases of other body systems
 - Circulatory problems
 - Respiratory problems
 - Digestive system problems
 - Bowel and bladder problems
 - Musculoskeletal problems
 - Neurological problems
 - Endocrine problems
 - Skin problems

PART VI PATIENT'S RIGHTS

- Privacy/confidentiality
- The right to personal choices
- Giving assistance in resolving grievances and disputes
- Maximizing participation in resident and family groups
- Maintaining care and security of personal possessions/property
- Providing care which maintains the patient free from abuse
- Reporting abuse, mistreatment and neglect
- The use of restraints; avoiding the use of restraints

PART VII RECORD KEEPING AND DOCUMENTATION

The curriculum must include instruction pertaining to no less than the list of duties set forth in Appendix I.

PRACTICAL TRAINING

Each student must satisfactorily complete twenty (20) hours of practical training under supervision as defined in section 1.12 herein, and such practical experience shall be provided in a clinical setting for the practical

application of nursing assistant duties as outlined in Appendix I.

The practical training must be integrated with the didactic portion of the curriculum for a meaningful learning experience.

REFERENCES

1. "Registration of Nursing Assistants", Chapter 23-17.9 of the General Laws of Rhode Island, as amended.
2. "Licensing of Health Care Facilities", Chapter 23-17 of the General Laws of Rhode Island, as amended.
3. "Licensing of Nursing Service Agencies", Chapter 23-17.7 of the General Laws of Rhode Island, as amended.
4. *Rules and Regulations for Licensing of Nursing Service Agencies* (R23-17.7-NSA), Rhode Island Department of Health, August 1997 and subsequent amendments thereto.
5. "Confidentiality of Health Care Information Act," Chapter 5-37.2 of the General Laws of Rhode Island, as amended.
6. *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*, Rhode Island Department of Health, May 1997 and subsequent amendments thereto.
7. Omnibus Budget Reconciliation Act (OBRA) 1987, Federal Register, Public Law 100-203, enacted 1987, and updates in 1989, 1990, 1991.
8. Chapter 16-40 of the General Laws, entitled "Proprietary Schools."

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