CHAPTER 33-07-06 NURSE AIDE TRAINING, COMPETENCY EVALUATION, AND REGISTRY

33-07-06-02. NURSE AIDE TRAINING.

1. Any nurse aide employed by a nursing facility or pursuing nurse aide certification and entry on the nurse aide registry must successfully complete a department-approved training program consisting of a minimum of seventy-five hours and a department-approved competency evaluation or a department-approved competency evaluation.

2. Nurse aides employed by nursing facilities pursuing nurse aide certification must complete a minimum of sixteen hours of classroom training in the following areas from a department-approved nurse aide training program prior to any hands-on contact with residents or patients. The areas are:

a. Communication and interpersonal skills;

b. Infection control;

c. Safety and emergency procedures, including the Heimlich maneuver;

d. Promoting residents' independence; and

e. Respecting residents’ rights.

3. The remainder of the seventy-five hour approved training and competency evaluation program must be completed within four months of the date of first employment in the facility as a nurse aide and must include at least sixteen hours of supervised practical training.

4. Nurse aides may not perform tasks for which competence has not been determined unless under the direct supervision of a licensed nurse.

5. Nurses aides trained and determined proficient by the instructor to provide specific services to residents who have not completed the competency evaluation program shall provide these services under the general supervision of a licensed or registered nurse.

6. The nurse aide training program must ensure that nurse aides employed by or having an offer of employment from a nursing facility are not charged for any portion of the nurse aide training program including fees for textbooks or other required course materials.

33-07-06-03. NURSE AIDE COMPETENCY EVALUATION PROGRAMS.

1. The department-approved competency evaluation program must allow a nurse aide the option of establishing competency through written or oral and manual skills examination.
2. The written or oral examination must address all areas required in the department-approved training program.

3. The written or oral examination must be developed from a pool of test questions, only a portion of which may be utilized in any one examination.

4. The competency evaluation program must include a demonstration of the randomly selected tasks the individual will be expected to perform as part of the individual's function as a nurse aide.

5. The competency evaluation program must provide for a system that prevents disclosure of both pool questions and the individual competency evaluations.

6. The competency evaluation program must ensure that nurse aides employed by or having an offer of employment from a facility are not charged for any portion of the competency evaluation program.

33-07-06-04. ADMINISTRATION OF COMPETENCY EVALUATION.

1. The competency evaluation must be administered and evaluated by the department or a department-approved entity that is neither a skilled nursing facility or a nursing facility licensed by the department.

2. The entity that administers the competency evaluation must advise the nurse aide in advance that a record of the successful completion of the evaluation will be included on the department's nurse aide registry.

3. The skills demonstration portion of the test must be administered in the facility or laboratory setting comparable to the setting in which the nurse aide will function.

4. The skills demonstration portion of the test must be administered and evaluated by a registered nurse with at least one year of experience in providing care for the elderly or chronically ill of any age.

5. The department may permit the written or oral examination to be proctored by facility personnel if the department determines that the procedure adopted assures the competency evaluation is:

   a. Secure from tampering.

   b. Standardized and scored by a testing, educational, or other organization approved by the department.

   c. Exempt from any scoring by facility personnel.

6. The department shall retract the right to proctor nurse aide competency evaluations from facilities in which the department finds any evidence of impropriety, including tampering by facility personnel.
33-07-06-05. WITHDRAWAL AND APPROVAL OF TRAINING PROGRAM STATUS.

1. The department shall withdraw approval of a facility based program when a determination has been made that the facility has been found to be out of compliance with significant federal certification or state licensure requirements. The facility may apply for reinstatement after providing evidence of remaining in compliance with significant requirements for a period of twenty-four consecutive months.

2. The department shall withdraw approval of a nurse aide training and competency evaluation program if the entity providing the program refuses to permit unannounced visits by the department to ascertain compliance with program requirements.

3. Approval of a nurse aide training and competency evaluation program shall be granted by the department for a period not to exceed two years.

4. The department may approve only nurse aide training and competency evaluation programs meeting at least the following criteria:
   a. Consists of no less than seventy-five hours of training.
   b. Includes training in at least the following subject areas:
      (1) Infection control.
      (2) Safety and emergency procedures.
      (3) Promoting resident or patient independence.
      (4) Respecting resident rights.
      (5) Basic nursing skills.
      (6) Personal care skills.
      (7) Mental health and social service needs.
      (8) Care of cognitively impaired residents or patients.
      (9) Basic restorative services.
      (10) Resident or patient rights.
      (11) Communication and interpersonal skills.

33-07-06-06. COMPLETION OF THE COMPETENCY EVALUATION PROGRAM.

1. To complete the competency evaluation successfully the individual shall, at a minimum, successfully demonstrate written or oral competence in the areas listed under subdivision b of subsection 4 of section 33-07-06-05 and successfully demonstrate competence in performing a random selection of personal care skills.
2. A record of successful completion of the competency evaluation for nurse aides seeking certification must be included in the nurse aide registry within thirty days of the date the individual was found to be competent.

3. If the individual fails to complete the evaluation satisfactorily, the competency evaluation program must advise the individual of the areas in which the individual was adequate, and that the individual has not more than three opportunities to take the examination.

4. If the individual seeking certification fails the examination on the third attempt, the individual must enroll in and complete a department approved training program prior to taking the competency evaluation again.

33-07-06-09. REGISTRY RENEWAL.

1. Registry status is limited to twenty-four months. Upon receipt of a completed renewal application, and verification of employment within the immediate past twenty-four months, the certified nurse aide will be issued a renewal certificate indicating current status.

2. An individual who has not performed at least eight hours of nursing or nursing-related services for pay within a continuous twenty-four month period, shall complete a department-approved training and competency evaluation program or a department-approved competency evaluation to obtain current registry stat