310:675-7-8.1. ADMINISTRATIVE RECORDS

...(d) Administrative records of the facility shall include the following information:

...(15) A record of all nurse aide competency and certification records and contacts to Oklahoma and other state's nurse aide registries.

310:675-13-5. NURSING SERVICE

...(g) Nurse aide

(1) No facility shall use, on a full-time basis, any person as a nurse aide for more than 120 days unless that person is enrolled in a training program.

(2) No facility shall use, on a temporary, per diem, or other basis, any person as a nurse aide unless the individual is listed on the Department's nurse aide registry.

(3) The facility shall contact the Department's nurse aide registry prior to employing a nurse aide to determine if the person is listed on the registry, and if there is any record of abuse, neglect, or misappropriation of resident property.

(h) Nursing students. Facilities participating in a state approved nursing education program may allow nursing students to administer medications to residents. The facility shall have a written agreement with the nursing education program. The agreement shall specify the scope of activities, education level, and required supervision. The facility shall maintain a current roster of nursing students in the program. Details about the program and its operation within the facility shall be included in the facility's policy and procedure manual.

(i) Inservice. The facility shall provide all direct care staff with two hours of inservice training specific to their job assignment per month. This training shall include, at least,

...(6) Each certified nurse aide shall be provided training in pain screening at the time of orientation.

SUBCHAPTER 3 – NURSE AIDE TRAINING AND COMPETENCY EXAMINATION PROGRAM

310:677-3-1. CATEGORIES OF TRAINING PROGRAMS

The Department shall approve training and competency evaluation programs including, but not limited to, educational-based programs and employer-based programs.
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310:677-3-2. APPROVED PROGRAMS

(a) The Department shall approve a nurse aide training and/or competency examination program that meets the criteria for a State approved program.

(b) An entity seeking approval of a nurse aide training and/or competency examination program shall file the appropriate application form (ODH-743) and, for training programs other than long term care aide, a non-refundable application fee of one hundred dollars ($100.00). There is no application fee for long-term care aide training, or long-term care aide competency evaluation, programs.

(c) The Department’s approval of a program shall not be transferable or assignable.

310:677-3-3. APPLICATION

(a) An entity which desires to sponsor a nurse aide training and competency examination program shall file an application for approval on the forms prescribed by the Department.

(b) No nurse aide training and competency examination program shall be operated, and no trainee shall be solicited or enrolled, until the Department has approved the program.

(c) The application requires the following information:

(1) Name and address for the entity sponsoring the program and for the contact person for the program;

(2) The location of the administrative office of the program and the location where records are maintained;

(3) A program plan that follows the curriculum established by the Department including, but not limited to:

(A) Program objectives;

(B) A breakdown of the curriculum into clock hours of classroom/lecture, laboratory and supervised clinical instruction;

(4) A Skills Performance Checklist, documenting the date the nurse aide trainee successfully demonstrated all those basic nursing skills and personal care skills that are generally performed by nurse aides and the signature of the instructor that observed the successful demonstration of the skills. The skills must include the basic nursing skills and personal care skills listed in 42 Code of Federal Regulations (CFR) 483.152 (b)(2) and (3);
(5) A Training Verification Form;

(6) A description of the program's standards for classroom and skills training facilities including, but not limited to:

(A) Heat and cooling systems;

(B) Clean and safe conditions;

(C) Adequate space to accommodate all trainees;

(D) Adequate lighting;

(E) Proper equipment and furnishings;

(F) The specific location of the classroom and lab if known at the time of the application; and

(7) Position descriptions and education and experience requirements for training supervisors and instructors, and the program's procedure for ensuring that supervisors and instructors satisfy such descriptions and requirements.

(d) The entity shall file an application for each program with a non-refundable application fee.

(e) A training and competency examination program shall not be offered by or in a facility which, within the previous two years:

(1) has operated under a registered nurse staffing waiver under Section 1819(b)(4)(C)(ii)(II) or Section 1919(b)(4)(C)(ii) of the Social Security Act; or

(2) has been assessed a penalty that has been determined, after opportunity for hearing, to be due and payable in an amount of not less than $5,000;

(3) had a license revoked, a Medicare or Medicaid certification terminated, a denial of payment for new admissions imposed, a temporary manager appointed, or was closed or had residents transferred pursuant to an emergency action by the Department; or

(4) was found to have provided substandard quality of care. For the purpose of this Section, "substandard quality of care" means one or more deficiencies related to participation requirements under 42 CFR 483.13, Resident Behavior and Facility Practices, 42 CFR 483.15, Quality of Life, or 42 CFR 483.25, Quality of Care. The deficient practice must constitute immediate jeopardy which has caused or is likely to cause serious injury, harm, impairment, or death to an individual resident or a very limited number of residents receiving care in a facility; or deficient practice that results in actual harm to residents’ physical, mental and psychosocial well-being and occurs as a pattern affecting more than a very limited number of residents or widespread affecting a large number or all of the facility’s residents; or deficient practice that results in potential for more than minimal physical, mental and /or psychosocial harm to residents' that is widespread and affects the entire facility population.
(f) The Department may waive for a period not to exceed two years the imposition of (e) of this Section and allow the offering of a training and competency evaluation program in, but not by, a facility upon the written request of the facility if:

(1) The Department determines that no other such program is offered within a round-trip travel time of one hour from the facility;

(2) The facility has no deficiencies that constitute substandard quality of care at the time of the request and has no deterioration in care that results in substandard quality of care during the waiver period; and

(3) The Department provides notice of such determination and assurances to the Oklahoma Long Term Care Ombudsman.

(g) The Department may waive for a period not to exceed two years the imposition of (e)(2) and (e)(3) of this Section and allow the offering of a training and competency evaluation program in, but not by, a facility upon the written request of the facility if the penalty or remedy was not related to the quality of care provided to residents.

310:677-3-4. PROGRAM REQUIREMENTS

(a) Before the Department approves a nurse aide training and competency examination program or a competency examination program, the Department shall determine whether the nurse aide training and competency examination program or the competency examination program meets the minimum requirements.

(b) The Department shall not approve, or shall withdraw approval, of an employer based program when the employer has been assessed the following penalties or actions by the Department:

(1) License suspended or revoked or had a conditional license issued.

(2) An administrative money penalty of five thousand dollars ($5,000) or more for deficiencies cited under state licensure.

(3) Closed or had its residents or clients transferred pursuant to the Department’s action.

(4) Enforcement actions based on the Department’s authority under Medicare and Medicaid certification programs, except for facilities certified as Intermediate Care Facilities for the Mentally Retarded.

(5) For Intermediate Care Facilities for the Mentally Retarded, repeated enforcement actions based on the Department’s authority.

(c) The Department may withdraw approval of a nurse aide training and competency examination program sponsored by an entity when the following occurs:

(1) The entity has been determined by the Department to have a competency examination failure rate greater than fifty (50) per cent during a calendar year.
(2) The entity no longer meets, at a minimum, the following requirements to be a certified program:

(A) The training program falls below the required clock hours of training;

(B) The curriculum does not include at least the subjects specified under 310:677-9-4 Home Health Aides, 310:677-11-4 Long Term Care Aides, 310:677-13-4 Certified Medication Aides, 310:677-15-3 Developmentally Disabled Direct Care Aides, 310:677-17-3 Residential Care Aides, and or 310:677-19-3 Adult Day Care Aides;

(C) A minimum of 16 hours of specified training for Long Term Care Aides is not provided prior to direct contact with residents;

(D) At least sixteen (16) hours of supervised practical training under the direct supervision of a registered nurse or a licensed practical nurse. The sixteen (16) hours does not include the administration of the skills examination.

(3) The entity uses an uncertified individual as a nurse aide for longer than four months. To use an uncertified individual as a nurse aide for four months or less, an entity must have a temporary emergency waiver approved pursuant to 63 O.S. Section 1-1950.3.

(4) The onsite review determines the training program is out of compliance with the requirements of 63 O.S. Section 1-1950.1, 1-1950.3 or 1-1951, or OAC 310:677.

(d) The Department shall withdraw approval of a nurse aide training and competency evaluation program if:

(1) The entity refuses to permit the Department to make unannounced visits; or

(2) The entity falsifies records of competency or training.

(e) Withdrawal of approval shall be for a period of two (2) years or until the Department is assured through review that the entity complies with the requirements.

(f) If the Department withdraws approval of a nurse aide training and competency examination program, the Department shall:

(1) Notify the entity in writing, indicating the reason for withdrawal of approval.

(2) Allow the trainees who have started a training and competency examination program to complete the program or allow the trainees who have started the program to transfer to another approved program.

(g) A program entity may request reconsideration of the Department’s decision in accordance to Chapter 2 of this Title and appealed according to the Administrative Procedures Act.

(h) The entity shall notify the trainee in writing, that successful completion of the nurse aide training and competency examination program shall result in the individual being listed in the Department’s nurse aide registry and shall retain a copy of such notice, signed by the trainee, in the trainee’s file.
(i) A trainee shall not perform any services for which the trainee has not been trained and found proficient by an instructor.

310:677-3-5. TRAINING PROGRAM REVIEW AND APPROVAL

(a) Within 30 days after receipt of an application for a program that is not currently approved, the Department shall determine if the application is complete and consistent. If the application is incomplete or inconsistent, the Department shall advise the applicant in writing and offer an opportunity to submit additional information. Within 30 days after completeness, the Department shall approve or disapprove the application. If the action is to disapprove, the Department shall advise the applicant in writing of the specific reasons for the disapproval, and shall offer the applicant an opportunity to demonstrate compliance.

(b) Each program is subject to site visits by the Department. Approved programs shall be evaluated by the Department every two years.

(c) An approved program shall notify the Department in writing before making substantive changes to the program. Substantive changes shall include but not be limited to:

1. A change in location of the administrative offices of the training program;
2. A change in the requirements or procedures for selection of instructors;
3. A change in the curriculum;
4. A different legal entity sponsoring the program; or
5. A change in location of the class, clinical training site, or laboratory.

310:677-3-6. CLOSING AN APPROVED NURSE AIDE TRAINING AND COMPETENCY EXAMINATION PROGRAM

(a) When an entity decides to close a nurse aide training and competency examination program, it shall:

1. Notify the Department at least sixty (60) days in advance, in writing, stating the reason, plan, and date of intended closing.

2. Continue the program until the classes for currently enrolled trainees are completed.

(b) The entity shall notify the Department of its plan to safeguard the program records.

310:677-3-7. CRIMINAL ARREST CHECKS
(a) An employer based program shall complete the State required criminal arrest check. The record of the finding shall be maintained by the employer. *These records shall be destroyed after one (1) year from the end of employment of the person to whom such records relate.* [63:1-1950.3(H)]

(b) A non-employer based program shall notify trainees that if a criminal arrest check reveals a cause which bars employment in a health care entity, then the trainee shall be withdrawn from the training program.

(c) If a non-employer based training program does not require an OSBI criminal arrest check as part of the admission requirements to the training program, the training program shall provide the trainee with written notification of 63:1-1950.1 as part of the training program application.

310:677-3-8. RECORDS AND EXAMINATION

(a) A program shall use a performance record/Skills Performance Checklist which shall include:

(1) A record of when the trainee performs the duties and skills and the determination of satisfactory or unsatisfactory performance.

(2) The name of the instructor supervising the performance.

(b) Upon request from the nurse aide trainee, the training program shall provide the trainee with a copy of the Training Verification Form upon completion of training.

(c) Upon request from the nurse aide trainee, the training program shall provide the trainee a copy of the completed classroom/lecture training and the training performance record/Skills Performance Checklist with the skills that have been demonstrated if the trainee has to withdraw from the training program prior to completion of the training program.

(d) The program shall retain the following records for each trainee for at least three (3) years:

(1) The Trainee's Application for the training program.

(2) Performance records, the Skills Performance Checklist and Training Verification Form.

(3) Nurse aide competency and examination results.

(e) The training program shall provide copies to the nurse aide registry of any individual nurse aide training records that may be requested by the Department.
310:677-3-9. REQUIREMENTS FOR ADMINISTRATION OF THE COMPETENCY EXAMINATION

(a) The competency examination shall be administered and evaluated only by a Department approved entity which shall be periodically monitored by the Department.

(b) Each approved examination entity must provide the Department with the following:

(1) Written job analysis studies to determine the pool of test questions.

(2) Test question validation studies.

(3) Capabilities of providing competency results in the proper format for compatibility with the Department's nurse aide registry within thirty (30) days of scoring.

(4) Assurances that the written and skills testing process are not compromised.

(c) Each approved examination entity shall provide the examinee with the following:

(1) The notice showing pass/fail results.

(2) The notice shall specify the areas of failure to the nurse aide.

(d) The Department shall withdraw approval of a testing entity when it allows one or more of the following:

(1) Disclosure of the competency examination.

(2) Allowing another entity not approved by the Department to score the competency examination.

(3) Tampering with the competency examination.

(4) The competency examination was administered by a non-qualified individual.

(e) If the competency examination is proctored by facility personnel:

(1) The test results must be transmitted to the scoring entity immediately after completion of the written or oral and skills examination.

(2) A record of successful completion of the competency examination must be included in the nurse aide registry within 30 days of the date the individual is found to be competent. Competency is determined by a passing score on the written or oral examination and skills examination.

(3) If the competency evaluation is to be proctored by facility personnel and the entity chooses to delay the administration of the written or oral examination and/or skills examination after completion of the training which will delay certification, this information shall be provided in writing in the training program application and signed by the trainee.

(f) The trainee may sit for the written or oral examination and skills examination at a different location than where training was completed if the testing entity is provided with a Training Verification Form.
310:677-3-10. CONTENT OF THE COMPETENCY EXAMINATION

(a) The competency examination shall include a written or oral portion, in English, which shall:

(1) Allow a nurse aide to choose between a written and an oral examination.

(2) Address each requirement specified in the minimum curriculum prescribed by the Department.

(3) Be developed from a pool of test questions, only a portion of which is used in any one (1) examination.

(4) Use a system that prevents disclosure of both the pool of test questions and the individual competency examination results.

(5) If oral, the examination portion shall be read from a prepared text in a neutral manner.

(b) The skills examination portion of the competency examination shall:

(1) Consist of randomly selected items drawn from a pool of tasks generally performed by nurse aides except as provided in section 9-5 (b).

(2) Be performed in an entity in which the individual will function as a nurse aide or a similar laboratory setting.

(3) Be administered and evaluated by a qualified clinical skills observer.

(c) The Department shall permit the skills examination to be proctored by qualified entity personnel if the Department finds that the procedure adopted by the testing entity ensures that the competency examination:

(1) Is secure from tampering.

(2) Is standardized and scored by a testing, educational, or other organization approved by the Department.

(3) Is transmitted to the scoring entity immediately after completion of the skills examination. A record of successful completion of the skills examination must be included in the Nurse Aide Registry within 30 days of the date the individual is found to be competent or has passed the skills examination.

(d) The Department shall revoke the approval of any entity to proctor the nurse aide competency examination if the Department finds evidence of impropriety, including evidence of tampering by facility staff.

310:677-3-11. SUCCESSFUL COMPLETION OF THE COMPETENCY EXAMINATION
(a) An individual shall pass both the written or oral examination and the skills examination to complete the competency examination successfully.

(b) An individual shall score at least seventy (70) percent on the written or oral examination.

(c) An individual shall demonstrate at least eighty (80) percent accuracy for the skills examination.

(d) The Department shall include in the nurse aide registry a record of successful completion of the competency examination within thirty (30) days of the date the individual is found to be competent.

310:677-3-12. FAILURE TO COMPLETE THE COMPETENCY EXAMINATION

If an individual does not complete the competency examination successfully, the individual shall be notified by the testing entity of, at least, the following:

(1) The areas which the individual did not pass.

(2) That the individual may retake the examination a total of three times without further training.

SUBCHAPTER 11. LONG TERM CARE AIDES

310:677-11-1. GENERAL REQUIREMENTS

(a) The facility shall:

(1) Complete a performance review of every nurse aide at least once every twelve (12) months and provide two (2) hours of inservice training specific to their job assignment each month.

(2) Have in-service education generally supervised by a registered nurse who has at least two (2) years nursing experience with at least one (1) year of which shall be in the provision of long term care services.

(3) Ensure that each nurse aide certification is current and not expired.

(b) An individual may apply for listing in the nurse aide registry by reciprocity from another State and the Department may approve such application if the individual is listed in another State registry as a certified long term care aide and does not have a notation of abuse, neglect, mistreatment, or misappropriation of property.

(c) The training program shall inform the trainee that a long term care aide shall complete a new nurse aide training and competency examination program or competency examination if, upon applying for renewal of certification, the nurse
aide has not provided at least eight (8) hours of nursing or health related services for compensation during the previous twenty-four (24) months.

(d) The training program shall inform a trainee that the trainee shall not perform any resident services until the trainee has completed the required sixteen (16) hours of training identified in 310:677-11-4 and the aide shall not perform services for which they have not trained and been found proficient by the instructor.

310:677-11-2. DEEMED TO MEET STATE CERTIFICATION REQUIREMENTS

(a) The Department shall deem a certified long term care aide to meet the nurse aide certification requirements for the following employers after successful completion of at least sixteen (16) hours of orientation specific to the employer's population. Documentation of the sixteen (16) hours shall be submitted to the Department and the certified nurse aides name will be entered in the registry as being certified in that category. This requirement shall apply to the following employers:

(1) Residential care.

(2) Adult day care.

(3) Specialized facility.

(b) A home care aide may be employed by a long term care facility following at least sixteen (16) hours of training in the following areas:

(1) Resident rights.

(2) Caring for the resident when death is imminent.

(3) Care of the cognitively impaired resident.

(4) Avoiding the need for restraints in accordance with current professional standards.

(5) The minimum data set, care plans and the interdisciplinary team.

(c) Documentation of the sixteen (16) hours of training shall indicate time spent in each area, be signed by the nurse aide and the instructor and be kept in the nurse aide's personnel file. Documentation shall also be submitted to the Department to place the certified home care aide on the registry as a certified long term care aide.

310:677-11-3. INSTRUCTOR QUALIFICATIONS

(a) The training of long term care aides shall be done by, or under the general supervision of, a registered nurse who has:
(1) At least two (2) years of nursing experience with at least one (1) year in long term care facility services.

(2) Completed a course in teaching adults or experience in teaching adults or supervising nurse aides.

(b) The nurse aide training and competency examination may be supervised by the registered nurse who serves as the director of nursing, provided that the director of nursing shall not perform the actual training.

(c) There must be one (1) Registered Nurse who meets the qualifications for each long term care training program, whether in the role of RN Supervisor or RN instructor.

(d) A licensed practical nurse may act as an instructor in an approved nurse aide training and competency examination program when a registered nurse maintains responsibility for the program and is available to provide instruction in areas in which a licensed practical nurse may lack technical expertise.

(e) Other personnel from the health professions may supplement the instructor. These persons shall be licensed by the State, if applicable, and shall have at least one (1) year experience in the practice of the profession.

310:677-11-4. CURRICULUM

(a) The training program for long term care aides shall include:

(1) At least, seventy-five (75) hours of training or the equivalent.

(2) At least sixteen (16) hours of training in the following areas prior to any direct contact with a resident that is documented and signed by the nurse aide trainee:

(A) Communication and interpersonal skills.

(B) Infection control.

(C) Safety and emergency procedures, including the Heimlich maneuver.

(D) Promoting a resident's independence.

(E) Respecting a resident's rights.

(3) At least sixteen (16) hours of supervised practical training that is documented and signed by the nurse aide trainee.

(b) The long term care aide training program shall include the subjects specified in paragraphs (b)(2) through (7) of 42 CFR 483.152(b).

(c) Pursuant to 63 O.S. 1-1951(A)(3), the long term care aide training program shall include a minimum of ten (10) hours of training in the care of Alzheimer's patients.
310:677-11-5. COMPETENCY AND SKILLS EXAMINATION

(a) The competency examination must comply with 42 CFR 483.154. and is addressed under 310:677-3-9 and 310:677-3-10.

(b) The skills examination shall:

(1) Consist of a demonstration of randomly selected items drawn from a pool of tasks generally performed by long term care aides. This pool shall include all of the personal care skills.

(2) Be performed in a facility or laboratory setting comparable to the setting in which the individual shall function as a long term care aide.

(3) Be administered and evaluated by a registered nurse with at least one (1) year experience in providing care for the elderly or the chronically ill of any age and a qualified clinical skills observer.