SECTION 415.26 ORGANIZATION AND ADMINISTRATION

...(c) Staff qualifications and personnel management.

(1) With regard to personnel management, the facility shall:

... (iii) assure that each part-time, full-time or private duty employee, consultant, volunteer, or other person serving in any other capacity in the nursing home shall:

(a) receive an orientation which shall include but not be limited to the following:

(1) a review and explanation of relevant personnel policies and procedures, including his or her job description;

(2) an orientation to the facility’s organization, its long-term care philosophy, the roles of all personnel in the organization;

(3) an orientation to the physical plant, infection control, quality assessment and assurance and the environmental aspects of the facility;

(4) the facility safety program, including fire safety, accident prevention, resident emergency procedures, and facility operation during disruption of services;

(5) resident's rights; and

(6) resident abuse and neglect reporting requirements as set forth in section 2803-d of the Public Health Law.

(2) For all personnel, the facility shall provide planned orientation and staff development programs, including but not limited to:

(i) an orientation for each new employee prior to or within one week of employment;

(ii) on-the-job skill training as is necessary for each to properly perform his or her job;

(iii) continuous staff development programs to increase knowledge, skills and understanding of problems and ways of dealing with problems associated with residents needing nursing home care including knowledge of the Quality Assurance and Assessment program in the facility; and

(iv) maintenance of records of these activities, including the methods used and an evaluation on their effectiveness.
...(d) Nurse aide certification and training.

...(8) The operator shall ensure that the certified nurse aide regularly attends inservice education programs provided for all personnel and that the programs shall include the following:

(i) A portion of each individual's annual inservice education as required by subparagraph (iv) of this paragraph shall be based upon the outcome of the individual's annual performance review as specified in paragraph (7) of this section, and address the areas of weakness in the individual's performance;

(ii) Inservice education must also address the special needs of the residents in the facility, including the care of the cognitively impaired;

(iii) Written records shall be maintained which indicate the content of and attendance at each inservice training program and the outcomes of the performance review; and

(iv) Each certified nurse aide shall attend and be compensated for inservice education sufficient to ensure the continuing competence of the nurse aide of not less than six hours of inservice education in every six month period.

Section 415.4 - Resident behavior and facility practices

(a) Physical and Chemical Restraints. The facility and all medical, nursing, and other professional staff shall assure that:

...(4) Policies and procedures regarding the ordering and use of physical restraints and the recording, reporting, monitoring and review and modification thereof are:

(i) incorporated into the inservice education programs of the facility, with changes made in such programs when policies and procedures are modified...