

105 CMR 156.000: THE TRAINING OF NURSES' AIDES IN LONG-TERM CARE FACILITIES

Section

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105 CMR 156.000 sets forth standards for the training of nurses' aides who assist nurses in providing nursing care in level II/III long-term care facilities. Training of individuals employed as responsible persons in level IV facilities is specified by Department guidelines pursuant to 105 CMR 150.006(G) and 105 CMR 150.008(C)(2).

The following are available in Department of Public Health guidelines: curriculum specifications; evaluation form to be used by all instructors; course application form and blank document of completion.

156.001: Purpose

The purpose of 105 CMR 156.000 is to provide standards for the training of nurses' aides in long-term care facilities.

156.002: Authority

105 CMR 156.000 is adopted under authority of St. 1986, c. 567.

156.003: Citation

105 CMR 156.000 shall be known and may be cited as 105 CMR 156.000: *The Training of Nurses' Aides in Long-Term Care Facilities*.

156.010: Scope and Applicability

105 CMR 156.000 applies to all licensed level II and III long-term care facilities and those level IV units which employ nurses' aides as defined below.

156.020: Definitions

The following terms as used in 105 CMR 156.000 shall be interpreted as follows unless the context or subject matter clearly requires a different interpretation:

Contact Hour shall mean 50 consecutive clock minutes of instruction in accordance with 244 CMR 5.04(1) of the regulations governing the Board of Registration in Nursing.

Document of Completion shall mean the form prescribed by and available from the Department which indicates that an individual has successfully completed a nurses' aide training course or equivalency evaluation.

Equivalency Evaluation shall mean the procedure used to evaluate individuals specified in 105 CMR 156.130 to determine if they have mastered the skills taught in the minimum standard curriculum through experience or courses other than the minimum standard curriculum prescribed in 105 CMR 156.320. The evaluation form is prescribed by and available in guidelines from the Department.

Evaluation shall mean the procedure used to evaluate an individual to determine if he or she has mastered the skills taught in the minimum standard curriculum. The evaluation form is prescribed by and available in guidelines from the Department.

Instructor shall mean an individual qualified pursuant to Qualifications of the Instructor 105 CMR 156.210 and responsible for providing the nurses' aides training.

Long-Term Care Facility shall mean any institution whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of providing four or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, and charitable homes for the aged. "Facility" as used herein, shall mean a long-term care facility or unit thereof.

Minimum Standard Curriculum shall mean the minimum requirements for a nurses' aides training course as prescribed by and available in guidelines from the Department.

Module shall mean a single section of the minimum standard curriculum.

Nurses' aide shall mean any individual who provides nursing care under the supervision of a nurse in a long-term care facility. This definition includes permanent, temporary, full-time and part-time personnel employed by a facility. This definition also includes temporary agency personnel employed by a facility. This definition excludes individuals employed as responsible persons in level IV rest homes as defined in 105 CMR 150.001: Responsible Person, registered nurses, licensed practical nurses and volunteers. Training for responsible persons in Level IV facilities is prescribed in guidelines pursuant to 105 CMR 105.006(G) and 105 CMR 150.008(C)(2).

Nursing care shall mean therapeutic or convalescent care provided by nurses or individuals assisting nurses in level II and III long-term care facilities. Level IV facilities are licensed to provide care incident to old age and supervision of residents.

Training shall mean clinical and/or classroom instruction to deliver the minimum standard curriculum.

Training provider shall mean the organization or individual providing the facilities for and maintaining the records of a nurses' aides training course using a curriculum approved by the Department.

156.100: Responsibilities of the Facility

(A) Any facility which hires a nurses' aide, except as described in 105 CMR 156.100(D), shall provide, or arrange to provide, training for said nurses' aide in accordance with 105 CMR 156.000 except as provided for in 105 CMR 156.130. Such training shall be completed within 90 days of commencement of employment, as provided for in 105 CMR 156.140(C).

(B) The facility shall be responsible for documenting that all nurses' aides employed by the facility are in conformity with the training requirements as set forth in 105 CMR 156.000.

(C) The documentation shall include but is not limited to:

(1) For each nurses' aide:

(a) Document of Completion; or

(b) Evidence of enrollment in a training course, or participation in the evaluation process in accordance with timeframes set forth in 105 CMR 156.120, 105 CMR 156.130, and 105 CMR 156.140; and

(2) If the licensee/facility served as a training provider, the documentation specified in 105 CMR 156.200: *Responsibilities of Training Providers*.

(D) The facility shall ensure that all nurses' aides employed through temporary help agencies have successfully completed a nurses' aide training course in accordance with 105 CMR 156.120, are enrolled in a nurses' aides training course with planned completion in accordance with 105 CMR 156.120, or are currently being evaluated with planned completion in accordance with 105 CMR 156.130.

(1) The facility shall have a written agreement with the temporary help agency that the agency will provide only nurses' aides trained in conformity with 105 CMR 156.100(D).

(2) For nurses' aides employed through temporary help agencies, the facility shall verify, prior to employment by the facility, that such nurses' aides have been trained in conformity with 105 CMR 156.000 as specified in 105 CMR 156.100(D).

(E) The facility shall not continue to employ any nurses' aides who has not:

(1) Successfully completed both of the following:

(a) Training in accordance with these regulations, 105 CMR 156.120 within 90 days of commencement of employment as provided for in 105 CMR 156.140(C); and

(b) Evaluation as specified in 105 CMR 156.400 and a Document of Completion received within 180 days of commencement of employment as provided for in 105 CMR 156.140(C); or

(2) Successfully completed the equivalency evaluation in accordance with the timeframes set forth in 105 CMR 156.130 and 156.140(C).

(F) The facility shall ensure that nurses' aides perform only those tasks for which they have been trained and for which they have successfully demonstrated their ability to correctly perform these tasks. Such demonstrations shall be documented on the evaluation form as specified in 105 CMR 156.400.

156.110: Staffing Ratios

Nurses' aides participating in orientation and in classroom/clinical instruction as pursuant to 105 CMR 156.000 may not be counted in the staffing ratios for ancillary personnel as prescribed in 105 CMR 150.007. Nurses' aides who have been trained to perform some of the tasks required in the minimum standard curriculum and have successfully demonstrated their ability to perform these tasks may be counted in staffing ratios when they perform these tasks. Such demonstrations shall be documented on the evaluation form as specified in 105 CMR 156.400.

156.120: Nurses' Aides Required to Take Training Course

(A) All nurses' aides employed by a long-term care facility must be trained in accordance with 105 CMR 156.000 except as provided for in 105 CMR 156.130.

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(B) A nurses' aide who has completed training and received a Document of Completion in accordance with 105 CMR 156.000: *The Nurses' Aides Training*, but who has not been employed as a nurses' aide by a long-term care facility or temporary help agency for long-term care facilities for two or more consecutive years subsequent to such completion, shall be considered a new employee and is required to repeat training as specified in 105 CMR 156.120.

(C) Each nurses' aide must complete training within 90 days of the commencement of employment, as provided for in 105 CMR 156.140(C).

(D) Each nurses' aide must successfully complete evaluation as specified in 105 CMR 156.400 within 180 days of the commencement of employment, as provided for in 105 CMR 156.140(C).

156.130: Nurses' Aides Who May Substitute Equivalency Evaluation for Training Course

The following individuals are eligible for equivalency evaluation in lieu of completion of a training course to satisfy the requirements of 105 CMR 156.000. If such individuals choose not to take the equivalency evaluation in lieu of the training course, they shall be considered new employees subject to the requirements set forth in 105 CMR 156.120.

- (A) Individuals who have completed training equivalent to the minimum standard curriculum.
- (1) Such individuals shall have completed one of the following within the two years preceding the commencement of employment to be eligible for the equivalency evaluation:
    - (a) Documented successful completion of long-term care nurses' aides training programs regulated by other states;
    - (b) Documented successful completion of a clinical course in an approved school of nursing, in accordance with 244 CMR 6.00, which included hands-on care skills as specified in the minimum standard curriculum.
  - (2) Such nurses' aides shall successfully complete an equivalency evaluation in accordance with 105 CMR 156.400 as follows:
    - (a) Nurses' aides, described in 105 CMR 156.130(A)(1), whose employment in a Massachusetts long-term care facility commenced prior to the date of promulgation of these regulations shall successfully complete an equivalency evaluation on or before June 30, 1989;
    - (b) Nurses' aides, described in 105 CMR 156.130(A)(1), who are hired on or after the date of promulgation and prior to January 1, 1989 shall successfully complete equivalency evaluation on or before March 31, 1989;
    - (c) Nurses' aides, described in 105 CMR 156.130(A)(1), hired on or after January 1, 1989 shall successfully complete evaluation within 90 days subsequent to the commencement of employment.
- (B) Nurses' aides whose employment by a licensed long-term care facility or temporary help agency commenced prior to the promulgation of 105 CMR 156.000.
- (1) Such nurses' aides shall meet the following eligibility requirements:
    - (a) Have completed a nurses' aide training course within the preceding two years; or
    - (b) Have been employed as a nurses' aide by a long-term care facility or by a temporary help agency and assigned to long-term care facilities one year out of the past three years on a full-time basis or at least 100 days in the year prior to promulgation with no interruption in employment greater than ten weeks.
  - (2) Such nurses' aides shall successfully complete an equivalency evaluation in accordance with 105 CMR 156.400 on or before June 30, 1989.

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(C) The Commissioner or his or her designee may waive the qualifications for individuals permitted to take the equivalency evaluation in lieu of the training course imposed by 105 CMR 156.130(A) and (B) upon finding that:

- (1) The individual has had the following experience:
  - (a) Employment as a nurses' aide for one year out of the past three years on a full-time basis or at least 100 in the year prior to proposed evaluation with no interruption in employment greater than ten weeks; and
  - (b) Provision of direct care services to the elderly including but not limited to bathing, grooming, and feeding during the employment period specified above in 105 CMR 156.130(C)(1)(a); and
  - (c) Provision of such direct care services in an institutional setting including a chronic or acute care hospital.
- (2) The proposed waiver does not jeopardize the health or safety of the facility's residents and does not limit the facility's capacity to give adequate care.
- (3) The facility provides to the Commissioner or his or her designee written documentation supporting its request for a waiver.
- (4) Such nurses' aides shall successfully complete an equivalency evaluation in accordance with 105 CMR 156.400 as follows:
  - (a) Nurses' aides, for whom a waiver has been obtained pursuant to 105 CMR 156.130(C), whose employment in a long-term care facility commenced prior to January 1, 1989 shall successfully complete equivalency evaluation on or before March 31, 1989;
  - (b) Nurses' aides, for whom a waiver has been obtained pursuant to 105 CMR 156.130(C) and who are hired on or after January 1, 1989 shall successfully complete evaluation within 90 days subsequent to the commencement of employment.

(D) A facility shall not continue to employ an individual as a nurses' aide who does not successfully complete an evaluation as pursuant to the provisions of 105 CMR 156.130.

156.140: Implementation Schedule

- (A) Upon promulgation of these regulations, 105 CMR 156.000, training providers may:
  - (1) submit training courses for approval according to procedures set forth in 105 CMR 156.330;
  - (2) begin training courses upon notification of course approval by the Department.
- (B) For courses which began prior to date of promulgation, but which will be completed subsequent to promulgation of 105 CMR 156.000, training providers shall:
  - (1) modify courses as necessary to include the minimum standard curriculum as specified in 105 CMR 156.330;
  - (2) submit such courses for approval according to procedures set forth in 105 CMR 156.330;
  - (3) include evaluation as specified in 105 CMR 156.400 in such training courses.
- (C) While training may begin upon promulgation of 105 CMR 156.000 as specified in 105 CMR 156.140(A), all nurses' aides, who do not qualify for equivalency evaluation under 105 CMR 156.130, and who are hired on or after January 1, 1989 shall complete training within 90 days subsequent to the commencement of employment and shall successfully complete evaluation within 180 days subsequent to the commencement of employment, as specified in 105 CMR 156.310. Nurses' aides hired on or after the date of promulgation and prior to January 1, 1989 shall complete training on or before March 31, 1989 and shall successfully complete evaluation on or before June 30, 1989.

156.200: Responsibilities of Training Providers

- (A) Nurses' aides training providers shall:
  - (1) employ, or have written arrangements with, an instructor who meets the qualifications as specified in 105 CMR 156.210: *Qualifications of the Instructor*;

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- (2) provide, or have written arrangements to provide, facilities for classroom and clinical instruction in a level II or III long-term care facility; and
- (3) offer a curriculum that has been approved by the Department.

(B) Level IV facilities shall not serve as training providers.

(C) Examples of training providers include but are not limited to: vocational high schools, community colleges, long-term care facilities, and temporary help agencies.

(D) The training provider shall submit a curriculum proposal for approval by the Department as specified in 105 CMR 156.330: *Curriculum Approval Mechanism*.

(E) The following documentation for each course offered shall be maintained by the training provider and available for inspection by the Department:

- (1) curriculum outline and record of dates on which courses were taught;
- (2) notification of approval by the Department;
- (3) daily attendance roster;
- (4) name and resume of instructors showing that each one meets the requirements as specified in 105 CMR 156.210: *Qualifications of Instructor*;
- (5) copies of all Documents of Completion issued by that training provider and
- (6) copies of all evaluation forms completed by that training provider.

156.210: Qualifications of the Instructor

(A) Instructors for nurses' aides training courses shall meet these qualifications:

- (1) Be a registered nurse with current licensure; and
- (2) (a) 1. Have at least one year's experience in lesson planning, lesson delivery, student evaluation and remediation in a health care setting with this experience gained in such positions as inservice coordinator, staff educator, or other health personnel instructor; or
  - 2. Have attended the equivalent of twenty-four contact hours in programs which meet continuing education standards currently set forth in regulations governing the Board of Registration in Nursing 244 CMR 5.00 and which provide instruction in curriculum development, use of teaching strategies for adult learners and student evaluation; or
- (b) Meet all of the following qualifications:
  - 1. Have a written agreement for consultation with a registered nurse who has the qualifications set forth in 105 CMR 156.210(A)(1) and (2)(a);
  - 2. Obtain such consultation prior to each course, midway through the course and at the end of the course prior to final evaluation. This consultation shall include lesson plans, teaching strategies, resource materials, evaluation procedures, and remediation methods;
  - 3. Document the dates and recommendation of the consultations; and
  - 4. Attend program(s) which meets continuing education standards set forth in the regulations governing the Board of Registration in Nursing 244 CMR 5.00 consisting of not less than 24 contact hours of adult education within the first year as instructor.
- (3) The Commissioner or his or her designee may waive the qualifications of the instructor imposed by 105 CMR 156.210(A)(1) and (2) upon finding that:
  - (a) The proposed instructor has obtained sufficient experience in the care of long-term care residents and teaching adults how to provide such health care to ensure that he or she may train nurses' aides to perform the objectives outlined in the minimum standard curriculum described in 105 CMR 156.320, and
  - (b) The training provider provides to the Commissioner or his or her designee written documentation supporting its request for a waiver.

(B) Other health care professionals such as dietitians, social workers, physical therapists, occupational therapists, and others may teach lessons or modules of a nurses' aides training course.

156.220: Responsibilities of the Instructor

- (A) The instructor shall prepare the curriculum that he or she will teach as specified in 105 CMR 156.320: *Minimum Curriculum Standards* and as prescribed in curriculum specifications as prescribed by and available in guidelines from the Department and shall participate in the planning of each lesson, even if he or she does not teach that specific lesson.
- (B) The instructor shall evaluate each student to determine whether he or she has satisfactorily completed each module of nurses' aides training and shall offer remediation for each student as needed.
- (C) The instructor shall sign and issue a Document of Completion for each student upon satisfactory completion of the evaluation which is a part of a nurses' aides training course as specified in 105 CMR 156.410: *Completed Training/Experience*.
- (D) The instructor who serves as an evaluator for equivalency evaluation in accordance with the provisions of 105 CMR 156.400: *Administration of Evaluation* shall sign and issue a Document of Completion for each nurses' aide who successfully completes such an evaluation.
- (E) The instructor shall assure that there is a minimum of one instructor for every 25 students in a classroom and a minimum of one instructor for every ten students in practice/clinical sessions.

156.300: Orientation Program

- (A) An orientation program shall be given to all nurses' aides within the first 40 hours of employment. The orientation program shall include the following:
- (1) tour of the facility;
  - (2) description of organizational structure of the facility;
  - (3) explanation of nurses' aides job description;
  - (4) statement of philosophy of care of the facility;
  - (5) description of resident rights and responsibilities;
  - (6) description of resident population at the facility;
  - (7) description of daily routine of residents at the facility;
  - (8) discussion of the legal and ethical considerations in the care of residents;
  - (9) explanation and practice regarding the communications system including telephone and resident call-light systems;
  - (10) explanation and practice regarding emergencies including:
    - (a) response to resident emergencies;
    - (b) fire;
    - (c) other disasters.
- (B) Such orientation shall occur at each new facility in which the nurses' aide is employed.
- (C) Nurses' aides employed through temporary agencies shall undergo an orientation which includes a minimum of the topics named in 156.300(A)(1), (6), (7), (9) and (10).

156.310: Timing of Nurses' Aides Training

- (A) Training conducted on site of employment at long-term care facility. Each nurses' aide shall begin training after orientation and shall complete such training within 90 days of the start of employment and shall also successfully complete evaluation within 180 days of the start of employment as provided for in 105 CMR 156.140(C). During the training period, nurses' aides may perform tasks for which they have been trained and for which they have successfully demonstrated their ability to correctly perform these tasks. Such demonstrations shall be documented on the evaluation form as specified in 105 CMR 156.400.

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(B) Training conducted at temporary help agencies. Each nurses' aide shall complete training within 90 days of the start of employment with a temporary help agency as provided for in 105 CMR 156.140(C). Each such nurses' aide shall also successfully complete evaluation within one hundred eighty days of the start of employment with a temporary help agency as provided for in 105 CMR 156.140(C). The facility shall provide orientation to each nurses' aide employed through a temporary help agency.

(C) Training conducted at educational facilities. Each nurses' aide who has been trained at an educational institution outside of the facility shall complete such training prior to employment or within 90 days of the start of employment by a long-term care facility as provided for in 105 CMR 156.140(C). Each such nurses' aide shall also successfully complete evaluation within 180 days of the start of employment as provided for in 105 CMR 156.140(C).

156.320: Minimum Curriculum Standards

(A) Each nurses' aides training course shall be a minimum of 60 hours and shall include all modules of the minimum standard curriculum as prescribed in the curriculum specifications prescribed by and available in guidelines from the Department.

(B) Nurses' aides training courses which begin on or after October 1, 1989 shall be a minimum of 75 hours and shall include all modules of the minimum standard curriculum for 75 hours prescribed by and available in guidelines from the Department. Nurses' aides who have successfully completed an evaluation as specified in 105 CMR 156.400 prior to October 1, 1989 shall be deemed to have met the federal requirements for nurses' aides training specified above.

(C) Curriculum organization and teaching strategies are at the discretion of the instructor.

(D) Facilities that require nurses' aides to perform tasks not included in the minimum standard curriculum shall ensure that nurses' aides are trained to perform these tasks and have successfully demonstrated their ability to perform these tasks. Training for these tasks, including training for tasks related to special resident populations, shall be in addition to the minimum standard curriculum.

(E) Facilities with special resident populations shall use the minimum standard curriculum for nurses' aide training but may adapt content and clinical applications to the facility's specific resident population. However, such adaptations shall continue to require that nurses' aides master all objectives in the minimum standard curriculum. For example, all nurses' aides must learn how to give bed baths and transfer residents from beds to wheelchairs. However, these skills may be taught with attention to geriatric or pediatric considerations as the resident population dictates.

156.330: Curriculum Approval Mechanism

(A) The training provider shall submit a proposed curriculum to the Department of Public Health, Division of Health Care Quality.

(1) The curriculum shall be submitted eight weeks prior to the start of the first course and every two years thereafter.

(2) If the curriculum is modified, it must be resubmitted to the Department for approval prior to start of the course.

(B) The training provider shall submit the curriculum proposal on the curriculum application form prescribed by and available from the Department.

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(C) The Department will review the curriculum proposal to determine whether or not it is in compliance with 105 CMR 156.000 and the curriculum specifications prescribed by and available in guidelines from the Department.

(1) If the curriculum proposal is approved, the Department will issue an approval number and notify the training provider. A copy of the approval will be kept on file at the Department.

(2) If the curriculum proposal is not approved, the Department will return the curriculum to the training provider noting the reason that the course was not approved. The training provider may not begin a nurses' aides training course until the associated curriculum has been approved by the Department.

156.400: Administration of Evaluation

(A) All nurses' aides shall undergo evaluation either in conjunction with the training specified in 105 CMR 156.320 or as an evaluation of equivalent training pursuant to 105 CMR 156.130.

(B) All nurses' aides shall successfully demonstrate all skills on the evaluation form specified in guidelines prescribed by and available from the Department. Such evaluation shall be conducted in conformance with the timeframes set forth in 105 CMR 156.120, 105 CMR 156.130, and 105 CMR 156.140.

(C) Any individual who meets the qualifications specified in Qualifications of the Instructor 105 CMR 156.210 may administer an evaluation as prescribed by and available in guidelines from the Department.

(1) Remedial instruction shall be available from the instructor through a course approved by the Department or shall be available through an approved course specified by the instructor. The course number shall be entered on all Documents of Completion issued as documentation of successful evaluation.

(2) Additional registered nurses may assist the instructor in evaluating nurses' aides provided that an individual who meets instructor qualifications is available on site.

(D) Instructors shall use the evaluation form as prescribed by and available in guidelines from the Department.

(1) Instructors shall give nurses' aides the opportunity to read the evaluation, ask questions, and receive remedial instruction prior to administration of the evaluation.

(2) The instructor who observes and evaluates each skill demonstration must sign his or her name in the spaces indicated.

(3) Instructors shall give nurses' aides the option of responding to the verbal section of the evaluation either orally or in writing.

(a) When the verbal section of the evaluation is administered orally, the instructor shall simplify the language, if necessary, to assist comprehension by the nurses' aide.

(b) The instructor who evaluates the responses to the verbal section must sign his or her name in the spaces indicated.

(4) Successful completion of the evaluation shall mean that the nurses' aide is able to correctly demonstrate all clinical skills and answer all questions listed in the evaluation form prescribed by and available in guidelines from the Department. The demonstrations and answers shall be judged complete and correct by the instructor. Remediation and reevaluation shall be provided by the instructor within the timeframes set forth in 105 CMR 156.120, 105 CMR 156.130, and 105 CMR 156.140.

(5) Upon successful completion of the evaluation, the instructor shall sign and issue to the nurses' aide:

(a) A signed copy of the evaluation form as prescribed by and available in guidelines from the Department, and;

(b) A signed Document of Completion prescribed by and available from the Department.

156.410: Documentation of Completed Training/Experience

(A) Upon successful completion of evaluation in accordance with 105 CMR 156.400: *Evaluation of Training/Experience*, each nurses' aide shall receive a Documentation of Completion, (prescribed by and available from the Department) which has been completed, signed and issued by the instructor.

(B) As proof of meeting the training requirements set forth in 105 CMR 156.000: *The Nurses' Aides Training*, a nurses' aide shall show the Document of Completion to any facility administrator upon request.

(C) A nurses' aide who has successfully completed evaluation as specified in 105 CMR 156.400 and received a Document of Completion in accordance with 105 CMR 156.410(A) shall not be required to repeat nurses' aide training unless employment has been interrupted for two or more years as described in 105 CMR 156.120(D).

REGULATORY AUTHORITY

105 CMR 156.000: St. 1986, c. 567.