

Certified Nurse Aide/Assistant Policy Framework

PURPOSE – CERTIFICATION STANDARDS -- REPRESENTATION TO THE PUBLIC. In order to safeguard the public health, safety and welfare of Idahoans, it is in the public interest to maintain a registry of certified nurse aides/assistants, including a public record of adverse findings, in the state of Idaho.

REGULATORY PROCESS

To promote quality health care services, to prohibit unqualified persons from practicing, and to protect against acts or conduct which may endanger the health and safety of the public:

- (1) Nurse aide/assistant registry. The Idaho State Survey Agency (agency) as designated by the Centers for Medicare and Medicaid Services shall maintain a registry of certified nurse aides/assistants in the state of Idaho. The following individuals will be listed on the registry:
 - a. A person who has received NATCEP approved training and passed the Idaho written and clinical skills test.
 - b. A nursing student who has satisfactorily completed a basic nursing fundamental course and passed the written and clinical skills test.
 - c. A person who has met equivalent standards for nurse aides/assistants in other states, as determined by the agency, and has applied for reciprocal placement on Idaho's registry.
- (2) Representation to the public. Only a person who is listed on Idaho's nurse aide/assistant registry may use the title "Certified Nursing Assistant," "Certified Nurse Aide," or the abbreviation "C.N.A."
- (3) Certification. All applicants for original certification, renewal, and reinstatement shall submit to the State Survey Agency an application that provides, at a minimum, self-attestation that they have not committed any of the disqualifying crimes identified in the Idaho Department of Health and Welfare's chapter of rules regulating criminal history and background checks.
- (4) Removal from registry. Persons may not be removed from the registry. The registry shall designate whether a CNA is active, inactive and/or has adverse findings of abuse unless an exception is provided under 42 U.S.C. Section 1395i – 3 (OBRA).

DEFINITIONS

Caregiver – an individual hired to provide care for a care recipient. Caregivers provide non-clinical care in the home or a facility. Caregivers generally have no formal training and are not required to be under the direct supervision of a licensed healthcare professional.

Unlicensed Assistive Personnel (UAP). This term is used to designate unlicensed personnel employed to perform nursing care services under the direction and supervision of licensed nurses.

Non-certified/Uncertified Aide/Assistant - a unlicensed assistive personnel trained to assist nurses in providing delegated basic patient care and services up to the level of their education, training and experience and who has not passed a NATCEP approved written and clinical skills test.

Certified Nurse Aide/Assistant – an Aide/Assistant who has been trained through a NATCEP approved program and passed the written and clinical skills test and is current on the registry to assist nurses in providing delegated basic patient care and services up to the level of their education, training and experience. Nursing students may also be placed on the registry after they have satisfactorily completed a basic nursing fundamental course and passed the written and clinical skills test as identified in the Rules of the Idaho Board of Nursing (IDAPA 24.34.01).

Delegated Basic Patient Care and Services – refers to Section 400 of the Rules of the Idaho Board of Nursing (IDAPA 24.34.01).

Additional Definitions from § 488.301:

Abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. *Willful*, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.

Misappropriation of resident property means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the resident's consent.

Neglect is the failure of the facility, its employees or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.

AUTHORITY

The Idaho State Survey Agency is provided with the authority and ability to create and implement provisions for the oversight of all Certified Nurse Aides/Assistants in Idaho. The Idaho State Survey Agency or their designee shall, at a minimum, maintain a registry of Certified Nurse Aides/Assistants. Facilities and/or providers subject to the rules of 42 U.S.C. Section 1395i – 3 (OBRA) are required to employ certified nurse aides/assistants.

FUNDING

The Idaho State Survey Agency shall establish and may amend a schedule of fees for renewal applications for the registry. Fees shall not be charged for first time applicants, or any other individuals exempted from the payment of fees by 42 U.S.C. Section 1395i – 3 (OBRA).

DISCIPLINARY ACTION

(1) Grounds for discipline. State Survey Agency or designee shall have the power to refuse to place, renew or reinstate an individual on the registry issued pursuant to this chapter and may place adverse findings on the registry, upon a determination by the State Survey Agency or designee that the individual engaged in abuse, neglect and/or misappropriation as defined in 42 U.S.C. Section 1395i – 3 (OBRA).

(2) Reporting. All entities employing a certified nurse aide/assistant are required to report allegations of abuse, neglect, and/or misappropriation.

(3) Proceedings.

(a) The State Survey Agency shall conduct such investigations and initiate such proceedings as necessary to ensure compliance with this section. The State Survey Agency may accept the voluntary placement of an adverse finding on the registry from any certified nurse aide/assistant under investigation and accordingly enter an adverse finding as may be appropriate in the discretion of State Survey Agency. Otherwise, every person subject to disciplinary proceedings shall be afforded an opportunity for hearing

after reasonable notice. All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code.

(b) Hearings shall be conducted by a committee comprised of persons appointed by the State Survey Agency to conduct hearings and receive evidence.

(c) In the event any person fails to comply with a request personally served upon him or refuses to testify to any matter regarding which he may be lawfully interrogated, the committee shall place the adverse finding on the registry.

(d) The assessment of costs and attorney's fees incurred in the investigation and prosecution or defense of an administrative proceeding against an individual under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

(4) Petition for Review. Any adverse findings of the committee entered under this section for neglect or misappropriation may be removed after one year upon such terms and conditions as determined by the committee.

(5) Reporting investigative information.

(a) Nothing in section 74-106(8) and (9), Idaho Code, shall be construed as limiting the authority of the committee to report current significant investigative information to the coordinated registry information system for access to states that are parties to any multistate agreements or compacts regarding nurse aide/assistant registries.

(b) The State Survey Agency may, in the administration of this chapter, share information and otherwise cooperate with government regulatory and law enforcement agencies.

TRAINING

Training providers shall be approved by the State Survey Agency, or their designee, subject to the rules of OBRA '87. Facilities and private providers may provide training and clinical instruction as long as they are able to meet the minimum criteria set forth in administrative rule. The State Survey Agency shall promulgate rules specifying the scope of training programs, required components of the programs, and establishing standards for the approval of programs, instructors and testing.