

DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations

3 CCR 716-1

CHAPTER 10

RULES AND REGULATIONS FOR CERTIFICATION AS A NURSE AIDE

BASIS: The authority for the promulgation of these rules and regulations by the State Board of Nursing ("Board") specifically in relation to Sections 12-38.1-103, 104, 105, 106, ~~and 107~~, and 108.5, C.R.S., is set forth in Sections 12-38-108(1)(j) ~~and~~ 12-38.1-103(3) and 12-38.1-108.5(2), C.R.S. The Division name changed pursuant to Section 24-34-102, C.R.S.

PURPOSE: The rules are adopted to specify procedures used in obtaining and maintaining nurse aide certification.

1. DEFINITIONS

- 1.1 -"Board" is the State Board of Nursing.
- 1.2 "Nurse aide training program" is a course of study which is approved by the Colorado State Board of Nursing or the appropriate authority in another state or territory of the United States that meets the requirements of the Omnibus Budget Reconciliation Act of 1987.
- 1.3 "Competency evaluation" is the evaluation instrument approved by the Board consisting of both a written and a manual skills component.
- 1.4 "Competence" is the Certified Nurse Aide's (CNA) ability to perform those tasks included in the expanded scope of practice as set forth in Section 7.3 of these Chapter 10 Rules, with reasonable skill and safety to a client, as deemed by the Professional Nurse (RN).
- 1.5 "Continued Competence" is the CNA's ability to perform those tasks included in the expanded scope of practice as set forth in Section 7.3 of these Chapter 10 Rules, with reasonable skill and safety to a client, as deemed by the RN's direct observation of the CNA's clinical performance of the task to occur not less than annually after initially being deemed competent.
- 1.6 "Deemed Competent" is the RN's determination that the CNA is competent to perform the task with reasonable skill and safety to a client.
- 4.41.7 "Executive Officer" is the chief officer employed pursuant to Section 12-38-107, C.R.S. The Executive Officer has been delegated authority to administer examinations, issue certificates by endorsement and examination, and to renew certificates.
- 4.51.8 "Endorsement" is the process of obtaining certification as a nurse aide by the Board upon the Board's determination that the applicant is certified to practice as a nurse aide by another state or territory of the United States with requirements that are essentially similar to the requirements of Colorado.
- 1.9 "Expanded Scope of Practice" includes those tasks set forth in 12-38.1-108.5(1)(a),(b), and (c), C.R.S. for which the CNA has been deemed by the RN to be competent to perform with reasonable skill and safety to a client.

2. CERTIFICATION BY EXAMINATION

- 2.1 The Board will review and may accept a Competency evaluation for nurse aides.
- 2.2 The contract for the use of the Competency evaluation will be approved by the Executive Officer or designee in the absence of the Executive Officer.
- 2.3 The Competency evaluation is administered at least quarterly. Notification of any applicable administration dates, deadlines, and sites will be sent to all active nurse aide training programs in the state.
- 2.4 -In the event that applicant examination materials are lost or destroyed through circumstances beyond the control of the Board, the applicant will be required to retake the Competency evaluation in order to meet requirements for certification.
- 2.5 Applicants are informed in writing regarding the results of the Competency evaluation.
- 2.6 The Board releases Competency evaluation results only to the applicant or the nurse aide with written authorization from the applicant or nurse aide.
- 2.7 Verified graduates from nurse aide training programs are eligible to take the Competency evaluation.
- 2.8 -Practical and professional nursing education programs and psychiatric technician training programs in the United States and its territories are deemed to be nurse aide training programs provided the program has been approved by the appropriate agency of the state/territory in which the program is located. Students of such programs are eligible to take the Competency evaluation provided the requirements of Section 2.11 of these Chapter 10 Rules and Regulations are met and they have successfully completed at least one of the following:
 - A. Five semester credit hours, or its equivalent, of nursing courses that include the content required under Chapter 11 Rules and Regulations for Approval of Nurse Aide Training Programs.
 - B. Five semester credit hours of a psychiatric technician training program that includes the content required under Chapter 11 Rules and Regulations for Approval of Nurse Aide Training Programs.
- 2.9 Practical and professional nursing education programs located outside the United States and its territories are deemed to be Nurse aide training programs and their graduates are eligible to take the Competency evaluation provided:
 - A. The credentials of education are translated into English;
 - B. The requirement of Section 2.8 A of these Chapter 10 Rules and Regulations is met; and
 - C. The requirements of Section 2.11 of these Chapter 10 Rules and Regulations are met.
- 2.10 At the discretion of the Board and prior to taking the Competency evaluation, individuals trained in the United States military will be allowed to sit for examination by showing substantially equivalent training on transcripts that meet the requirements of the Omnibus Budget Reconciliation Act of 1987 and to be certified by testing and demonstration of competency as

provided for in Section 24-34-102(8.5) C.R.S., subject to requirements of Section 2.11 of these Chapter 10 Rules and Regulations.

2.11 Requirements to be completed for certification by examination:

- A. Submission of application on the current Board approved form;
- B. -Payment of all applicable application and examination fees;
- C. Verification of educational credentials (any individual who has an active or expired nursing or psychiatric technician license in good standing need not provide transcripts); and
- D. -Meets all state and federal requirements for certification in Colorado.

2.12 Competency evaluation limitations:

- A. The applicant must have successfully completed both the written and manual skills Competency evaluation within two (2) years of the receipt of the application for certification.
- B. An applicant who fails any component of the Competency evaluation three times, must repeat a nurse aide training program before being eligible to apply for nurse aide certification or to take the Competency evaluation at any time in the future.

3. CERTIFICATION BY ENDORSEMENT

3.1 Nurse aides from another state or territory of the United States are eligible for certification by endorsement in Colorado providing said nurse aide has met all of the following requirements:

- A. Submission of application on the current Board approved form;
- B. Payment of the application fees;
- C. Is listed in good standing on the nurse aide registry in another state or territory of the United States; and
- D. Meets all state and federal requirements for certification in Colorado.

4. REQUIREMENTS FOR RENEWAL AND REINSTATEMENT

4.1 Certificates are subject to renewal as set forth in Section 24-34-102, C.R.S.

- A. -The certificate may be renewed when the nurse aide maintains continued certification prior to the expiration date of the certificate.
 - 1. Nurse aide certificate renewal applications postmarked after the certificate's expiration date and prior to the end of the grace period, may be assessed a late fee.
 - 2. The certificate holder's online renewal confirmation or a receipt from the Board will be considered as proof of renewal until the renewed certificate is issued.

3. Separate payments are required for each renewal application.
 - B. A certificate that is not renewed by the nurse aide within the renewal period including the sixty day grace period will be subject to reinstatement requirements.
- 4.2 A nurse aide must attest that she/he has received monetary compensation for performing at least eight (8) hours of nursing care activities during the twenty-four (24) months prior to the renewal or reinstatement application date. This attestation serves as proof of this requirement.
- 4.3 To reinstate a certificate that has been expired for less than two (2) years the nurse aide must submit:
- A. A Board approved reinstatement application signed by the nurse aide; and
 - B. Payment of the required fee.
- 4.4 To reinstate a certificate that has been expired for more than two (2) years, the applicant must re-take and pass the Competency evaluation and submit:
- A. A Board approved examination application; and
 - B. Payment of the required fee.
- 4.5 -If the nurse aide has not performed nursing care activities as described in Section 4.2 of these Chapter 10 Rules and Regulations:
- A. To renew the certificate the nurse aide must submit:
 1. A Board approved renewal application;
 2. Payment of the required fee; and
 3. Evidence that the nurse aide has passed the Board's Competency evaluation within the past 24 months.
 - B. To reinstate the certificate the nurse aide must submit:
 1. A Board approved reinstatement application;
 2. Payment of the required fee; and
 3. Evidence that the nurse aide has passed the Board's Competency evaluation within the past 24 months.
 - C. To reinstate a certificate that has been expired for more than two (2) years, the applicant must re-take and pass the written and manual skills Competency evaluation and submit:
 1. A Board approved examination application; and
 2. Payment of the required fee.
- 4.6 The nurse aide's attestation on the reinstatement application serves as the verification of the eight (8) hours of compensated nursing care activities.

5. GENERAL RULES RELATING TO CERTIFICATES

- 5.1 The nurse aide is responsible for maintaining his/her own documentation of skills, education and test results.
- 5.2 Any application not completed within one (1) year of the date of the original application expires and will be purged.
- 5.3 Name and address changes:
- A. The nurse aide must supply to the Board legal evidence of name change within 30 days of the effective date of the name change.
 - B. The nurse aide must notify the Board within 30 days of any change of address. This notification may be submitted in writing or through the Board's on-line system.
 - C. Any notification by the Board to nurse aides, as required or permitted under the Nurse Aide Practice Act, Sections 12-38.1-101 to -120, C.R.S., or the Colorado Administrative Procedures Act, Sections 24-4-101 to -108, C.R.S., will be addressed to the most recent address provided in writing to the Board by the nurse aide and any such mailing is deemed proper service of process on said nurse aide.

6. LICENSURE AS MILITARY SPOUSE

- 6.1 A military spouse as defined in Section 12-71-101(3), C.R.S., may practice as a nurse aide in this state for not more than one (1) year, as set forth in Section 12-71-102(1), C.R.S., before obtaining certification to practice in this state.

7. CERTIFIED NURSE AIDE (CNA) SCOPE OF PRACTICE

7.1 The CNA, pursuant to the definition of nurse aide at 12-38.1-102(5), C.R.S., requires supervision of tasks by an actively licensed healthcare professional. Such services are performed under the supervision of a dentist, physician, podiatrist, professional nurse, licensed practical nurse, or other licensed or certified health care professional acting within the scope of the license or certificate.

7.2 The CNA scope of practice includes those tasks required by the Chapter 11 Rules and Regulations for Approval of Nurse Aide Training Programs, Section 5.3:

7.2.1 Basic nursing skills including, but not limited to:

- A. Caring for Clients when death is imminent;
- B. Taking and recording vital signs;
- C. Measuring and recording height and weight;
- D. Caring for the Clients' environment;
- E. Measuring and recording intake and output;
- F. Recognizing and reporting abnormal signs and symptoms of common conditions related to all systems of the body and recognizing the importance of reporting such changes to a supervisor.

7.2.2 Personal care skills, including but not limited to:

- A. Bathing;
- B. Grooming, including mouth care;
- C. Dressing;
- D. Toileting;

- E. Assisting with eating and hydration;
- F. Proper feeding techniques;
- G. Skin-care;
- H. Transferring, positioning, and turning.

7.2.3 Skills that meet the psychosocial and mental health needs of Clients by:

- A. Modifying aide's own behavior in response to Client behavior;
- B. Recognizing developmental tasks associated with the aging process;
- C. Responding appropriately to Client behavior;
- D. Allowing Client to make personal choices, providing and reinforcing other behavior consistent with the Client's dignity;
- E. Recognizing available resources, including family, for Client support.

7.2.4 Care of cognitively impaired Clients, including but not limited to:

- A. Techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others);
- B. Communicating with cognitively impaired Clients;
- C. Understanding the behavior of cognitively impaired Clients;
- D. Appropriate responses to the behavior of cognitively impaired Clients;
- E. Methods of reducing the effects of cognitive impairments.

7.2.5 Basic restorative services, including but not limited to:

- A. Training the Client in self-care according to the Client's abilities;
- B. Using assistive devices for transferring, ambulation, eating and dressing;
- C. Maintaining range of motion;
- D. Proper turning and positioning in bed and chair;
- E. Bowel and bladder training;
- F. Caring for and using prosthetic and orthotic devices;
- G. Promoting Clients' physical ability to function independently.

7.2.6 Knowledge and skills that promote Clients' rights by:

- A. Providing privacy and maintaining confidentiality;
- B. Promoting the Clients' right to make personal choices to accommodate their needs;
- C. Giving assistance in resolving grievances and disputes;
- D. Providing needed assistance in getting to and participating in Client and family groups and other activities;
- E. Caring for and maintaining security of Clients' possessions;
- F. Promoting and maintaining the client's right to be free from abuse, mistreatment, and neglect;
- G. Reporting any suspicion of abuse, mistreatment, and neglect immediately;
- H. Using appropriate interventions to minimize the need for physical and chemical restraints in accordance with the current professional standards.

7.3 Pursuant to 12-38.1-108.5(1)(a), (b), and (c), C.R.S. the CNA when deemed competent by a RN in good faith as described in Chapter 13, Sections 10.4, 10.5 and 10.6- may perform the following tasks for clients/patients with stable health conditions and who are not considered high risk:

7.3.1 Digital stimulation, insertion of a suppository, or the use of an enema, or any other medically acceptable procedure to produce a bowel movement for clients/patients with stable health conditions and are not considered high risk.

7.3.2 Gastrostomy-tube and jejunostomy-tube feedings for clients/patients with stable health conditions and are not considered high risk.

7.3.3 Placement in a client's mouth of presorted medication that has been boxed or packaged by a RN, LPN or pharmacist for clients/patients with stable health conditions and are not considered high risk.

A. The CNA may only perform this task if the boxed or packaged medication has been stored in a secure manner and showing no signs of tampering.

B. The CNA will report any medication not placed in the client's mouth in a timely manner but not more than two hours after the medication was due.

7.4 The CNA may perform the tasks in 7.3 for clients when deemed competent by the RN to perform the tasks in Section 7.3 of these Chapter 10 Rules with reasonable skill and safety. In order to deem competence the RN will complete the following steps:

A. RN teaching of the procedure to perform the task;

B. RN demonstration of the steps to perform the task;

C. RN review of risks associated with performance of the task;

D. Identification of what to report to the supervisor; and

E. Return demonstration of the clinical performance of the task.

7.4.1 When the RN deems the CNA competent to perform a task, a competency document will be completed. The competency document will be signed, dated and retained for at least one year by the RN determining competency. The competency document will be signed, dated and retained permanently by the CNA deemed competent to perform such tasks.

7.4.2 Within 30 days of being deemed competent to perform the tasks in Section 7.3 of these Chapter 10 Rules the CNA will update the expanded scope questions on the Healthcare Professions Profile (HPPP) indicating the tasks the CNA has been deemed competent to perform, the name and license number of the RN that deemed the CNA competent, along with the date deemed competent.

7.5 Continued competence for expanded scope of practice.

7.5.1 The CNA must demonstrate continued competence under the direct clinical observation of the RN to be deemed competent by the RN to perform tasks in Section 7.3 of these Chapter 10 Rules, to occur not less than annually after the CNA is initially deemed competent to perform such tasks. Upon determination of the continued competence an updated competence document will be signed, dated and retained for at least one year by the RN determining continued competence. The updated competence document will be signed, dated and retained permanently by the CNA demonstrating continued competence. The competency document will be produced upon Board request.

7.5.2 Within 30 days of the completion of the updated competence document the CNA will update the expanded scope questions on the HPPP indicating the tasks the CNA has continued competence to perform, along with the name and license number of the RN that deemed continued competence and the date of such completion.

7.6 Nothing in this Section 7 shall be construed to prohibit or impede a facility, agency or employer from establishing policies and procedures for the tasks set forth in Section 7.3, provided these minimum requirements are met.

Adopted January 21, 2009

Effective March 30, 2009

Revised: October 24, 2012

Effective: December 15, 2012

Revised: January 22, 2013

Effective: March 18, 2013

Revised: July 21, 2015

Effective: September 14, 2014