Commonwealth of Virginia

REGULATIONS

FOR NURSE AIDE EDUCATION PROGRAMS

VIRGINIA BOARD OF NURSING

Title of Regulations: 18 VAC 90-26-10 et seq.

Statutory Authority: §§ 54.1-2400 and Chapter 30 of Title 54.1 of the Code of Virginia

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9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463
(804) 367-4515 (TEL)
(804) 527-4455 (FAX)
email: nursebd@dhp.virginia.gov
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18VAC90-26-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Board” means the Virginia Board of Nursing.

“Client” means a person receiving the services of a certified nurse aide, to include a patient in a health care facility or at home or a resident of a long term care facility.

“Committee means the Education Special Conference Committee, comprised of not less than two members of the board in accordance with § 2.2-4019 of the Code of Virginia.

"Nurse aide education program" means a program designed to prepare nurse aides for certification.

"Nursing facility" means a licensed nursing home or an entity that is certified for Medicare or Medicaid long-term care reimbursement and licensed or certified by the Virginia Department of Health.

"Primary instructor” means a registered nurse who is responsible for teaching and evaluating the students enrolled in a nurse aide education program.

"Program coordinator" means a registered nurse who is administratively responsible and accountable for a nurse aide education program.

"Program provider" means an entity that conducts a nurse aide education program.

18VAC90-26-20. Establishing and maintaining a nurse aide education program.

A. Establishing a nurse aide education program.

1. A program provider wishing to establish a nurse aide education program shall submit an application to the board at least 90 days in advance of the expected opening date.

2. The application shall provide evidence of the ability of the institution to comply with subsection B of this section.

3. Initial approval may be granted when all documentation of the program's compliance with requirements as set forth in subsection B of this section has been submitted and deemed satisfactory to the board.

4. If approval is denied, the program may request, within 30 days of the mailing of the decision, an informal conference to be convened in accordance with § 2.2-4019 of the Code of Virginia.
5. If denial is recommended following an informal conference, which is accepted by the board or a panel thereof, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with § 2.2-4020 and subdivision 11 of § 54.1-2400 of the Code of Virginia.

6. If the decision of the board or a panel thereof following a formal hearing is to deny initial approval, the program shall be advised of the right to appeal the decision to the appropriate circuit court in accordance with § 2.2-4026 of the Code of Virginia and Part 2A of the Rules of the Supreme Court of Virginia.

B. Maintaining an approved nurse aide education program. To maintain approval, the nurse aide education program shall:

1. Demonstrate evidence of compliance with the following essential elements:

   a. Curriculum content and length as set forth in subsection A of 18VAC90-26-40 and subsection C of 18VAC90-26-50.


   c. Classroom facilities that meet requirements set forth in subsection D of 18VAC90-26-50.

   d. Maintenance of records as set forth in subsection A of 18VAC90-26-50.

   e. Skills training experience in a nursing facility that has not been subject to penalty or penalties as provided in 42 CFR 483.151(b)(2) (Medicare and Medicaid Programs: Nurse Aide Training and Competency Evaluation and Paid Feeding Assistants, revised October 1, 2013 edition) in the past two years. The foregoing shall not apply to a nursing facility that has received a waiver from the state survey agency in accordance with federal law.

   f. Agreement that board representatives may make unannounced visits to the program.

   g. Financial support and resources sufficient to meet requirements of this chapter as evidenced by a copy of the current annual budget or a signed statement from the administration specifically detailing its financial support and resources.

   h. Completion and submission of biennial on-site review reports and program evaluation reports as requested by the board.

2. Impose no fee for any portion of the program on any nurse aide who, on the date on which the nurse aide begins the program, is either employed or has an offer of employment from a nursing facility.

3. Provide documentation that each student applying to or enrolled in such program has been given a copy of applicable Virginia law regarding criminal history records checks for employment in certain health care facilities, and a list of crimes that pose a barrier to such employment.
4. Report all substantive changes in subdivision 1 of this subsection within 10 days of the change to the board to include, but not be limited to, a change in the program coordinator, primary instructor, program ownership, physical location of the program or licensure status.

5. Provide each student with a copy of his certificate of completion.

18VAC90-26-30. Requirements for instructional personnel.

A. Program coordinator.

1. Each program shall have a program coordinator who must be a registered nurse who holds a current, unrestricted license in Virginia or a multistate licensure privilege.

2. The program coordinator in a nursing facility based program may be the director of nursing services. The director of nursing may assume the administrative responsibility and accountability for the nurse aide education program but shall not engage in the actual classroom and clinical teaching.

3. The primary instructor may be the program coordinator in any nurse aide education program.

B. Primary instructor.

1. Qualifications. Each program shall have a primary instructor who does the majority of the actual teaching of the students and who shall:

   a. Hold a current, unrestricted Virginia license as a registered nurse who holds a current, unrestricted license in Virginia or a multistate licensure privilege; and

   b. Have two years of experience as a registered nurse within the previous five years and at least one year of experience in the provision of long-term care facility services. Such experience may include, but not be limited to, employment in a nurse aide education program or employment in or supervision of nursing students in a nursing facility or unit, geriatrics department, chronic care hospital, home care or other long-term care setting. Experience should include varied responsibilities, such as direct client care, supervision and education.

2. Responsibilities. The primary instructor is responsible for the teaching and evaluation of students and, in addition, shall:

   a. Participate in the planning of each learning experience;

   b. Ensure that course objectives are accomplished;

   c. Ensure that the provisions of subsection F of this section are maintained;

   d. Maintain records as required by subsection A of 18 VAC 90-26-50;

   e. Perform other activities necessary to comply with subsection B of 18 VAC 90-26-20; and
f. Ensure that students do not perform services for which they have not received instruction and been found proficient by the instructor.

C. Other instructional personnel.

1. Instructional personnel who assist the primary instructor in providing classroom or clinical supervision shall be registered nurses or licensed practical nurses.

   a. A registered nurse shall:

      (1) Hold a current, unrestricted Virginia license as a registered nurse; and

      (2) Have had at least one year of direct patient care experience as a registered nurse.

   b. A licensed practical nurse shall:

      (1) Hold a current, unrestricted Virginia license as a practical nurse;

      (2) Hold a high school diploma or equivalent;

      (3) Have been graduated from a state-approved practical nursing program; and

      (4) Have had at least two years of direct patient care experience as a licensed practical nurse.

2. Responsibilities. Other instructional personnel shall provide instruction under the supervision of the primary instructor.

D. Prior to being assigned to teach the nurse aide education program, all instructional personnel shall demonstrate competence to teach adults by one of the following:

1. Satisfactory completion of a course in teaching adults that includes:

   a. Basic principles of adult learning;

   b. Teaching methods and tools for adult learners; and

   c. Evaluation strategies and measurement tools for assessing the learning outcomes; or

2. Have experience in teaching adults or high school students.

E. To meet planned program objectives, the program may, under the direct, on-site supervision of the primary instructor, use other persons who have expertise in specific topics and have had at least one year of experience in their field.

F. When students are giving direct care to clients in clinical areas, instructional personnel must be on site solely to supervise the students. The ratio of students to each instructor shall not exceed 10 students to one instructor.

18VAC90-26-40. Requirements for the curriculum.
A. Curriculum content. The curriculum shall include, but shall not be limited to, classroom and clinical instruction in the following:

1. Initial core curriculum. Prior to the direct contact with a nursing facility client, a student shall have completed a total of at least 24 hours of instruction. Sixteen of those hours shall be in the following five areas:

   a. Communication and interpersonal skills;
   
   b. Infection control;
   
   c. Safety and emergency procedures, including dealing with obstructed airways and fall prevention;
   
   d. Promoting client independence; and
   
   e. Respecting clients' rights.

2. Basic skills.

   a. Recognizing changes in body functioning and the importance of reporting such changes to a supervisor.
   
   b. Measuring and recording routine vital signs.
   
   c. Measuring and recording height and weight.
   
   d. Caring for the client’s environment.
   
   e. Measuring and recording fluid and food intake and output.
   
   f. Performing basic emergency measures.
   
   g. Caring for a client when death is imminent.

3. Personal care skills.

   a. Bathing and oral hygiene.
   
   b. Grooming.
   
   c. Dressing.
   
   d. Toileting.
   
   e. Assisting with eating and hydration, including proper feeding techniques.
   
   f. Caring for skin, to include prevention of pressure ulcers.
g. Transfer, positioning and turning.

4. Individual client's needs, including mental health and social service needs.

a. Modifying the aide's behavior in response to the behavior of clients.

b. Identifying developmental tasks associated with the aging process.

c. Demonstrating principles of behavior management by reinforcing appropriate behavior and causing inappropriate behavior to be reduced or eliminated.

d. Demonstrating skills supporting age-appropriate behavior by allowing the client to make personal choices, and by providing and reinforcing other behavior consistent with the client's dignity.

e. Utilizing the client's family or concerned others as a source of emotional support.

f. Responding appropriately to the client's behavior; including, but not limited to, aggressive behavior and language.

g. Providing appropriate clinical care to the aged and disabled.

h. Providing culturally sensitive care.

5. Care of the cognitively or sensory (visual and auditory) impaired client.

a. Using techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others).

b. Communicating with cognitively or sensory impaired clients.

c. Demonstrating an understanding of and responding appropriately to the behavior of cognitively or sensory impaired clients.

d. Using methods to reduce the effects of cognitive impairment.

6. Skills for basic restorative services.

a. Using assistive devices in transferring, ambulation, eating and dressing.

b. Maintaining range of motion.

c. Turning and positioning, both in bed and chair.

d. Bowel and bladder training.

e. Caring for and using prosthetic and orthotic devices.

f. Teaching the client in self-care according to the client's abilities as directed by a supervisor.
7. Clients' rights.
   a. Providing privacy and maintaining confidentiality.
   b. Promoting the client's right to make personal choices to accommodate individual needs.
   c. Giving assistance in resolving grievances and disputes.
   d. Providing assistance necessary to participate in client and family groups and other activities.
   e. Maintaining care and security of the client's personal possessions.
   f. Promoting the client’s rights to be free from abuse, mistreatment and neglect and the need to report any instances of such treatment to appropriate staff.
   g. Avoiding the need for restraints in accordance with current professional standards.
8. Legal and regulatory aspects of practice as a certified nurse aide, including, but not limited to, consequences of abuse, neglect, misappropriation of client property and unprofessional conduct.
10. Appropriate management of conflict.
11. Observational and reporting techniques.
B. Unit objectives.
1. Objectives for each unit of instruction shall be stated in behavioral terms which are measurable.
2. Objectives shall be reviewed with the students at the beginning of each unit.
C. Curriculum changes. Changes in curriculum shall be approved by the board prior to implementation and shall be submitted at the time of the on-site visit or with the report submitted by the program coordinator in the intervening year.

18VAC90-26-50. Other program requirements.
A. Records.
1. Each nurse aide education program shall develop and maintain an individual record of major skills taught and the date of performance by the student. At the completion of the nurse aide education program, the program shall provide each nurse aide with a copy of this record and a certificate of completion from the program.
2. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained.
3. A record that documents the disposition of complaints against the program shall be maintained.

B. Student identification. The nurse aide students shall wear identification that clearly distinguishes them as a “nurse aide student”.

C. Length of program.

1. The program shall be at least 120 clock hours in length.

2. The program shall provide for at least 24 hours of instruction prior to direct contact of a student with a nursing facility client.

3. Skills training in clinical settings shall be at least 40 hours of providing direct client care. Five of the clinical hours may be in a setting other than a nursing home. Hours of observation shall not be included in the required 40 hours of skills training.

4. Employment orientation to facilities used in the education program must not be included in the 120 hours allotted for the program.

D. Classroom facilities. The nurse aide education program shall provide facilities that meet federal and state requirements including:

1. Comfortable temperatures.

2. Clean and safe conditions.

3. Adequate lighting.

4. Adequate space to accommodate all students.

5. Instructional technology and equipment needed for simulating client care.

18VAC90-26-60. Requirements for continued approval; interruption or closing of a program.

A. Program review.

1. Each nurse aide education program shall be reviewed annually either by a visit on site by an agent of the board or by a written program evaluation. Each program shall be reviewed by an on-site visit at least every two years following initial review or whenever deemed necessary by the board to ensure continued compliance.

2. The program coordinator shall prepare and submit a program evaluation report on a form provided by the board in the intervening year that an on-site review is not conducted.

B. Decision on continued approval.

1. The board shall receive and review the report of the on-site visit or program evaluation report and may grant continued approval, place a program on conditional approval or deny continued approval.
a. Granting continued approval: A nurse aide education program shall continue to be approved provided the requirements set forth in subsection B of 18VAC90-26-20 are maintained.

b. Placing a program on conditional approval: If the board determines that a nurse aide education program has not filed its program evaluation report or is not maintaining the requirements of subsection B of 18VAC90-26-20, as evidenced by the on-site report, the board may place the program on conditional approval and the program provider shall be given a reasonable period of time to correct the identified deficiencies. The program may request, within 30 days of the mailing of a decision on conditional approval, an informal conference to be convened in accordance with § 2.2-4019 of the Code of Virginia.

(1) The board shall receive and review reports of progress toward correcting identified deficiencies. When a final report is received at the end of the specified time showing corrections of deficiencies, the board may grant continued approval.

(2) If the program provider fails to correct the identified deficiencies within the time specified by the board, a committee may recommend withdrawing approval following an informal conference held in accordance with § 2.2-4019.

(3) If the recommendation to withdraw approval following an informal conference is accepted by the board or a panel thereof, no further action will be required unless the program requests a formal hearing.

(4) The program provider may request a formal hearing before the board or a panel thereof pursuant to § 2.2-4020 and subdivision 11 of § 54.1-2400 of the Code of Virginia if it objects to any action of the board relating to conditional approval.

c. Denying continued approval: If the board determines that a nurse aide education program is not maintaining the requirements of subsection B of 18VAC90-26-20, an informal conference will be convened in accordance with § 2.2-4019 of the Code of Virginia. If the recommendation to withdraw approval following an informal conference is accepted by the board or a panel thereof, no further action will be required unless the program requests a formal hearing.

2. If the decision of the board or a panel thereof following a formal hearing is to withdraw approval or continue on conditional approval with terms or conditions, the program shall be advised of the right to appeal the decision to the appropriate circuit court in accordance with § 2.2-4026 of the Code of Virginia and Part 2A of the Rules of the Supreme Court of Virginia.

18VAC90-26-70. Interruption or closing of a program.

A. Interruption of program.

1. When a program provider does not hold classes for a period of one year, the program shall be placed on inactive status and shall not be subject to compliance with subsection B of 18VAC90-26-20 for the specified time.
2. Unless the program provider notifies the board that it intends to admit students, the program will be considered closed at the end of the inactive period and be subject to the requirements of subsection B of this section.

3. If the program provider does not hold classes for two consecutive years, the program shall be considered closed and shall be subject to the requirements of subsection B of this section.

B. Closing of a nurse aide education program. When a nurse aide education program closes, the program provider shall:

1. Notify the board of the date of closing.

2. Submit to the board a list of all graduates with the date of graduation of each.