

05-071 DEPARTMENT OF EDUCATION

Chapter 245 STANDARDS FOR EDUCATIONAL PROGRAMMING FOR
CERTIFIED NURSING ASSISTANTS

SUMMARY: This chapter establishes standards for educational programming and faculty applicable to training programs for certified nursing assistants conducted by health care facilities and educational facilities. This chapter also establishes an application and approval process based on those standards.

I. SCOPE AND PURPOSE

The implementation of P.L. 1987, c. 195, will provide a uniform minimum standard of training in programs which prepare Certified Nursing Assistants.

This shall be accomplished through a formal program approval and certification process which recognizes the delivery of training in accordance with:

- A. a curriculum prescribed by the State Board of Nursing
- B. taught by registered professional nurses
- C. in licensed/accredited facilities
- D. according to approved educational standards
- E. Within the scope of nursing practice

to ensure a quality standard for the health care industry to be reflected in improved availability of qualified personnel to provide optimum nursing care services.

II. DEFINITIONS

- A. CERTIFIED NURSING ASSISTANT shall mean an unlicensed person who performs selected nursing services under the supervision of and delegation by a registered professional nurse. Such individuals shall have successfully completed a training program prescribed by the State Board of Nursing and possess a certificate of training issued by the Department of Education (DE). This definition shall be extended to include persons who were certified prior to the enactment of P.L. 1987, c. 195.
- B. BOARD shall mean the Maine State Board of Nursing.
- C. DEPARTMENT shall mean the Maine Department of Education ("DE") acting through the Commissioner or other designated agent.

- D. CLINICAL PRACTICE shall be an integral component of the training program to prepare Certified Nursing Assistants and shall consist of affiliation with clinical facilities (e.g., hospitals, nursing homes) for a length of time specified in the curriculum prescribed by the Board. The purpose shall be the development of competencies needed by individuals to perform the selected nursing services required by Certified Nursing Assistants as delegated by the registered professional nurse.
- E. TRAINING PROGRAM shall mean a course of study to prepare individuals for employment as a Certified Nursing Assistant. It shall consist of organized classroom and laboratory instruction and correlated supervised clinical practice.
- F. EDUCATIONAL DELIVERY SYSTEM shall mean a secondary, post-secondary, or adult education program sponsored by an accredited institution such as a Secondary Vocational Center or Regional School, a Vocational Technical Institute, a Community College or University.
- G. FACILITY-OFFERED PROGRAMS shall mean programs offered by and conducted in a health care agency or facility such as a hospital, nursing home, boarding home, or home health agency.
- H. LICENSED FACILITIES shall mean facilities such as nursing homes or boarding homes which undergo an annual review and receive a license to operate by the Department of Human Services.
- I. ACCREDITED FACILITIES shall mean hospitals or schools which are periodically evaluated or reviewed and granted accredited status.
- J. IMPLEMENTATION shall mean actual start-up and delivery of a training program.
- K. MINIMUM COMPETENCIES shall mean skills and related knowledge which meet the minimum standard for employment as a CNA.
- L. STANDARDIZED shall mean uniform criteria/content for curriculum and certification.

III. PROGRAM REQUIREMENTS

Training programs offered by educational facilities and health care facilities shall meet the following program requirements:

- A. Curriculum
 - 1. Content: The curriculum for training programs shall consist of the following materials, which are incorporated into this chapter by reference:

- (a) General objectives as set forth in Rule V, section 3(B)(3)(a)(i) - (vii) of the State Board of Nursing;
- (b) The topical outline contained in Appendix C to the Maine State Nurses' Association "Guidelines for Registered Nurses in the Delegation of Selected Nursing Services to Unlicensed Personnel;" and
- (c) A Curriculum Guide for Assistants to Nurses, DE, Bureau of Vocational Education (1985).

NOTE: Copies of the documents identified above are available at no charge from the Bureau of Vocational Education, DE.

- 2. Scope: The program shall provide sequential theoretical and laboratory instruction and correlated supervised clinical practice for the attainment of minimum competencies specified by the Board of Nursing for certification as a Certified Nursing Assistant.
- 3. Minimum Time Requirements: The Board of Nursing will establish minimum time requirements for classroom instruction and supervised clinical practice.

B. Facilities and Equipment

- 1. Space: Classrooms and laboratories shall be adequate in size, location and arrangement to provide for safe and effective instruction.
- 2. Licensing/Accreditation: Only licensed/accredited facilities shall be utilized.
- 3. Third-Party Regulations: Facilities shall meet applicable State/Federal requirements for health, sanitation and safety.
- 4. Equipment: Equipment shall be sufficient to meet the objectives of the training program and shall be maintained in good condition.

C. Instructional Materials and Resources

- 1. Instructional materials and resources shall be accurate in content and up-to-date to reflect current nursing concepts and practices.
- 2. Instructional materials and resources shall be adequate in quantity and quality for the achievement of the prescribed curriculum objectives.

D. Clinical Affiliations

1. Correlated supervised clinical practice shall be an integral component of the Certified Nursing Assistant training program.
2. Clinical practice shall be accomplished through affiliation with a licensed/accredited health care institution/agency for a period of time specified by the Board.
3. Written contractual agreements shall be maintained between the institution/agency offering the program and any outside health care facilities to be utilized for clinical practice. Such agreements shall be made in the standard contract form developed for this purpose by DE which document is incorporated into this chapter by reference.

NOTE: These forms are available at no cost from the Bureau of Vocational Education, DE.

4. Clinical affiliations shall be conducted in accordance with all applicable State/Federal regulations, including those promulgated by the Department of Labor and the State Board of Nursing.
5. Licensed personnel, including professional registered nurse instructors and unlicensed personnel including Certified Nursing Assistant trainees may be named in malpractice liability suits. Therefore, all students and instructors participating in the clinical practice phase of the training program shall be insured for malpractice liability in the minimum amount of (\$1,000,000/\$3,000,000).
6. Students and instructors shall comply with the policies and regulations of cooperating clinical facilities.

E. Faculty

Faculty shall consist of one or more registered professional nurses currently licensed in the State of Maine. In addition, instructors who teach in secondary vocational education programs must be certified in accordance with applicable DE certification regulations.

F. Teacher/Student Ratios

1. Teacher/student ratios shall be established by the Board of Nursing for safe and effective instruction and supervision of Certified Nursing Assistant training programs.

2. Teacher/student ratios as established by DE for educational facilities shall not be in conflict with those mandated by the Board.

G. Written Policies

There shall be written policies for student admission, retention, dismissal and successful completion.

H. Record Keeping

1. Documentation of student performance in theoretical, laboratory and clinical practice shall be the responsibility of the professional registered nurse instructor.
2. Records shall be maintained by the program's administration for a period of three (3) years.

IV. APPLICATION PROCESS

- A. Applications for approval to conduct a Certified Nursing Assistant training program shall be submitted on forms supplied by the Department. No person may conduct a CNA training program without prior approval of the Department.

- B. Applicants shall supply the following information:

1. Identification of the institution or agency requesting the training program
2. Identification of the educational delivery system to be utilized
3. Identification of facilities to be utilized for classroom/laboratory instruction and clinical affiliation
4. Identification of instructional staff
5. An estimate of the number of students to be served by the training program
6. Projected beginning and ending dates
7. A summary of the program's schedule and total number of hours of instruction
8. Identification of the program's administration.

- C. Applications shall be evaluated by the Department on the basis of the criteria contained in Section III. Site reviews may be conducted as part of the approval process.
- D. Applications shall be approved, approved with conditions or denied.
- E. Applicant institutions/agencies will be notified in writing of their approval status.
- F. All applications must be approved by the Department prior to implementation of a training program for Certified Nursing Assistants. No retroactive approvals will be granted.
- G. Approved applications shall be valid for one year from the date of approval, subject to the following condition:

After a program has been approved by the Department, any changes made in the program shall be submitted to the Department for approval prior to the implementation of any such changes.

V. NON-EDUCATIONAL AGENCIES/FACILITIES

No facility-offered program may be approved unless in addition to satisfying the criteria contained in section III, the licensed or accredited facility provides written documentation that the educational delivery system was unable to promise implementation of a CNA training program within a reasonable time, within a reasonable distance and at a reasonable cost in ten (10) working days following receipt of a written request from the licensed/accredited facility.

For purposes of this section,

- A. "reasonable time" shall mean a period of time not to exceed thirty (30) days following the ten (10) day response period.
- B. "reasonable distance" shall be a distance not to exceed a round trip 50-mile commute from the facility.
- C. "reasonable cost" shall mean allowable costs as set forth in Section 7095, of the Department of Human Services Amendments to the Principles of Reimbursement for Long-Term Care Facilities, effective November 17, 1986.

VI. SUPERVISION AND TECHNICAL ASSISTANCE

- A. The Department will supervise the conduct of Certified Nursing Assistant training programs.

- B. The Department will make available technical assistance, where needed, to educational institutions and facilities to facilitate implementation and operation of training programs.

VII. CERTIFICATION

- A. The Department will issue certificates of training to students who successfully complete an approved training program utilizing a curriculum prescribed by the Board of Nursing.
- B. The professional registered nurse instructor shall verify, by signature, an individual's eligibility for the certificate of training. This authorization shall be accepted by the Department for the issuance of certificates.
- C. The Department will maintain a record of individuals who receive certificates of training.

VII. APPEALS

Applicant institutions/agencies which are denied approval or approved with conditions may appeal that determination by filing a written notice of appeal with the Commissioner within fourteen (14) days of the denial.

STATUTORY AUTHORITY: 32 MRSA Section 2104(4)(C)

EFFECTIVE DATE: October 16, 1987 (EMERGENCY)

EFFECTIVE DATE OF PERMANENT RULE: January 13, 1988

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 19, 1996