

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 84—Training Program for Nursing Assistants

PROPOSED AMENDMENT

19 CSR 30-84.010 [Nurse] Nursing Assistant Training Program. The Department is amending the title of this rule, amending sections (1) – (6); adding sections (7), (8), (10), and (13) – (16); amending sections formerly numbered (7) – (11); and renumbering sections.

PURPOSE: This amendment updates and adds requirements for the basic course curricula content and adds requirements for update training for instructors. Clarifies student requirements and who is eligible to challenge the final examination. Clarifies requirements for employees of a long-term care facility. Updates instructor/clinical supervisor/student ratios. Add requirements for a RN Instructor Trainer. Revises requirements to allow for a department approved third party proctor to administer the final examination test. Updates and adds requirements for training and certifying agencies. Clarifies and adds requirements for instructors and clinical supervisors. Updates definitions, removes redundancy, outdated language, and makes grammatical changes.

(1) Definitions. For the purpose of this rule, the following definitions shall apply.

(A) Association—means the Missouri Health Care Association, the Missouri Association of Nursing Home Administrators, Leading Age Missouri, or Missouri Hospital Association.

*[(A)]***(B) Basic course—[shall] means the seventy-five (75) hours of [classroom] instructional training, the one hundred (100) hours of supervised on-the-job [supervised] training, and the final examination of the [approved Nurse]nursing [A]assistant [T]training course.**

*[(B)]***(C) Certifying agency—[shall] means an [long-term care (LTC)] association, Career Center school, comprehensive high school, community college, or four-(4-) year institution of higher learning [or other entity] approved by the [division] department. [under subsection (11)(B) to issue certificates to nursing assistants.]**

*[(C)]***(D) Challenge the final examination—[shall] means taking the final examination of the basic course without taking the entire basic course.**

*[(D)]***(E) [Division] Department—[shall] means the Missouri [Division of Aging] Department of Health and Senior Services.**

[(E)] Long-term care association shall mean the Missouri Health Care Association, the Missouri Association of Homes for the Aged, the League of Nursing Home Administrators or the Missouri Assisted Living Association.]

[(F)] [Nursing service shall mean an agency or organization, such as a Nursing Pool Agency or Hospice, which employs nurses and nursing assistants for temporary or intermittent placement in LTC facilities.] **Hospital—means any licensed hospital as defined in section 197.020, RSMo.**

[(G)] [Training agency shall mean the organization which sponsors the approved training program. An approved training agency is approved by the Division of Aging under section (7) of this rule] **Missouri Veterans' Home—means any facilities established and maintained as a Missouri Veterans' Home as defined in section 42.002, RSMo.**

(H) *[Program shall mean the Nurse Assistance Training Program as required by the Omnibus Nursing Home Act and section 198.082, RSMo 1994]* **Nursing Assistant Clinical Supervisor Workshop**—means the training course approved by the department and conducted by a certifying agency to prepare clinical supervisors to learn the methodology of teaching the supervised on-the-job training component of the nursing assistant training program.

(I) **Nursing Assistant Instructor Workshop**—means a training course approved by the department and conducted by a certifying agency to prepare instructors to learn the methodology of teaching the nursing assistant training program.

(J) **Program**—means the nursing assistant training program as required by 198.082, RSMo.

(K) **Registered Nurse Instructor Trainer**—means a registered nurse (RN) approved by a certifying agency to teach the Nursing Assistant Instructor Workshop and the Nursing Assistant Clinical Supervisor Workshop to prepare instructors and clinical supervisors to teach the nursing assistant training program.

(L) **Training agency**—means an organization approved by the department which sponsors the approved nursing assistant training program.

(2) The purpose of the *[Nurse Assistant Training]* *[P]* program shall be to prepare individuals for employment *[in a LTC facility]* as a **certified nursing assistant (CNA)**. The program shall be designed to teach skills in resident care which will qualify *[students]* **individuals** to perform uncomplicated nursing procedures and to assist licensed practical nurses (**LPNs**) or *[registered professional nurses]* **RNs** in direct resident care.

(3) All aspects of the *[Nurse Assistant Training Program]* **program** included in this rule (that is, qualified instructor, clinical supervisor, *[examiner, approved]* course curriculum, *[approved]* training agency, **certifying agency**, supervised on-the-job training, testing, and student qualifications) shall be met in order for a program to be considered as approved.

(4) **Basic Course Requirements.**

The program shall consist of a basic course *[consisting]* **that includes, at a minimum, the following:**

(A) *[of a minimum of]* *[s]* **Seventy-five (75)** *[classroom]* hours of **instructional training in the curricula identified in section (5) of this rule** *[on basic nursing skills, fire safety and disaster training, resident safety and rights, social and psychological problems of residents, and the methods of handling and caring for mentally confused residents such as those with Alzheimer's disease and related disorder];*

(B) *[o]* **One hundred (100) hours of supervised on-the-job training (clinical practice) in an approved laboratory or other setting in which the student demonstrates knowledge while performing tasks on an individual under the supervision of a LPN or RN; and**

(C) *[a]* **A final examination** *;* *and, following the basic course, continuing in-service training as provided for in 13 CSR 15-14.042(19) through (24)].*

(5) **Curricula Content –**

(A) **Until August 31, 2021, a training agency identified in paragraphs (9)(A)1., (9)(A)2., and (9)(A)6. of this rule, shall teach the basic course and utilize either the content outlined in paragraphs (5)(A)1. and 2. or (5)(B)1. and 2. This basic course includes the following:**

1. Curriculum content of the program shall include procedures and instructions on basic nursing skills in the following areas: basic hygiene techniques; bedmaking; personal care of residents; food service; charting; safety measures (including fire/safety and disaster preparedness, and infection control); basic preventative and restorative care and procedures; basic observation procedures, such as weighing and measuring; communication skills; methods of handling and caring for mentally confused residents; residents' rights; ethical and legal responsibilities; death and dying; and mental health and social needs.

*[(A)]2. The course curriculum as outlined in the manual entitled *The Nurse Assistant in a Long-Term Care Facility*, produced by the Instructional Materials Laboratory, University of Missouri-Columbia, 1987, catalogue number 50-5061-S shall be considered an approved course curriculum. Other manuals and course material may be used to supplement the curriculum. Instructors shall use the companion instructor's guide, catalogue number 50-5061-I.*

[(B) An orientation module consisting of certain topics identified as such in the approved course curriculum shall be the first material covered in the course unless the course is taught in its entirety before nursing assistants have resident contact. All students must complete the nurse assistant orientation module prior to providing direct care to any resident. For those students already employed by an intermediate care or skilled nursing facility, the orientation module shall be taught at the beginning of the course and before the nursing assistant is allowed to provide direct care to residents independently.

1. The orientation module shall include, as a minimum, the following topics: handwashing, gloving and infection control; emergency procedures and Heimlich Maneuver; residents' rights; abuse and neglect reporting; safety (fire and accident); lifting; moving and ambulation; answering signal lights; bedpan, urinal, commode and toilet; preparing residents for and serving meals; feeding the helpless; bathing; dressing and grooming; mouth care; bedmaking (occupied and unoccupied); promoting residents' independence; communication and interpersonal skills.

2. Students shall complete the orientation module taught by a qualified instructor even though they may be employed in a facility that uses the approved course material for orientation as required by 13 CSR 15-14.042(20). The instructor, in that instance, may adjust the time required to cover the material or may integrate the material into the basic course content.]

(C) The suggested time schedule included for each curriculum topic in the approved course cited in subsection (5)(A) may be adjusted by the instructor to meet the particular learning abilities of the students providing that the orientation module shall be taught in at least sixteen (16) hours for Medicare- or Medicaid-certified facilities. Licensed-only facilities shall provide at least twelve (12) hours of basic orientation approved by the division.

(D) The on-the-job supervised component of one hundred (100) hours shall start after the student has enrolled and started the course curriculum and shall precede the final examination.

(E) Continuing in-service education shall be offered in the intermediate care or skilled nursing facility (ICF/SNF) to nursing assistants on a regular basis following their successful completion of the basic course as required in 13 CSR 15-14.042(20) through (23).]

(B) A training agency identified in paragraphs (9)(A)3.–5. of this rule, shall teach the basic course content outlined in paragraphs (5)(B)1. and 2. By August 31, 2021, a training agency identified paragraphs (9)(A)1., (9)(A)2., and (9)(A)6. of this rule, shall transition and begin teaching the basic course content outlined in paragraphs (5)(B)1. and 2. This basic course includes the following:

1. The curriculum content shall include the required seventy-five (75) hours of instructional training and covers all of the following areas:

A. Communication and interpersonal skills.

B. Infection control.

- C. Safety/emergency procedures, including the Heimlich maneuver.**
- D. Promoting residents' independence.**
- E. Respecting residents' rights.**
- F. Basic nursing skills including, but not limited to—**
 - (I) Taking and recording vital signs;**
 - (II) Measuring and recording height and weight;**
 - (III) Caring for the residents' environment;**
 - (IV) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and**
 - (V) Caring for residents when death is imminent.**
- G. Personal care skills including, but not limited to—**
 - (I) Bathing;**
 - (II) Grooming, including mouth care;**
 - (III) Dressing;**
 - (IV) Toileting;**
 - (V) Assisting with eating and hydration;**
 - (VI) Proper feeding techniques;**
 - (VII) Skin care; and**
 - (VIII) Transfers, positioning, and turning.**
- H. Mental health and social service needs including, but not limited to—**
 - (I) Modifying nursing assistant's behavior in response to resident's behavior;**
 - (II) Awareness of developmental tasks associated with the aging process;**
 - (III) How to respond to resident behavior;**
 - (IV) Allowing the residents to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity; and**
 - (V) Utilizing the resident's family as a source of emotional support.**
- I. Care of cognitively impaired residents including, but not limited to—**
 - (I) Techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others);**
 - (II) Communicating with cognitively impaired residents;**
 - (III) Understanding the behavior of cognitively impaired residents;**
 - (IV) Appropriate responses to the behavior of cognitively impaired residents; and**
 - (V) Methods of reducing the effects of cognitive impairments.**
- J. Basic restorative services including, but not limited to—**
 - (I) Training the resident in self-care according to the resident's abilities;**
 - (II) The use of assistive devices in transferring, ambulation, eating, and dressing;**
 - (III) Maintenance of range of motion;**
 - (IV) Proper turning and positioning in bed and chair;**
 - (V) Bowel and bladder training; and**
 - (VI) Care and use of prosthetic and orthotic devices.**
- K. Residents' rights including, but not limited to—**
 - (I) Providing privacy and maintenance of confidentiality;**
 - (II) Promoting the residents' right to make personal choices to accommodate their needs;**
 - (III) Giving assistance in resolving grievances and disputes;**
 - (IV) Providing needed assistance in getting to and participating in resident and family groups and other activities;**
 - (V) Maintaining care and security of residents' personal possessions;**

(VI) Promoting the residents' right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff; and
(VII) Avoiding the need for restraints in accordance with current professional standards.

2. The basic course shall be taught using current published instruction material(s) that are no more than ten (10) years old. The material(s) shall include current standards of practice for nursing assistants. Other course materials that contain current standards of practice in healthcare and are no more than ten (10) years old may be used to supplement the curriculum.

(6) Student Enrollment and Qualifications.

(A) Any individual who is employable by an **intermediate care facility (ICF)** or **skilled nursing facility (SNF)** to be involved in direct resident care shall be eligible to enroll in a *approved* training agency's **nursing assistant training** *course* program if—

1. The individual is at least eighteen (18) years of age and employable. Employable shall mean that the individual is not listed on the *Missouri Division of Aging* department's Employee *Disqualified* **Disqualification List (EDL)** [;] and *who* has not been *found guilty of, pled guilty to, been convicted of, or nolo contendere to,* **convicted or entered a plea of guilty to a misdemeanor or felony charge which includes any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole in this state or any other state which if committed in Missouri would be a** *class A or B felony violation* *under* of Chapters 565, 566, or 569, *a Class D felony under section 568.020,* RSMo [1994] or any violation of subsection 198.070.3, RSMo [1994], or **section 568.020, RSMo**, unless a good cause waiver has been granted by the *division* department [; and who meets requirements under 13 CSR 15-14.042(32)]; or

2. The individual is at least sixteen (16) years of age providing he or she is—

A. Currently enrolled in a secondary school health services occupation program or a cooperative work education program of an area vocational[-] technical school or comprehensive high school;

B. Placed for work experience in an ICF[/], SNF, **hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility** by that program; *and*

C. **Not listed on the department's EDL and has not been convicted or entered a plea of guilty to a misdemeanor or felony charge which includes any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole in this state or any other state which if committed in Missouri would be would be a class A or B felony violation of Chapters 565, 566, or 569, RSMo or any violation of subsection 198.070.3, RSMo, or section 568.020, RSMo, unless a good cause waiver has been granted by the department; and**

[C]D. Under the direct supervision of *the* **an instructor or** *licensed nursing staff of the facility* **clinical supervisor**, or both, while completing the clinical portion of the course. *A certified facility may not employ a student in the facility who is not certified within four (4) months of date of hire. A licensed-only facility may only employ a student in that facility for up to one (1) year from the date of hire prior to certification.]*

(B) *[All full or part-time employees of an ICF/SNF who are involved with direct resident care, and hired in that capacity after January 1, 1980, shall have completed the approved Nurse Assistant Training Program or shall enroll in and begin study in the approved training program within ninety (90) days of employment, except that the following persons shall be permitted to challenge the final examination:*

1. Persons who were enrolled in a professional (RN) or practical (LPN) nursing education program for at least four (4) months or who are enrolled in this program and who have successfully completed the Fundamentals of Nursing Course, including clinical hours within the last five (5) years, may challenge the final examination of the course, as this training is deemed equivalent to the required classroom hours and on-the-job training;

2. Professional nursing or practical nursing licensure candidates who have failed state licensure examinations may challenge the final examination, as their training is deemed equivalent to the required classroom hours and on-the-job training;

3. Persons from other states who are approved to work as a nurse assistance in the other states may challenge the final examination, as their training is deemed equivalent to the required classroom hours and on-the-job training;

4. Students who have completed a nursing program outside the United States and who are awaiting the licensure examination in this country shall be required to apply to the division to take the challenge examination. In addition to a completed application, the student must also include: a copy of the out of country license or certificate; a copy of the school transcript translated to English; a copy of the out of country criminal background check translated to English. Students shall be required to complete the orientation module of the course as given in subsection (5)(B) of this rule and then may challenge the final examination, as their training is deemed equivalent to the other required classroom hours and on-the-job training;

5. Persons trained in acute care sections of hospitals as nursing assistants or persons trained as psychiatric aides shall complete the orientation module with special emphasis on the geriatric residents' needs, residents' rights and orientation to the facility and shall complete the one hundred (100) hours of on-the-job training in an LTC facility or LTC unit of a hospital and then they may challenge the final examination, as their training is deemed equivalent to the other required classroom hours and on-the-job training;

6. Persons trained in an LTC unit of a hospital and who have been employed in the LTC unit of the hospital for at least twelve (12) months and who submit a letter of recommendation from the administrator or director of nursing documenting their training may challenge the final examination after completing the units on residents' rights and care of the confused resident. Such training shall be deemed equivalent to the other required classroom hours and on-the-job training; and

*7. Any other persons whose background, education and training in gerontology and health occupations includes the components of the approved training curriculum may be allowed to challenge the final examination after taking those portions of the course as determined to be necessary based on evaluation of their credentials by the supervisor of health education of the Division of Aging.] **Prior to any direct contact with a resident, a student enrolled in the basic course in a Medicare or Medicaid certified facility shall complete sixteen (16) of the required seventy-five (75) hours of instructional training in communication and interpersonal skills; infection control; safety/emergency procedures, including the Heimlich maneuver; promoting residents' independence; and respecting residents' rights.***

[(C) Those persons designated in paragraphs (6)(B)1.-7., who want to challenge the final examination shall submit a request in writing to the division enclosing any applicable documentation. The division will respond, in writing, either approving or denying the request to challenge the final examination and, if approved, the letter from the division may be presented to an approved training agency to challenge the examination or complete the course or portions of the course as required and then challenge the examination.

(D) Those persons permitted to challenge the final examination shall have made arrangements to do so within sixty (60) days of employment as a nursing assistant and shall have successfully challenged the final examination prior to or within one hundred twenty (120) days of employment. Permission letters not utilized within the one hundred twenty (120)-day period shall be considered invalid and reapplication for permission to challenge shall be made to the division.

(E) Nursing assistants who are employed by a nursing service, or who are working on a private duty basis providing direct resident care shall have completed the approved basic course, shall have a current certificate from an approved certifying agency and shall be listed on the Division of Aging Certified Nurse Assistant Registry prior to functioning in an ICF/SNF.

(F) Allied health care personnel, such as emergency medical technicians, medical laboratory technicians, surgical technicians, central supply technicians and dental auxiliaries, shall not be considered qualified and shall not be allowed to challenge the final examination. Individuals, if employed by an ICF/SNF to provide direct patient care shall enroll in and successfully complete an approved program.

(G) If a student drops the course due to illness or incapacity, the student may re-enroll in a course within six (6) months and make up the course material missed without retaking the entire course upon presenting proof of attendance and materials covered in the original class.

(H) A student shall complete the entire basic course (including passing the final examination) within one (1) year of employment as a nursing assistant in an SNF/ICF, except that a nursing assistant employed by a facility certified under Title XVIII or Title XIX shall complete the course and be certified within four (4) months.

(I) A full or part-time employee of an ICF/SNF who is employed as a nursing assistant after January 1, 1989 who has not completed at least the classroom portion of the basic course shall not provide direct resident care until he or she has completed the sixteen (16)-hour orientation module and the twelve (12) hours of supervised practical orientation required in 13 CSR 15-14.042(20).

(J) All nursing assistants trained prior to January 1, 1989 who were not trained using the course curriculum referenced in subsection (5)(A) of this rule with at least seventy-five (75) hours of classroom instruction shall have attended a special four (4)-hour retraining program which used the manual entitled Long-Term Care Nurse Assistant Update produced by the Instructional Materials Laboratory, University of Missouri-Columbia, 1989, catalogue number 50-5062-I or 50-5062-S. Any nursing assistant who did not attend this retraining program by August 31, 1989 shall no longer be considered a trained nursing assistant and all previous credentials issued by any source shall be considered invalid. To be certified as required by the provisions of this rule, a person shall successfully complete the entire Nursing Assistant Training Program.]

(C) If a student drops the basic course, the student may re-enroll in a course within six (6) months and make up the course material missed without retaking the entire basic course after presenting proof of attendance and materials covered in the original class.

(D) A student shall not perform any services for which the student has not been trained nor found proficient by the instructor and/or clinical supervisor.

(E) A student who received instructional training from the basic course content outlined in paragraphs (5)(B)1. and 2. of this rule, shall register with the department approved third party test administrator upon successful completion of the seventy-five (75) hours of instructional training and one hundred (100) hours of supervised on-the-job training.

(7) Employees of a LTC Facility.

Each CNA hired to work in an ICF or SNF after January 1, 1980, shall have successfully completed a nursing assistant training program approved by the department or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety (90) days of the date of the CNAs employment and which shall be completed within four (4) months of employment.

(8) Final Examination Challenge.

(A) Individuals eligible to challenge the final examination, includes—

1. Individuals who were enrolled in a RN or LPN nursing education program for at least four (4) months and successfully completed a course on the fundamentals of nursing, including clinical hours within the last five (5) years.

2. Individuals currently enrolled in a RN or LPN nursing education program and who have successfully completed a course on the fundamentals of nursing, including clinical hours.

3. RN or LPN nursing licensure candidates who have failed state licensure examinations within the last five (5) years.

4. Individuals who have met the requirements of unlicensed assistive personnel contained in 19 CSR 30-20.125.

5. Individuals trained by a hospital as nursing assistants or psychiatric aides who have completed the following:

A. One hundred (100) hours of supervised on-the-job training in an ICF, SNF, hospital, Missouri Veterans' Home, or hospital-based nursing facility or hospital-based skilled nursing facility; and

B. Instruction that covers the basic course content outlined in subsection (5)(B)1. and 2. of this rule.

6. Any other persons whose background, education and training in gerontology and health occupations includes components of the basic course content outlined in paragraphs (5)(B)1. and 2. may be allowed to challenge the final examination after taking those portions of the course as determined to be necessary based on evaluation of their credentials by the Section for Long-Term Care Regulation, Health Education Unit.

7. A CNA who is listed as inactive for less than five (5) years on the Missouri Certified Nurse Assistant Registry and cannot provide the required employment documentation in accordance with section (18) of this rule.

8. Individuals who have successfully completed a nursing program outside the United States within the last five (5) years or who have obtained a nursing license outside the United States.

(B) Individuals who are certified and active on another state’s nurse aide registry shall not be required to challenge the final examination. The individual shall submit, in writing to the department, a request to be added to the Missouri Certified Nurse Assistant Registry. At a minimum, the request shall include: the individual’s legal name; Social Security number; current address; telephone number; email address, if applicable; and proof of their current certified nursing assistant certificate. The department will respond in writing, either approving or denying the request to be added to the registry.

(C) Individuals identified as eligible to challenge the final examination in paragraphs (8)(A)1.-7., shall submit a request in writing to the department and enclose, at a minimum, the following information: legal name; Social Security number; current address and telephone number; email address, as applicable; and transcripts. The department will respond in writing, either approving or denying the request to challenge the final examination. If approved, the department shall provide a list of individuals eligible to take the examination to the department approved third party test administrator.

(D) Individuals identified in paragraph (8)(A)8., shall submit a request in writing to the department to take the final examination and enclose, at a minimum, the following information: legal name; Social Security number; current address and telephone number; email address, as applicable; a copy of the out-of-country license or certificate translated to English; a copy of the school transcript translated to English; and a copy of the out-of-country criminal background check translated to English. The department will respond in writing, either approving or denying the request to challenge the final examination. If approved, the department shall provide a list of individuals eligible to take the examination to the department approved third party test administrator.

(E) Those individuals permitted to challenge shall take the final examination within one hundred twenty (120) calendar days of the department notification. Permission letters not utilized within the one hundred twenty (120)-day period shall be considered invalid and reapplication for permission to challenge shall be made to the department.

(F) If an individual fails the final examination after one (1) attempt, he or she shall successfully complete basic course in its entirety.

[(7)](9) Training [Agencies] Agency Responsibilities.

(A) The following entities are eligible to apply to the [division] department to be an approved training agency:

1. (Area vocational technical)Career Center schools and comprehensive high schools approved by the Missouri Department of Elementary and Secondary Education (DESE) [offering] that offer health service occupation programs which have a practice classroom and equipment used in delivering health care. [and a] There shall be a signed written agreement of cooperation with one (1) or more [SNFs/ICFs] ICFs, SNFs, hospitals, Missouri Veterans’ Homes, or [an LTC unit of a] hospital-based nursing facilities or hospital-based skilled nursing facilities in their vicinity for the one hundred (100)-hours of supervised on-the-job training component of the basic course;

2. **Public** *[C]*community *[junior]* colleges, **public colleges and universities, proprietary schools**, or private agencies approved by the *[Missouri Department of Elementary and Secondary Education]* **Missouri Department of Higher Education (MDHE)** or accredited by a *[nationally]* recognized accrediting agency or association on the list published by the *[s]*Secretary of the **United States Department of Education**, pursuant to the **Higher Education Act of 1965, the Higher Education Opportunity Act 2008 (Public Law 110-315)**, *[(20 USC Sections 295-4(2)(D), 42 USC Section 298(b)(6))]* and the **Veterans' Readjustment Assistance Act** *[(38 USC Section 1775(a))]* which have a practice laboratory with one (1) or more bed units and equipment used in delivering health care and have a **signed** written agreement of cooperation with one (1) or more *[SNFs/ICFs]* **ICFs, SNFs, hospitals, Missouri Veterans' Homes**, or *[LTC units of a]* **hospital-based nursing facilities or hospital-based skilled nursing facilities** in their vicinity for the **one hundred (100) hours of supervised on-the-job training component of the basic course**; *[or]*

3. **Associations as defined in section (1) of this rule. There shall be a signed written agreement of cooperation with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility to provide the one hundred (100) hours of supervised on-the-job training;**

[3] 4. A *[licensed hospital,]* licensed *[SNF/ICF]* **ICF, SNF**, *[which has designated space sufficient to accommodate the classroom teaching portion of the course, and]* or a **hospital-based nursing facility or hospital-based skilled nursing facility. There shall be a signed written agreement of cooperation with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility if the one hundred (100) hours of supervised on-the-job training is not provided on-site, *[has a written agreement of cooperation with an LTC unit of a hospital or SNF/ICF to provide that portion.]*;**

5. **Licensed hospitals. There shall be a signed written agreement of cooperation with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility if the one hundred (100) hours of supervised on-the-job training is not provided on site; or**

6. **Missouri Veterans' Homes. There shall be a signed written agreement of cooperation with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility if the one hundred (100) hours of supervised on-the-job training is not provided on site.**

(B) *[A school, agency, hospital, or nursing facility]* **Organizations identified in paragraphs (9)(A)1.-6. which want[s] to be approved by the [division] department to teach the [Nursing Assistant Training Program] program shall [file an application with the division giving the name(s) of the instructor(s) and clinical supervisor(s); and, if clinical training is not being done on-site, a copy of an agreement with a nursing facility for the clinical portion of the course] submit to the department form DHSS-DRL-2469 (08-20), Application for Approval as a Nursing Assistant Training Agency, included herein.**

(C) In order to be approved, the applicant shall have *[an area which will be]* a designated *[during training sessions as a classroom with]* **location which contains sufficient space, equipment, and teaching aids to [allow] meet the course objectives and accommodate the maximum number of [fifteen (15)] students allowed.***[to be seated with room for note-taking, appropriate equipment as needed for teaching the course, approved instructors and clinical supervisors, and shall assure that] [t]*The instructor and each student *[has a manual for the state-approved]* **shall be provided with the required curricula content and instructional material(s) for the basic course identified in section (5) of this rule.**

(D) Any ICF// or SNF which has received a **Class I** [N]notice of [N]noncompliance related to administration and resident care from the [division] **department** in the two (2)-year period prior to application for approval shall not be eligible for approval. [and] [i]If this [N]notice is issued after approval, **the** approval shall be withdrawn by the [division] **department** within ninety (90) **calendar** days and the certifying agencies shall be notified of the withdrawal of approval. Students already enrolled in [a class in this facility, however,] **the basic course** may complete [their] **the** course if a [N]notice is issued after [a] **the basic** course has begun. [However, a noncompliant facility where an extended or partially extended survey has been completed may apply in writing to the division requesting permission for approval to train and test nurse assistants for certification. The approval for each separate class may be granted to teach and test in the facility but not by the facility staff. If approval is granted for a waiver for a certified facility or exception for a licensed-only facility, the division shall require certain criteria to be met, depending on the issues such as time and distance to other training agencies in the area.]

(E) An ICF or SNF whose approval has been withdrawn for a **Class I** notice of noncompliance related to administration and resident care may request in writing to the **department** for an exception to train and test nursing assistants. This written request shall include, at a minimum, the following information:

1. The training site name, and training site number, address, telephone and fax number, and email address as applicable;
2. Administrator's name and facility operator's name and address;
3. Sponsoring training site name, sponsoring training site number, sponsoring training site's instructor's name, instructor's Social Security number, and email address as applicable;
4. The exit date of the non-compliance interview for each deficiency of a **Class I** in the areas of administration and resident care requirements in 19 CSR 30-85.042; reason(s) for non-compliance; explanation of efforts in locating another training agency within a reasonable distance (at least one-half (½) hour travel time each way from the facility); and
5. A student roster for each class. The student roster shall include each student's name; student's address and telephone number; student's Social Security number; and the student's email address, as applicable; class begin date; number of students completed; instructor's name and telephone number; instructor's license number; instructor's Social Security number; instructor's employer; and the instructor's email address, as applicable.

[(D)]**(F)** The [division] **department** shall make an on-site inspection of each [approved] training agency's premises within two (2) years of approval and every two (2) years following to determine the adequacy of space; equipment and supplies; and, if clinical training is not done on-site, verify that there is a current copy of a[n] **signed written agreement of cooperation** with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility for the clinical portion of the course.

[(E)]**(G)** Upon receipt of [a fully] **the** completed [application] form **DHSS-DRL-2469 (08-20), Application for Approval as a Nursing Assistant Training Agency**, the [division] **department** shall notify the applicant in writing within ninety (90) **calendar** days of approval or disapproval. If disapproved, the reasons why shall be given.

[(F)]**(H)** Training agencies shall be approved for a two (2)-year period and shall submit a new application for approval thirty (30) **calendar** days prior to the expiration of approval.

(I) The training agency shall be responsible for obtaining an approved instructor and providing training materials for each student. If an instructor is not employed by the

training agency, there shall be a signed written agreement of cooperation between the training agency and the instructor.

(J) The training agency shall be responsible for obtaining an approved clinical supervisor. If a clinical supervisor is not employed by a training agency, there shall be a signed written agreement of cooperation between the training agency and the clinical supervisor.

(K) If the training agency is not a licensed ICF or SNF, the agency shall have a signed written agreement of cooperation currently in effect with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility where the one hundred (100) hours of supervised on-the-job training shall be conducted.

(L) In the event that a qualified instructor for the basic course did not sign records of a student who successfully completed the program, without justification or due to resignation from his or her position, the administrator or designee of the training agency shall validate the training by signature.

(M) Evidence of successful completion of the basic course shall be documented prior to a student taking the final examination and shall include:

1. Class schedules and form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B, included herein for training agencies using the basic course content outlined in paragraphs (5)(A)1. and 2. of this rule; or

2. Class schedules and form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record, included herein for training agencies using the basic course content outlined in paragraphs (5)(B)1. and 2. of this rule.

(N) The training agency shall ensure that all applicable portions of appropriate forms identified in paragraphs (9)(M)1. and 2. of this rule are complete and shall provide a copy to the student within seven (7) calendar days of successful completion of the seventy-five (75) hours of instructional training and one hundred (100) hours of supervised on-the-job training.

(O) The training agency shall maintain records for a minimum of two (2) years for those individuals who have completed the basic course.

(10) Certifying Agency Responsibilities.

(A) In order for a certifying agency to be approved by the department, the agency shall have a signed written agreement of cooperation with the department which shall be renewable every five (5) years.

(B) Certifying agencies that provide the Nursing Assistant Instructor Workshop and the Nursing Assistant Clinical Supervisor Workshop shall complete the following responsibilities:

1. Verify eligibility requirements for the participants enrolled in the Nursing Assistant Instructor Workshop and the Nursing Assistant Clinical Supervisor Workshop;

2. Provide qualified Registered Nurse Instructor Trainers to teach the applicable workshop(s);

3. Issue the applicable workshop certificate(s) to participants upon successful completion; and

4. Within seven (7) calendar days of issuing the workshop certificate, provide a listing of approved instructors and clinical supervisors to the department that includes: the name of

workshop completed; participant's legal name, address, and telephone number; email address, as applicable; Social Security number; and date of birth.

(C) Certifying agencies that provide the four (4) hour instructor update training shall comply with the requirements in section (16) of this rule.

(D) Maintain accurate and complete records for a period of at least two (2) years.

~~[(8)]~~**(11) Instructor and Clinical Supervisor/Student Ratios.**

~~[Instructor/student ratio shall be a maximum of one to fifteen (1:15) and it is recommended that the ratio be one to ten (1:10) or less.]~~ **During the required one hundred (100) hours of supervised on-the-job training, the training agency's instructor and clinical supervisor/student ratio shall be a maximum of one to fifteen (1:15).**

~~[(9)]~~**(12) Qualifications of Instructors, Clinical Supervisors and Examiners.**

(A) Instructor.

1. An instructor shall be ~~[a registered professional nurse]~~ currently licensed as a RN in Missouri or shall ~~[have]~~ **hold a current** temporary permit from the Missouri State Board of Nursing **or shall hold a multi-state or single state RN license from a jurisdiction that is party to the Nurse Licensure Compact.** The licensee shall not be subject of current disciplinary action, such as censure, probation, suspension, or revocation.

2. An instructor shall not be listed on the department's EDL.

3. An individual that has been previously disqualified as an instructor shall not function as an instructor unless he or she receives written approval from the department.

~~[2]~~**4.** An instructor shall have had, at a minimum, two (2) years of nursing experience and at least one (1) year of experience in the provision of LTC facility services in the last ~~[five (5)]~~**ten (10)** years. Other personnel from the health professions may assist the instructor; however, they ~~[must]~~**shall** have at least one (1) year of experience in their field.

~~[3]~~**5.** ~~[A]~~**An [applicant to be an] instructor, shall successfully complete a Nursing Assistant Instructor Workshop by a certifying agency using qualified instructors.** ~~[submit credentials, (resume) and a copy of his/her current license renewal card or temporary permit to the Division of Aging. A letter shall be provided by the division to the applicant indicating the status of the applicant's qualifications and, if not qualified, the reasons and what additional requirements are needed.]~~ **The department shall issue a letter of approval to the qualified instructor after the individual has successfully completed the workshop. The department shall maintain a list of approved instructors.**

~~[4]~~**6.** ~~[An applicant to be an instructor shall attend a seminar approved by the Division of Aging to learn the methodology of teaching the course but only after his/her credentials have been reviewed and approved by the Division of Aging. The Division of Aging shall issue a final letter of approval to be a qualified instructor after the person has satisfactorily completed the seminar. The seminar shall be conducted either by an LTC association or the Missouri Department of Elementary and Secondary Education using qualified teacher educators approved by the Missouri Department of Elementary and Secondary Education and the Division of Aging.]~~ **An instructor shall be responsible to teach the seventy-five (75) hours of instructional training for the basic course and a minimum of sixteen (16) of the one hundred (100) hours of supervised on-the-job training in accordance with the requirements contained in this rule.**

[5]7. *[Any registered nurse approved by the division or the Department of Elementary and Secondary Education as an instructor or examiner prior to January 1, 1990, except those involved in nurse assistant curriculum development with the division or who are employed by a certifying agency, shall attend a training seminar on teaching the nurse assistant course conducted by a LTC association or the Department of Elementary and Secondary Education by July 1, 1993 in order to maintain status as an approved instructor. Instructors approved prior to January 1, 1990 who are exempt from attending the training seminar shall write the Division of Aging submitting documentation of classes and students taught. The division will issue those instructors letters of approval so they will not have to attend the new training seminar. After July 1, 1993 all credentials issued prior to January 1, 1990 shall be void. Nurses who attend the approved seminar shall be issued new certificates and the division shall maintain a list of all approved instructors, including those issued letters of approval.]* **The instructor teaching the seventy-five (75) hours of instructional training and/or sixteen (16) of the one hundred (100) hours of supervised on-the-job training for the basic course shall complete and sign all applicable portions of either form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B for training agencies using the basic course content outlined in paragraphs (5)(A)1. and 2. or form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record for training agencies using the basic course content outlined in paragraphs (5)(B)1. and 2. for each student participating in the program.**

8. An instructor shall provide to the student within seven (7) calendar days of successful completion of the seventy-five (75) hours of instructional training and one hundred (100) hours of supervised on-the-job training, either completed form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B for training agencies using the basic course content outlined in paragraphs (5)(A)1. and 2. or form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record for training agencies using the basic course content outlined in paragraphs (5)(B)1. and 2.

9. If the course is not completed, records and documentation regarding the completed portions shall be provided by the instructor to the student, if requested, and to the training agency.

(B) Clinical Supervisor (On-the-Job Supervisor).

1. The clinical supervisor shall be *[a]* currently licensed *[registered professional nurse]* as a RN or *[licensed practical nurse]* LPN in Missouri or hold a current temporary permit from the Missouri Board of Nursing or shall hold a multi-state or single state RN or LPN license from a jurisdiction that is party to the Nurse Licensure Compact.*[, whose license is not currently]* **The licensee shall not be subject *[to]* of current disciplinary action such as censure, probation, suspension, or revocation.**

2. *[The clinical supervisor shall be licensed in Missouri or shall have a temporary permit from the Missouri State Board of Nursing.]* **A clinical supervisor shall not be listed on the department's EDL.**

3. An individual that has been previously disqualified as a clinical supervisor shall not function as a clinical supervisor unless he or she receives written approval from the department.

4. The clinical supervisor, if not currently employed by an ICF, SNF, hospital, or Missouri Veterans' Home, shall have at least one (1) year of licensed nursing experience. The clinical supervisor shall be currently employed by the **approved training agency** facility where the students are performing their duties or by the **training agency** conducting the *[course]program [and shall have attended a seminar approved by the Division of Aging to learn methodology of supervising the on-the-job training]*.

5. [Upon successful completion of the training seminar] A clinical supervisor shall successfully complete a Nursing Assistant Clinical Supervisor Workshop by a certifying agency using qualified instructors [the clinical supervisor shall be issued a certificate and the division]. The department shall issue a letter of approval to the qualified clinical supervisor after the individual has successfully completed the workshop. The department shall maintain a list of approved clinical supervisors.

6. The clinical supervisor shall be on the facility premises in which the students are performing their duties while the students are completing the on-the-job component of their training and shall directly assist the students in their training and observe their skills when checking their competencies. *[The clinical supervisor shall have at least one (1) year of experience in LTC if not currently employed by an LTC facility.]*

7. A clinical supervisor shall be responsible to supervise eighty-four (84) of the one hundred (100) hours of supervised on-the-job training in accordance with the requirements contained in this rule.

8. The clinical supervisor(s) shall complete and sign all applicable portions of form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B for training agencies using the basic course content outlined in paragraphs (5)(A)1. and 2. or form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record for training agencies using the basic course content outlined in paragraphs (5)(B)1. and 2. for each student participating in the program.

(C) Examiner.

1. An examiner using the department's testing materials for the basic course content outlined in paragraphs (5)(A)1. and 2. of this rule shall be:

A. [The examiner shall be a registered professional nurse] A RN currently licensed in Missouri or shall [have]hold a current temporary permit from the Missouri State Board of Nursing, or shall hold a multi-state or single state RN license from a jurisdiction that is party to the Nurse Licensure Compact and shall not be currently subject of disciplinary action such as censure, probation, suspension or revocation.

[2]B. The examiner shall have taught a similar course or shall be qualified to teach a similar course; but shall not have been the instructor of the students being examined; and shall not be employed by the operator whose students are being examined. The examiner shall be specifically approved by the *[Division of Aging]***department** to administer final examinations of the state-approved nurse assistant training curriculum and shall have signed an agreement with the *[division]***department** to protect and keep secure the final examinations.

[3. The examiner shall have attended an examiner's seminar given by the Division of Aging to learn the methodology and sign an agreement.]

[(D)]2. Causes for Disqualification. A person shall not be allowed to be an *[instructor, clinical supervisor or]* examiner if it is found that he or she—

[1]A. Knowingly acted or omitted any duty in a manner which would materially or adversely affect the health, safety, welfare or property of a resident;

[2]B. Defrauded a training agency or student by taking payment and not completing a course, not administering the final examination as required, or not being on-site while students are being trained;

[3]C. Failed to teach, examine or clinically supervise in accordance with [13 CSR 15-13.010]19 CSR 30-84.010, or taught students from the state test, changed answers on the state test, lost test booklets, or recorded false information on test materials or test booklets of the program; or

[4]D. Failed to send documentation of a completed course to a certifying agency within thirty (30) days.

[(E)]3. Notification of Disqualification.

[1]A. The [division]department shall notify the individual that he or she is no longer eligible to be an [instructor, clinical supervisor or] examiner.

[2]B. The [division]department shall notify all approved training and certifying agencies if it has been determined that an individual is no longer considered an approved [instructor, clinical supervisor or] examiner and that person's name shall be removed from the lists maintained by the [division]department of approved [instructors, clinical supervisors or] examiners.

[3]C. To be reinstated as a state-approved [instructor, clinical supervisor or] examiner the individual shall submit a request in writing to the [division director] department stating the reasons why reinstatement is warranted. The [division director or the director's designee] department shall respond in writing to the request.

(13) Instructor and Clinical Supervisor Disqualification Criteria.

(A) Causes for Disqualification. The department may disqualify an individual as an instructor or clinical supervisor if it is found the individual failed to follow the requirements in section (12) of this rule or—

- 1. Knowingly acted or omitted any duty in a manner which would materially or adversely affect the health, safety, welfare, or property of a resident;**
- 2. Defrauded a training agency or student by taking payment and not completing a course or not being on-site while students are being trained;**
- 3. Failed to teach or clinically supervise in accordance with the regulations contained in this rule, or provide false information to the department; or**
- 4. Is disqualified as a RN Test Observer by the department approved third party test administrator.**

(B) Notification of Disqualification.

1. The department shall notify the individual that he or she is no longer eligible to be an instructor or clinical supervisor.

2. The department shall notify all certifying agencies if it has been determined that an individual is no longer considered an approved instructor or clinical supervisor and that person's name shall be removed from the lists maintained by the department of approved instructors or clinical supervisors.

3. To be reinstated as an approved instructor or clinical supervisor, the individual shall submit a request in writing to the department stating the reasons why reinstatement is warranted. The department shall respond in writing to the request.

(14) Training and Certifying Agency Disqualification Criteria.

(A) Causes for Disqualification. The department may disqualify a training agency or certifying agency if it is found that an agency failed to follow the requirements in section (9) for a training agency or section (10) for a certifying agency of this rule or—

- 1. Defrauded a student by taking payment and not ensuring the seventy five (75) hours instructional training or on-the-job training were completed as required by this rule; or**
- 2. Failed to maintain approval from MDHE or DESE, if applicable.**

(B) Notification of Disqualification.

- 1. The department shall notify the agency that he or she is no longer eligible to be a training agency or certifying agency.**
- 2. To be reinstated as a training agency or certifying agency, the agency shall submit a request in writing to the department stating the reasons why reinstatement is warranted. The department shall respond in writing to the request.**

(15) Registered Nurse Instructor Trainer Responsibilities.

(A) The RN Instructor Trainer shall be currently licensed as a RN in Missouri or shall hold a current temporary permit from the Missouri State Board of Nursing or shall hold a multi-state or single state RN license from a jurisdiction that is party to the Nurse Licensure Compact. The RN Instructor Trainer shall not be subject of current disciplinary action, such as censure, probation, suspension, or revocation and shall not be listed on the department's EDL.

(B) The RN Instructor Trainer shall also be, at a minimum, an approved nursing assistant instructor.

(C) The RN Instructor Trainer shall be employed or contracted by a certifying agency to instruct the Nursing Assistant Instructor Workshop, Nursing Assistant Clinical Supervisor Workshop, and the Instructor Update Training.

(16) Instructor Update Training.

(A) The instructor shall attend a four (4) hour update training provided by a certifying agency every five (5) years. This update training shall include, at a minimum, the following:

- 1. Instruction on how to complete form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record;**
- 2. Instruction on the fundamentals of adult learning;**
- 3. Instruction in at least one (1) area regarding standards of practice in long term care such as pressure ulcer prevention, dining practices, or resident rights issues;**
- 4. Instruction on providing care for cognitively impaired residents;**
- 5. Review of the Nursing Assistant Training Program regulations contained in 19 CSR 30-84.010; and**
- 6. Review of the administration and resident care requirements contained in 19 CSR 30-85.042.**

(B) The certifying agency shall provide a list of the instructors that complete the update training to the department within seven (7) calendar days of completion of the training.

(C) Any instructor who has not completed the required four (4) hour update training by August 31, 2022, and every five (5) years thereafter shall be removed from the department-approved list of instructors. If removed from the department's list, the instructor shall attend and successfully complete the Nursing Assistant Instructor Workshop in order to be reinstated to act as an instructor.

[(10)](17) **Final Examination** Testing.

(A) In order to be eligible for testing, a student shall have either completed the **following**: *[state-approved training curriculum offered by an approved training agency or shall have a letter from the Division of Aging granting approval to challenge the final examination.]*

1. Seventy-five (75) hours of instructional training and the one hundred (100) hours of supervised on-the-job training offered by a training agency. The student shall pass a minimum of three (3) written or oral tests throughout the course with an eighty percent (80%) score or better on each test in order to be eligible to take the final examination. Each test shall consist of a minimum of fifteen (15) questions; or

2. Possess an approval letter from the department granting approval to challenge the final examination.

[(B) A student shall pass a minimum of three (3) written or oral tests throughout the course with an eighty (80) score or better on each test in order to be eligible to take the final examination.]

[(C)](B) **If the course content outlined in paragraphs (5)(A)1. and 2. of this rule is used for teaching the basic course, [T]the final examination shall be conducted by an approved examiner who may be assisted by the instructor using the following procedures:**

1. The instructor will select an LTC resident to participate in the testing process and obtain approval for this activity from the resident;

2. The examiner shall verify the eligibility of the students by reviewing *[records]* **form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B** to establish that the student has completed the approved training program or possesses an approval letter from the *[division]***department** granting approval to challenge the final examination*[. In the event that a qualified instructor for the nurse assistant LTC program did not sign records of a student who successfully completed the program, without justification or due to resignation from his/her position, the administrator of the approved training agency may validate the training by signature. Evidence of successful completion of the basic course (that is, test scores, class schedules and the like) shall be documented prior to a student taking the final examination];*

3. The student shall successfully complete at least nine (9) procedures under the observation of the instructor or a facility licensed nurse and examiner.

A. The nine (9) procedures shall always include a type of bath, vital signs (temperature, pulse, respirations and blood pressure), transfer techniques, feeding techniques, dressing and grooming, skin care, active or passive, range of motion to upper and lower extremities (unless contraindicated by a physician's order) and handwashing and gloving from the standardized curriculum.

B. The remainder shall be selected according to the resident's care needs at the time of day that testing occurs.

C. The evaluation of the student shall include communication and interaction with the resident, provision of privacy, work habits, appearance, conduct and reporting and recording skills;

4. The student shall successfully answer forty (40) out of fifty (50) oral or written questions presented by the examiner based on the standardized curriculum and selected from a specific test pool of questions which are safeguarded by the *[Division of Aging]***department**;

5. The examiner who uses the basic course content outlined in paragraphs (5)(A)1. and 2. of the basic course for the final examination shall notify the department and obtain different examinations to be administered each time; and

6. The examiner who uses the basic course content outlined in paragraphs (5)(A)1. and 2. of the basic course for the final examination shall conduct the following:

A. Complete and sign form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B and the final examination score sheet which shall include scores and comments. The examiner shall advise the individual that successful completion of the evaluation will result in the addition of his/her name to the CNA Registry.

B. After scoring, the examiner shall return all test materials, test booklets, answer sheets, and any appendices to the department. The examiner shall also provide the training agency with documentation of the student's test scores.

C. A copy of the student's final record sheets shall be provided to the student (except for the answer sheets). If the course is not completed, records and documentation regarding the portions completed shall be provided to the student, if requested, and to the training agency.

(C) If the basic course content outlined in paragraphs (5)(B)1. and 2. of this rule, is used to teach the course, testing shall comply with the following:

1. The instructor shall verify the eligibility of the students by reviewing form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record to establish that the student has completed the approved program;

2. The final examination shall be conducted by the department approved third party test administrator and a fee will be assessed for each examination;

3. The student shall successfully complete an examination proctored by the department approved third party test administrator. The student shall achieve a passing score of at least eighty percent (80%); and

4. The student shall successfully complete the skills evaluation portion of the examination proctored by the department approved third party test administrator. The student shall achieve a score of one hundred percent (100%).

[5.](D) Any [person] individual who fails the final examination, except those who have been permitted to challenge the examination, shall have the opportunity to retake the examination twice within ninety (90) calendar days of the initial examination. [The examiner shall notify the division and obtain different examinations to be administered each time.] If [it is] the individual [failed] fails the final examination a third time, the entire basic course [or selected sections, as determined by the examiner, must] shall be retaken before another examination can be given[; and].

[6.](E) Any [person] individual who is employed by a LTC facility and required by section 198.082, RSMo to enroll in the [Nurse Assistant Program] program, but who has been permitted to challenge the final examination and who fails the examination, must immediately re-enroll in and begin study in the next available basic course. The individual [and] shall complete the basic course within [one (1) year] four (4) months of employment.

[(11)](18) [Records and Certification]CNA Registry.

(A) [Records.

1. The examiner shall complete and sign the competency record sheet and the final examination score sheet which shall include scores and comments. The examiner shall advise the individual that successful completion of the evaluation will result in the addition of his/her name to the State Nursing Assistant Register.

2. *After scoring, the examiner shall return all test materials, test booklets, answer sheets, and any appendices to the division. The examiner shall also provide the training agency with documentation of the student's test scores.*

3. *A copy of the student's final record sheets shall be provided to the student (except for the answer sheets). If the course is not completed, records and documentation regarding the portions completed shall be provided to the student, if requested, and to the training agency.*

4. *The training agency shall maintain the records of students trained. Records shall be maintained for at least two (2) years.] If the CNA passes the final examination, the individual's name shall be placed on the CNA active registry.*

(B) [Certification and Entry of Names on State Register.] CNAs shall submit documentation (e.g., pay stubs, W-2, letter from employer, etc.) of work in nursing or nursing related services for at least one (1) day (e.g. eight (8) hours) within each twenty-four (24)-consecutive month period to maintain active status. Documentation shall be submitted to the department approved third party test administrator and a fee will be assessed for each renewal.

[1. The training agency shall submit within thirty (30) days, the student's final record sheets to any one of the long-term care associations or any other agency which is specifically approved by the division to issue nursing assistant certificates and provide names to the division for entry on the nurse assistant register.

2. Each student shall obtain a certificate from a state-approved association or agency validating successful completion of the training program.

3. The Division of Aging shall maintain a list of long-term care associations or other agencies approved to handle the issuance of certificates for the Nurse Assistant Training Program. In order for a long-term care association or agency to be approved by the Division of Aging, it shall enter into an agreement of cooperation with the Missouri Division of Aging which shall be renewable annually and shall effectively carry out the following responsibilities:

A. Issue certificates to individuals who have successfully completed the course;

B. Provide the Division of Aging with the names and other identifying data of those receiving certificates on at least a monthly basis; and

C. Maintain accurate and complete records for a period of at least two (2) years.

4. The certificate of any nurse assistant who has not performed nursing services for monetary compensation for at least one (1) day in a twenty-four (24)-consecutive month period shall be invalid and the person's name shall be removed from the Missouri nursing assistant register. This individual, however, may submit his/her credentials to the Division of Aging at any time and if unemployed for less than five (5) years, s/he may be authorized to challenge the final examination. If s/he passes the examination, the examiner shall submit the individual's records to a training agency so that s/he can be issued a new certificate and his/her name can be placed on the nurse assistant register again. If unemployed longer than five (5) years, the individual must successfully complete the entire course before s/he can be recertified and s/he is not eligible to challenge the final examination.]

(C) A CNA who has been inactive on the registry for less than five (5) years and cannot provide documentation (e.g., pay stubs, W-2, letter from employer, etc.) of work in nursing or nursing related services for at least one (1) day (e.g. eight (8) hours) within each twenty-four (24)-consecutive month period shall challenge the final examination in accordance with section (8) of this rule before the CNA is reinstated to the active registry.

(D) A CNA who has been inactive on the registry for more than five (5) years and cannot provide documentation (e.g., pay stubs, W-2, letter from employer, etc.) of work in nursing or nursing related services for at least one (1) day (e.g. eight (8) hours) within each twenty-four (24)-consecutive month period is not eligible to challenge the final examination and shall successfully complete the entire basic course before the CNA is reinstated to the active registry.

*AUTHORITY: sections 198.009, 198.079, **RSMo 2016** and 198.082, RSMo [1994]**Supp. 2019**.** This rule originally filed as 13 CSR 15-13.010. Original rule filed Aug. 13, 1982, effective Jan. 13, 1983. Amended: Filed March 10, 1983, effective June 11, 1983. Amended: Filed Sept. 12, 1984, effective Dec. 11, 1984. Amended: Filed Oct. 13, 1987, effective Jan. 29, 1988. Emergency amendment filed Dec. 16, 1988, effective Jan. 1, 1989, expired April 5, 1989. Amended: Filed Jan. 19, 1989, effective April 27, 1989. Amended: Filed June 16, 1992, effective Feb. 26, 1993. Amended: Filed May 26, 1998, effective Jan. 30, 1999. Moved to 19 CSR 30-84.010, effective Aug. 28, 2001. **Emergency amendment filed June 14, 2021, effective June 28, 2021, expires December 24, 2021. Amended: Filed June 14, 2021.**

Original authority: 198.079, RSMo 1979, **amended 2007 and 198.082, RSMo 1979, amended 1988, **2003**.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions one hundred ninety-eight thousand, nine hundred seventy dollars (\$198,970) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities seven hundred thirty-nine thousand, four hundred sixty dollars (\$739,460) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Carmen Grover-Slattery, Regulation Unit Manager, Section for Long-Term Care Regulation, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570 or at RegulationUnit@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*