

**Amendments to Regulations**  
**Pursuant to Chapters 783 and 637 of the 1999 Acts of the Assembly**

**18 VAC 90-20-330. Nurse aide education programs.**

- 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. The Education Special Conference Committee (the "committee"), comprised of not less than two members of the board, shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review the application and shall make a recommendation to the board for grant or denial of approval.
  - 3. If the committee's recommendation is to deny approval, 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 § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code 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 subsections D and G of this section.
    - b. Maintenance of qualified instructional personnel as set forth in subsection C of this section.
    - c. Classroom facilities that meet requirements set forth in subsection H of this section.
    - d. Maintenance of records as set forth in subsection E of this section.
    - e. Skills training experience in a nursing facility which 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 Programs, effective April 1, 1992) in the past two years. The foregoing shall not apply to a nursing facility which 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.
  - 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 each student applying to or enrolled in such program with a copy of applicable Virginia law regarding criminal history records checks for employment in certain health care facilities, and a list of crimes which pose a barrier to such employment.
  - 3.4. Report all substantive changes in subdivision 1 of this subsection within 10 days of the change to the board.
- C. Instructional personnel.
  - 1. Program coordinator.
    - a. 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.
- b. The primary instructor may be the program coordinator in any nurse aide education program.
2. Primary instructor.
    - a. Qualifications. The primary instructor, who does the actual teaching of the students:
      - (1) Shall hold a current Virginia license as a registered nurse; and
      - (2) Shall 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 resident care, supervision and education.
    - b. Responsibilities. The primary instructor shall participate in the teaching and evaluation of students and, in addition, shall:
      - (1) Participate in the planning of each learning experience;
      - (2) Ensure that course objectives are accomplished;
      - (3) Ensure that the provisions of subdivision 6 of this subsection are maintained.
      - (4) Maintain records as required by subsection E of this section;
      - (5) Perform other activities necessary to comply with subsection B of this section; and
      - (6) Ensure that students do not perform services for which they have not received instruction and been found proficient by the instructor.
  3. Other instructional personnel.
    - a. Qualifications.
      - (1) A registered nurse shall:
        - (a) Hold a current Virginia license as a registered nurse; and
        - (b) Have had at least one year of direct patient care experience as a registered nurse.
      - (2) A licensed practical nurse shall:
        - (a) Hold a current Virginia license as a practical nurse;
        - (b) Hold a high school diploma or equivalent;
        - (c) Have graduated from a state-approved practical nursing program; and
        - (d) Have had at least two years of direct patient care experience as a licensed practical nurse.
    - b. Responsibilities. Other personnel shall provide instruction under the general supervision of the primary instructor.
  4. 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:
    - a. Complete satisfactorily a course in teaching adults that includes:
      - (1) Basic principles of adult learning;
      - (2) Teaching methods and tools for adult learners; and
      - (3) Evaluation strategies and measurement tools for assessing the learning outcomes; or
    - b. Have experience in teaching adults; or

- c. Have experience in supervising nurse aides.
  5. The program may utilize resource personnel who have had at least one year of experience in their field to meet the planned program objectives for specific topics.
  6. 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.
- D. Curriculum content.
1. The curriculum shall include, but shall not be limited to, classroom and clinical instruction in the following:
    - a. Initial core curriculum. Prior to the direct contact of a student with a nursing facility client, a total of at least 16 hours of instruction in the following areas must be presented:
      - (1) Communication and interpersonal skills;
      - (2) Infection control;
      - (3) Safety and emergency procedures, including the Heimlich Maneuver;
      - (4) Promoting client independence; and
      - (5) Respecting clients' rights.
    - b. Basic skills.
      - (1) Recognizing changes in body functioning and the importance of reporting such changes to a supervisor.
      - (2) Measuring and recording routine vital signs.
      - (3) Measuring and recording height and weight.
      - (4) Caring for the clients' environment.
      - (5) Measuring and recording fluid and food intake and output.
      - (6) Performing basic emergency measures.
      - (7) Caring for client when death is imminent.
    - c. Personal care skills.
      - (1) Bathing and oral hygiene.
      - (2) Grooming.
      - (3) Dressing.
      - (4) Toileting.
      - (5) Assisting with eating and hydration including proper feeding techniques.
      - (6) Caring for skin, to include prevention of pressure ulcers.
      - (7) Transfer, positioning and turning.
    - d. Individual client's needs, including mental health and social service needs.
      - (1) Modifying the aide's behavior in response to the behavior of clients.
      - (2) Identifying developmental tasks associated with the aging process.
      - (3) Demonstrating principles of behavior management by reinforcing appropriate behavior and causing inappropriate behavior to be reduced or eliminated.
      - (4) Demonstrating skills supporting age-appropriate behavior by allowing the client to make personal choices, and by providing and reinforcing other behavior consistent with clients' dignity.
      - (5) Utilizing client's family or concerned others as a source of emotional support.
      - (6) Responding appropriately to client's behavior.
      - (7) Providing appropriate clinical care to the aged and disabled.
      - (8) Providing culturally sensitive care.
    - e. Care of the cognitively impaired client.

- (1) Using techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others).
  - (2) Communicating with cognitively impaired residents.
  - (3) Demonstrating an understanding of the behavior of cognitively impaired residents.
  - (4) Responding appropriately to the behavior of cognitively impaired residents.
  - (5) Using methods to reduce the effects of cognitive impairment.
  - f. Skills for basic restorative services.
    - (1) Using assistive devices in transferring, ambulation, eating and dressing.
    - (2) Maintaining range of motion.
    - (3) Turning and positioning, both in bed and chair.
    - (4) Bowel and bladder training.
    - (5) Caring for and using prosthetic and orthotic devices.
    - (6) Teaching the client in self-care according to the client's abilities as directed by a supervisor.
  - g. Clients' rights.
    - (1) Providing privacy and maintaining confidentiality.
    - (2) Promoting the client's right to make personal choices to accommodate individual needs.
    - (3) Giving assistance in resolving grievances and disputes.
    - (4) Providing assistance necessary to participate in client and family groups and other activities.
    - (5) Maintaining care and security of the client's personal possessions.
    - (6) Promoting the resident's rights to be free from abuse, mistreatment and neglect and the need to report any instances of such treatment to appropriate staff.
    - (7) Avoiding the need for restraints in accordance with current professional standards.
  - h. Legal aspects of practice as a certified nurse aide.
  - i. Occupational health and safety measures.
  - j. Appropriate management of conflict.
  2. Unit objectives.
    - a. Objectives for each unit of instruction shall be stated in behavioral terms which are measurable.
    - b. Objectives shall be reviewed with the students at the beginning of each unit.
- E. Records.
1. Each nurse aide education program shall develop 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 nurse aide must receive a copy of this record.
  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.

- F. Student identification. The nurse aide students shall wear identification that clearly distinguishes them as students to clients, visitors and staff.
- G. Length of program.
  - 1. The program shall be at least ~~80~~ 120 clock hours in length.
  - 2. The program shall provide for at least 16 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. Five of the clinical hours may be in a setting other than a nursing home.
  - 4. Employment orientation to facilities used in the education program must not be included in the ~~80~~ 120 hours allotted for the program.
- H. 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. All equipment needed, including audio-visual equipment and that needed for simulating resident care.
- I. Program review.
  - 1. Each nurse aide education program shall be reviewed on site by an agent of the board at least every two years following initial review.
  - 2. The committee, in accordance with § 9-6.14:11 of the Code of Virginia, shall receive and review the report of the site visit and shall make recommendations to the board to grant or deny continued approval.
    - a. A nurse aide education program shall continue to be approved provided the requirements set forth in subsections B through H of this section are maintained.
    - b. If the committee determines that a nurse aide education program is not maintaining the requirements of subsections B through H of this section, with the exception of subdivision B 1 e of this section, the committee shall recommend to the board that the program be placed on conditional approval and the program provider shall be given a reasonable period of time to correct the identified deficiencies.
      - (1) The committee shall receive and review reports of progress toward correcting identified deficiencies and, when a final report is received at the end of the specified time showing corrections of deficiencies, make a recommendation to the board for grant of continued approval.
      - (2) If the program provider fails to correct the identified deficiencies within the time specified by the committee or the board, the board or a panel thereof, may withdraw approval following a hearing in accordance with § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia.
      - (3) The program provider may request a formal hearing before the board or a panel thereof pursuant to § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia if it objects to any action of the Board relating to conditional approval.
  - 3. 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.

- J. Curriculum changes. Changes in curriculum shall be approved by the board prior to implementation and shall be submitted at the time of the site visit or with the report submitted by the program coordinator in the intervening year.
- K. Interruption of program.
  - 1. When a program provider does not wish to admit students for a period not to exceed one year, the provider may request that the program be placed on inactive status and shall not be subject to compliance with 18 VAC 90-20-330 B 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 one-year period and be subject to the requirements of subsection L of this section.
  - 3. If the program provider does not offer the program for two consecutive years, the program shall be considered closed and be subject to the requirements of subsection L of this section.
- L. 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.