

Agency Response to Economic Impact Analysis
Periodic Review
18 VAC 90-25: Regulations Governing Certified Nurse Aides

The Board of Nursing generally concurs with the analysis of the Department of Planning and Budget (DPB) for amendments to 18 VAC 90-25-10 et seq. as recommended during a periodic review of regulations.

The Board wishes to provide clarification to two sections of the EIA:

On page 2, it is noted that some students have had difficulty demonstrating that they have completed training when applying for employment. In fact, the more pressing problem is that without a certificate of completion from their training program, they are unable to sit for the competency examination to become a CNA, as required by federal rules for employment in a nursing home. The failure of an educational program to provide a certificate of completion becomes a problem for employment if the nursing assistant wants to work in an assisted living facility or another setting in which it is not required that they be certified but is required that they have training.

On page 4, there is comment on the proposed amendment to require an applicant to provide information about any finding of patient neglect, abuse or misappropriation of client property that occurred in any state in which they have ever been certified. Such a finding would be cause for denial of certification by the Board. To further clarify the need for such a requirement, the agency would add that a long term care facility that receives federal funds is prohibited by federal rule from employing a CNA who has had any finding of patient neglect, abuse or misappropriation of property prohibits.