



Certified Nurse Aide Testing Procedure Manual For Trainers & Test Observers



**South Dakota
Health Care AssociationSM**

Phone: 339-2071 or 1-800-952-3052

Website: www.sdhca.org

Fax: (605)339-1354

Contact: LuAnn Severson

Director of Public Affairs & Professional Development

Email: LuAnnSeverson@sdhca.org

Quick Guide

Registering a Candidate for CNA Testing	www.sdhca.org, then CNA tab 1-800-952-3052 (SDHCA)
CNA Test Observer application forms to test candidates	Download and complete forms from www.sdhca.org under CNA tab
CNA Regulations	Diana Weiland - SD Department of Health 605-995-8057 Or view regulations at www.sdhca.org, then CNA tab, then Chapter 44:74 Nurse Aide Regulations
Seeking approval to waive 75 hours of training of CNA	http://doh.sd.gov/boards/nursing/nurseaid.aspx Or call Tessa Stob - SD Board of Nursing 605-362-2760
Nurse Aide Registry/Lapsed CNA Certification	http://doh.sd.gov/boards/nursing/nurseaid.aspx Or call Ashley Vis - SD Board of Nursing 605-362-2760
Order "How to be a Nurse Assistant" Instructor's Kit, Textbooks or Workbooks	www.sdhca.org, then CNA tab 1-800-952-3052 (SDHCA)

Contents

Nurse Aide Testing Costs
Registering Nurse Aide for Testing
Nurse Aide Scheduling
Nurse Aide Testing Procedures
Cancellations/Reschedules/No Shows
When does Candidate Need Retraining
8 Secrets to Successful Testing
Test Site Irregularities
Candidates with Temporary Disabilities
Candidates with Permanent Disabilities
Request For Special Accommodations
Latex/Powder Allergies
Information Booklets for Candidates
Nurse Aide Registry
Pass/Fail Letters
Calculating Organization Pass/Fail Rate
Test Observer Application Process
Important Reminders for Certified Test Observers
Contact Information
44:74 CNA State Regulations



NURSE AIDE TESTING COSTS

Cost to test:	
Knowledge Exam:	\$70.50 (Oral Knowledge Test option \$80.50)
Skill Exam :	<u>\$89.00</u>
	\$159.50

You have the option of having the Knowledge Test computer-read to the nurse aide if the candidate has difficulty with reading the English language. Cost of the Oral Knowledge option is \$80.50. There are two options for an Oral Knowledge test.

Option for Knowledge Test

1) The *Standard Oral Test* is the Knowledge Test given by having the Knowledge Test read to the nurse aide by using the computer speakers or headphones. 2) The *ESL Oral Test* (English as a Second Language) is the same as the Standard Oral Test only it is read more slowly. This option is also available online. Computer speakers or headphones are necessary for the online Oral Knowledge Test. If you want your candidate to take one of the Oral Knowledge tests, you must request this option when registering the candidate by check marking ESL Test. If giving multiple Knowledge tests at the same time in the same room, the Oral Knowledge can be administered during the same time as the regular Knowledge. In this case, the candidates that are taking the Oral Knowledge has to be wearing headsets and listening to the computer. Your organization will be invoiced after the testing is completed. The Knowledge Test is written at a 5th Grade reading level.



REGISTERING NURSE AIDES FOR TESTING

PLEASE READ: You must seek approval to release your Candidates (employees) to test. If you have not previously obtained your organization PIN number (4-digit number) to register, contact the South Dakota Health Care Association Office by email at LuAnnSeverson@sdhca.org.

To see approval to release your candidates for testing go to www.sdhca.org and click on the **CNA tab**. **SDHCA encourages that you enter the candidate's name no less than 7 days prior before the test date. Names *should not* be entered as close as the day before or day of testing.** When entering the names for approval to be released for testing, make sure that the email address is candidate's personal email and not the organization email.

The organization will receive a separate email authorizing the candidate to test. Your organization will receive an email once the approval has been processed. After your organization receives the release approval for testing email, you can then schedule your candidate for a test date (test event). Keep in mind that some approvals run through the process quickly and some may take some time due to checking possible “holds” by SDHCA, SD Dept of Health, SD Board of Nursing, or Headmaster. This is the reason a 7 day prior to the test date is requested of you.



NURSE AIDE SCHEDULING

Once the candidate has been registered online at www.sdhca.org/CNA Testing and electronically submitted to SDHCA, the candidate needs to be approved and released for testing by the SDHCA Office. The Sponsor (entity paying for candidate to test) that was entered in the candidate’s record will receive an email from SDHCA stating you can go ahead and choose a Test Event (test date) and schedule the candidate for testing.

South Dakota Health Care Association will send detailed Pass/Fail Letters to the organization and candidate. There is a \$15.00 charge for duplicate Pass/Fail Letters. Please check in your Spam Inbox/Junk Inbox if you do not see it in the regular Inbox. Please notify the South Dakota Health Care Association if contact information has changed for your organization.

If a candidate needs to retest, reschedule the student from their existing record. Re-approval from the SDHCA office is not necessary. See Rescheduling information on next page for more details.



NURSE AIDE TESTING PROCEDURE

Testing may be done in an approved testing organization by a Certified Test Observer Organizations who wish to do their own testing, must complete the necessary forms by visiting www.sdhca.org and clicking on the CNA tab, then download the Test Observer Application Forms. Testing is also offered at

various test sites across South Dakota. A listing of the approved test sites can be found at www.sdhca.org under the CNA Testing button.

Each candidate is allowed 1.5 hours to complete the Knowledge Test and 30 minutes to complete the Skill test. The Test Observer does not score the test. The tests are sent to HEADMASTER© to be scored.

It is very important that each candidate bring a photo ID. Without this, the candidate will not be allowed to test. If a candidate does not have a photo identification, download the Substitute ID Form from the www.sdhca.org website under the Certified Nurse Aide Testing tab. If the candidate comes to testing with no ID or Substitute ID Form, the individual will be denied testing.

CNA Test Results are released mid afternoon each business day.

CANCELLATIONS/ RESCHEDULES/NO SHOWS

There are no Reschedule, No Show or Cancellation Fees charged by SDHCA.

If your candidate needs to retake either the Knowledge Test, Oral Knowledge Test, or Skill Test, you may conveniently pull up their previous record online at www.sdhca.org under the CNA tab and reschedule them. Do not reenter their name online because a record has already been created for the candidate the first time you scheduled them. Simply pull up their previous record by taking out the check marks from “Not Released” and “Active” and click on Search. At this point, you can schedule them for a Test Event (Test Date). No confirmation email will come from South Dakota Health Care Association when rescheduling. The candidate has already been approved the first time they tested.

WHEN DOES A CANDIDATE NEED RETRAINING?

If a Certified Nurse Aide lets their certification lapse, questions for recertification should be directed to:

Tessa Stob at the SD Board of Nursing (605-362-2760) or
Diana Weiland at the SD Department of Health (605-995-8057)

44:74:02:25. Renewal of certification. Certification expires two years from the date of initial registration. To renew certification, the nurse aide shall submit to the department a verification of a minimum of 12 hours of training per year as required in § 44:74:02:02(4) and a minimum of 12 hours of monetary compensation as a nurse aide during the preceding 24 months. An

individual who has not performed the training and the required nursing or nursing-related services for monetary compensation during the preceding 24 consecutive months shall complete a new competency evaluation program. The department may grant an exception to § 44:74:02:25 for a nurse aide called to active military service. The nurse aide shall provide evidence of active duty, such as a copy of duty orders. The exemption for renewal ceases six months after discharge from active military service.



EIGHT SECRETS TO SUCCESSFUL TESTING

1. **Organize** – Organize – Organize... 3 or 4 days before the test event, then right before the candidates arrive at the test event and, of course, during the test event.
2. **Security** – Security – Security... Be aware of test materials at all times and all words that are said before, during, and after a test event. Reinforce security importance with actors before every test event.
3. **Identify** – Identify – Identify... Be convinced beyond reasonable doubt that the candidate who applied to test is the candidate you test.
4. **BE CALM** – Calm – calm... Project a calm image and that calm will help relax the atmosphere at your test event and will transfer to the candidates and to your test team.
5. **Consistent** – Consistent – Consistent... All candidates must have the same experience no matter where they test. Consistent demonstrations before each test starts. Consistent actions and interactions with the candidates by you and your test team. Consistent closure at the end of each task and at the end of each test. Consistent equipment setup before your test event begins. Consistent check in procedure. Consistent identification processing. Consistent reading of the Knowledge and skill test instructions. Consistent – Consistent – ever and always Consistent in your verbiage and actions.
6. **Remain** unbiased and test neutral... Be aware of any bias you might be interjecting into the administration of the Tests. All body language, instructions, and communications by you and your test team must, at all times, be test neutral. Engage your attention fully on the candidate during the time they are actively demonstrating each task or taking the Knowledge test. Never sit during a skill test in progress sending a “disengaged message” to the candidate. Knowledge Test Observer remains actively attentive during the entire Knowledge test administration time.
7. **Only** observe and record... Remain out of the candidate’s workspace to the degree possible. For every B mark capture the “image” of what you saw that triggered the B mark in your mind and communicate that image in your B mark Knowledge explanation so the test scoring team, in Helena, and Board of Nursing staff can make good decisions when

scoring or reviewing tests.

8. **Non-committal** closure... When candidates finish their test(s) and leave the testing area, they should have no reason to believe that they passed or failed because of any action or statement made by you or a member of your test team.



TESTING IRREGULARITIES

If the candidate feels there was a situation at the test site, the day of testing, that may have jeopardized his/her test results outcome, the candidate must notify the South Dakota Health Care Association office by email within 24 hours after testing. Email: sdhca@sdhca.org



CANDIDATES WITH TEMPORARY DISABILITIES

The following section is written as a reminder to reconfirm the understanding about testing candidates with temporary disabilities.

Please note that the CNA Test Observer has the authority to deny a person testing if the individual expresses or has a noticeable temporary disability and does not provide a doctor's approval to test. The test cannot be altered for temporary limitations. The Skill Test includes some strenuous physical skills. Therefore, if one of your candidates cannot perform even one of the skills due to a temporary disability, they should not be sent to test. Temporary disabilities such as, knee injury, back injury, pregnancy, or recent surgery, etc., which would preclude the candidate from safely performing even one of the physical skills are reasons for denying testing unless the candidate has a specific doctor's o.k. The South Dakota Health Care Association does not cover bodily or physical injury. Therefore, if a candidate is injured during testing it will go back on your organization, not the CNA Test Observer or South Dakota Health Care Association.

If a candidate is experiencing a temporary disability and he/she does not test within the four months, please document the situation and file it in his/her personnel file as to why he/she did not test during this time frame. You may call the SD Department of Health (phone number 605-995-8057) and ask how to handle the situation. Please remember, if the CNA Test Observer denies testing of one of your candidates, he/she is doing what is in the best interest of

the individual and your organization.



CANDIDATES WITH PERMANENT DISABILITIES

If you have a candidate wishing to take the Certified Nurse Aide test with a permanent disability or ADA concern, complete the Accommodations Form located found at www.sdhca.org, then click on CNA, then Accommodations Form.



REQUEST FOR SPECIAL TEST ACCOMMODATIONS

If the candidate is in need of special test accommodations from the www.sdhca.org website and **submit it to SDHCA for review no later than 5 business days before the chosen test event**. This form can be located at www.sdhca.org, then click on CNA, then Accommodations Form.



LATEX/POWDER ALLERGIES

If the candidate is allergic to latex/powder gloves, please have the student bring latex/powder free gloves to the test site the day of testing.



INFORMATION BOOKLET FOR CANDIDATES

The Candidate Handbook (contains testing content/information for the candidate) has been updated for your convenience to print your copy at www.sdhca.org and clicking on the CNA tab. Even if your organization does not practice all of the tasks or steps in the listed skills, you as the trainer are to train the students according to the list of skills given per the SD Department of Health. On the other side of it, the CNA Test Observer is to test using all the steps. If some steps are not performed, for whatever reason, they are to be marked and a note included as to why it was not performed.

NURSE AIDE REGISTRY



If you wish to know any information on the Nurse Aide Registry, visit <http://doh.sd.gov/boards/nursing/verificationlink.aspx> or contact the SD Board of Nursing at (605)362-2760.

PASS/FAIL LETTERS



Pass/Fail Letters will be emailed to the organization that is paying for the candidate to test. A copy will also be sent to the candidate. Pass/Fail Letters are sent each business day afternoon. If you have questions about the Pass/Fail Letter, please contact the South Dakota Health Care Association at 1-800-952-3052. Cost of a duplicate Pass/Fail Letter is \$15.00. You may call the SDHCA office at anytime to request the most current pass/fail rate for your organization.

CALCULATING PASS/FAIL % STATISTICS FOR YOUR ORGANIZATION



To view Pass/Fail Statistics for your organization or this information may also be requested by Surveyors, please visit: <http://www.sdhca.org/cna/>

- Choose Training Program Reports for Certified Nurse Aides
- Click Candidate Details
- Complete the steps
- Enter your Organization ID (4 digits)
- Enter your Organization PIN (6 ALL CAPS LETTERS)
- Contact LuAnnSeverson@sdhca.org if you have not previously acquired this PIN.



HOW TO BECOME CERTIFIED TO ADMINISTER THE TEST

Visit www.sdhca.org under the CNA tab, then locate the Test Observer Application Forms. Download, complete and submit the 5 forms to the SDHCA office.



IMPORTANT REMINDERS FOR CERTIFIED TEST OBSERVERS

Request approval to test Nurse Aide candidates no less than 1 week prior to the test date. Go to www.sdhca.org, click on the CNA tab, then click on Entering/Schedule CNA Candidates. In the Completed Training prompt, make sure to enter the date the student has finished class.

Do not open Test Packets containing testing Skills Tasks no more than 1 business day before testing.

If you are testing candidates (employees) that work at another organization, it works best to have the Sponsoring organization (whoever is paying for the candidate to test) register the candidate. As the Test Observer, you only need to create the Test Packet and leave it open for them to choose the test event date that you have agreed on. Under some circumstances, if you, as the Test Observer, are the one to enter the candidate for testing, make sure that you obtain the Training Code number from the organization wishing to test and obtain the Sponsor Code number from the organization wishing to test. This correct information is essential in making our data/statistical tracking beneficial. If your organization did not train the candidate, you should not enter your organization code number. If your organization is not paying for the candidate, you should not enter your organization code number.

To calculate your organization Pass/Fail %, visit www.sdhca.org/cna. Choose Training Program Reports for Certified Nurse Aide, then click Candidate Details, complete the steps. If you have not obtained your 6 digit organization code, send a request to LuAnnSeverson@sdhca.org.

Share the CNA Candidate Handbook with each student prior to testing to assist in guidance of what the test day will include.

Shred skill exams after candidate(s) have tested. Safeguarding the confidentiality of all information about the nursing assistant competency examination is of high importance and as a security measure all paper skill exams need to be kept secure until the electronic submission has been completed. After electronic submission has been completed, please SHRED any paper skill exams.

I & O pads are used with the following skill tasks: FEEDING THE RESIDENT, BLOOD PRESSURE, FLUID INTAKE, TOILETING USING A BEDPAN, URINARY EMPTYING DRAINAGE BAG, and WEIGHING OF AN AMBULATORY RESIDENT. I & O Pads are available at www.sdhca.org.

It is a privilege in South Dakota that a trainer can also test his or her own students. South Dakota has been granted this option by the SD Department of Health and SD Board of Nursing and we do not want to jeopardize losing this privilege. Remember to protect the integrity of the CNA Exam.

Remember to get out of “teaching mode” while testing. You are now in a “Test Observer” mode. You are evaluating the nurse aide.

Remember to take note of “b” marks and write them down as you are testing. It is your duty to observe and record accurately what you see during testing.

Test Observers should not be talking to Resident Actor during testing.

Take time to read the enclosed CNA Testing Procedure Manual for Trainers & Test Observers.

Review Equipment List.

To certify another Test Observer to conduct CNA Testing at your organization, visit www.sdhca.org/cna, then locate the Test Observer Application Forms. Download the 5 forms, complete, and submit to the SDHCA office.



REMINDERS TO RESIDENT ACTORS

The Resident Actor can not assist nurse aide during testing.

The Resident Actor is to have no impact on the test.

The Resident Actor should not be talking to Nurse Aide during testing.

The Resident Actor should not be talking to Test Observer during testing.



CONTACT INFORMATION

Contact **South Dakota Health Care Association (SDHCA)** to inquire about:

Test Location Options (view on www.sdhca.org website)

- Test Observer Application Questions
- Questions regarding registering candidates online for testing
- Sponsorship Code or Training Code change needed for previously registered candidate
- Contact email address change to receive CNA Test Results
- Qualifications For Testing
- Candidate Handbooks
- Order Training Manuals
- Certified Test Administrator/Resident Actor Concerns
- Pass/Fail Letters
- Obtaining Passwords for Pass/Fail Organization Rate Reports
- Questions about Test Notification Letter
- Name or Address Change

LuAnn Severson
www.sdhca.org
LuAnnSeverson@sdhca.org
605-339-2071 or 800-952-3052

Contact **Headmaster** to inquire about:

- Software issues during testing or software issues with registering candidates to test
- Amy Owens
800-393-8664

Contact the **South Dakota Board of Nursing** to inquire about:

- Registry Questions
- Training Program Regulations
- Approved Training Curriculums
- Qualified Training Programs
- Certification Cards
- Waiving of 75 Hour Training

Tessa Stob or Ashley Vis
<http://doh.sd.gov/boards/nursing>
Tessa.Stob@state.sd.us or Ashley.Vis@state.sd.us
605-362-2760

Contact the **South Dakota Department of Health** to inquire about:

- Time Extension Requests for Nurse Aides
- State/Federal Regulations

Diana Weiland
diana.weiland@state.sd.us
605-995-8057

Visit www.sdhca.org
for further information

ARTICLE 44:74 NURSE AIDE

Chapter	
44:74:01	Rules of General Applicability.
44:74:02	Nurse Aides

CHAPTER 44:74:01 RULES OF GENERAL APPLICABILITY

Section	
44:74:01:01	Definitions.
44:74:01:02	Scope of Article.

44:74:01:01. Definitions. Terms defined in SDCL 34-12-1.1 have the same meaning in this article. In addition, terms used in this article mean:

(1) "Abuse," an intentional act toward an individual indicating that one or more of the following has occurred:

(a) A criminal conviction against a person for mistreatment toward an individual; or

(b) In the absence of a criminal conviction, substantial evidence that one or more of the following has occurred resulting in harm, pain, fear, or mental anguish:

- (i) Misappropriation of a resident's property or funds;
- (ii) An attempt to commit a crime against a resident;
- (iii) Physical harm or injury against a resident; or
- (iv) Using profanity, making a gesture, or engaging in any other act made to or directed at a resident;

(2) "Activities of daily living," the tasks of transferring, moving about, dressing, grooming, toileting, bathing, and eating performed routinely by a person to maintain physical functioning and personal care;

(3) "Cognitively impaired," a patient or resident with a mental deficiency which result in a diminished ability to solve problems, to exercise good judgment in the context of a value system, to remember, and to be aware of and respond to a safety hazard;

(4) "Department," the South Dakota Department of Health;

(5) "Direct contact," any activity that requires physically touching a patient or resident;

(6) "Emergency care," professional health services immediately necessary to preserve life or stabilize health due to the sudden, severe, and unforeseen onset of illness or accidental bodily injury;

(7) "Endorsement," the process of formally recognizing for the purpose of employment in a licensed health care facility in South Dakota the qualifications of a person trained and evaluated in another state as a nurse aide;

(8) "Equivalency," training of another or different type that is determined by the department to be equal to department approved training;

(9) "Exploitation," the wrongful taking or exercising of control over property of a person with intent to defraud that person;

(10) "Facility," the place of business used to provide health care for patients or residents;

(11) "Healthcare worker," any paid person working in a healthcare setting;

(12) "Misappropriation of resident property," the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the resident's consent;

(13) "Mistreatment," an action that causes harm or has the potential to cause harm whether or not harm to the individual was intended. The inappropriate use of an individual's property with the individual's consent obtained through coercion, solicitation, or persuasion;

(14) "Neglect," harm to a person's health or welfare, without reasonable justification, caused by the conduct of someone responsible for the person's health or welfare, including offensive behavior made to or directed at a patient or resident, and the failure to provide timely, consistent, and safe services, treatment, or care necessary to avoid physical harm, mental anguish, or mental illness to the person;

(15) "Nurse," a registered nurse or a licensed practical nurse who holds a current license to practice in South Dakota pursuant to SDCL chapter 36-9;

(16) "Nurse aide," an individual providing nursing or nursing-related services who is not a licensed health professional, or someone who volunteers to provide such services without pay who is either:

(a) "Qualified," recognized as an individual who has successfully completed a training and competency evaluation program. May be acknowledged as a certified nurse assistant (CNA); or

(b) "Unqualified," recognized as an entry level individual enrolled in a training and competency evaluation program;

(17) "Nursing personnel," staff which includes registered nurses, licensed practical nurses, nurse aides, restorative aides, and orderlies;

(18) "Patient," a person with a valid order by a practitioner for diagnostic or treatment services in a hospital, specialized hospital, critical access hospital, swingbed, ambulatory surgery center, or chemical dependency treatment facility;

(19) "Personal care," assistance given by an adult foster care home owner in those areas of daily living when a resident has difficulty functioning because of a physical, mental, or emotional condition;

(20) "Registry," a computerized record of all nurse aides who have completed the minimum nurse aide training and competency evaluation requirements in article 44:74 to obtain registry status as a nurse aide;

(21) "Resident," a person not in need of acute care with a valid order by a practitioner for services in a nursing facility;

(22) "Restorative nursing," a part of nursing directed toward assisting a patient to achieve and maintain an optimal level of self-care and independence and which offers assistance to a patient in learning or relearning of skills needed in everyday activities;

(23) "Restraint," a physical, chemical, or mechanical device used to restrict the movement of a patient or resident or the movement or normal function of a portion of the patient's or resident's body, excluding devices used for specific medical and surgical treatment;

(24) "Supervised practical training," training in a laboratory or other setting in which the nurse aide performs health-related tasks on a patient or resident while under the direct supervision of a licensed nurse; and

(25) "Treatment," a medical aid provided for the purposes of palliating symptoms, improving functional level, or maintaining or restoring health.

Source: 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

44:74:01:02. Scope of article. Nothing in article 44:74 limits or expands the rights of any healthcare worker to provide services within the scope of the professional's license, certification, or registration, as provided by South Dakota law.

Source: 42 SDR 51, effective October 13, 2015

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-7, 34-12-13.

CHAPTER 44:74:02

NURSE AIDES

(Transferred from Chapter 44:04:18, effective October 13, 2015)

Section

44:74:02:01	Application of chapter.
44:74:02:02	Employment of qualified nurse aides required.
44:74:02:03	Exception for employment of unqualified nurse aides.
44:74:02:04	Multistate registry verification required.
44:74:02:05	Facilities required to maintain records.
44:74:02:06	Nursing facility required to pay costs of training and competency evaluation.
44:74:02:07	Approval and reapproval of nurse aide training programs.
44:74:02:08	Notice of change in approved training program.
44:74:02:09	Denial or withdrawal of approval of training program.
44:74:02:10	Qualifications of program coordinator.
44:74:02:11	Qualifications of primary instructor.
44:74:02:12	Qualifications of supplemental personnel.
44:74:02:13	Supervision of students.
44:74:02:14	Physical facilities.
44:74:02:15	Nurse aide curriculum.

44:74:02:16	Equivalency of education.
44:74:02:17	Nurse aide competency evaluation program standards.
44:74:02:18	Competency evaluation program administration standards.
44:74:02:19	Facility proctoring of examination.
44:74:02:20	Notification to individual regarding successful or unsuccessful completion of
	competency evaluation program.
44:74:02:21	Operation of nurse aide registry.
44:74:02:22	Registry status by application.
44:74:02:23	Registry status by endorsement.
44:74:02:24	Registry content.
44:74:02:25	Renewal of certification.
44:74:02:26	Grounds for revocation, denial, or suspension of nurse aide certification.
44:74:02:27	Mandatory reporting of allegations.
44:74:02:28	Investigation of allegations.
44:74:02:29	Notice and hearing process.
44:74:02:30	Documentation of substantiated allegations on registry.
44:74:02:31	Procedure to remove of a finding of neglect from registry.

44:74:02:01. Application of chapter. Facilities defined in SDCL 34-12-1.1 must comply with §§ 44:74:02:02 to 44:74:02:31, inclusive.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:01, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:02. Employment of qualified nurse aides required. Nurse aides shall meet the following minimum qualifications of training, competency evaluation, registry status, and performance:

(1) Successful completion of a training program and a competency evaluation program approved by the department pursuant to §§ 44:74:02:07 and 44:74:02:17;

(2) Verification from the department of current registry status or eligibility for inclusion on the registry;

(3) Acceptable employment performance as a nurse aide as documented by the aide's supervisor;

(4) Annual attendance at a minimum of 12 hours of in-service education related to results of performance review and of special resident needs; and

(5) Minimum age of 16 years old at time of employment.

Source: 21 SDR 118, effective January 2, 1995; 29 SDR 81, effective December 11, 2002; transferred from § 44:04:18:02, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:03. Exception for employment of unqualified nurse aides. A facility may employ for a maximum of four months an individual to provide nurse aide duties who does not meet the qualifications of § 44:74:02:02 if the individual is enrolled in a training and competency evaluation program approved by the department pursuant to §§ 44:74:02:07 and 44:74:02:17 or if the individual can prove that approved training and competency evaluation has been completed and the individual has not yet been included on the registry. The facility shall ensure that such an individual actually obtains registry status within the four-month period.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:03, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:04. Multistate registry verification required. A facility shall seek information from every state registry that the facility has reason to believe has information on the individual before allowing the individual to work as a nurse aide. A nurse aide shall apply for endorsement through the South Dakota Board of Nursing within 30 days of employment. A facility may not employ a nurse aide for more than 60 days unless the aide provides proof the endorsement has been requested.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:04, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:05. Facilities required to maintain records. A facility shall maintain employment records that verify the qualifications of the nurse aides as outlined in § 44:74:02:02.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:05, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:06. Nursing facility required to pay costs of training and competency evaluation. A nursing facility shall pay all costs of nurse aide training and competency evaluation or reimburse the nurse aide for the cost incurred in completing the program if the facility employs the aide within twelve months following completion of the training program. Reimbursement may be made during the first twelve months of employment by installments. A nursing facility is not required to pay the cost of training and competency evaluation of a training program, conducted by an online or non-nursing home based nurse aide training program, if the nurse aide leaves employment or is terminated before completing the facility's probationary period of employment. The nursing facility's probationary period for nurse aides shall be similar to other employees of the nursing home. A nursing facility shall not seek restitution for those installments already paid to the nurse aide prior to termination. The nurse aide shall not seek payment of training costs if costs have already been paid by another facility where previously employed.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:06, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:07. Approval and reapproval of nurse aide training programs. The department shall approve nurse aide training programs. To obtain approval, the entity providing the nurse aide training program shall submit to the department an application on a form provided by the department that contains information demonstrating compliance with requirements specified in this chapter. The department shall respond within 90 days after receipt of the application. The department may grant approval for a maximum of two years.

At the end of the approval period, the entity shall apply for reapproval. As part of the reapproval process, the department shall conduct an unannounced on-site visit to determine compliance with the requirements.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:07, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:08. Notice of change in approved training program. The entity offering an approved nurse aide training program shall submit to the department, within 30 days after the change, any substantive changes made to the program during the two-year approval period. The department shall notify the entity of its approval within 90 days after receipt of the information.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:08, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:09. Denial or withdrawal of approval of training program. The department may deny or withdraw approval of a nurse aide training program if one of the following conditions applies to the nursing facility within the 24 months preceding the current survey:

(1) The facility has been found to be out of compliance with the provision of care requirements in chapter 44:73:04 or the nursing service requirements in chapter 44:73:06;

(2) The facility has been issued a probationary license;

(3) The facility refuses to permit an unannounced visit by the department;

(4) The facility fails to maintain a 75 percent pass rate on the competency evaluation for the two-year approval period;

(5) There is evidence that the facility has charged the nurse aide a fee for a portion of the training or competency evaluation.

The department shall notify the entity in writing of the reason for withdrawal or denial of approval. A nurse aide currently enrolled in a program whose approval is withdrawn may complete the program with that entity.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:09, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:10. Qualifications of program coordinator. The program coordinator of a nurse aide training program shall be a registered nurse. The program coordinator is responsible for the general supervision of the program. General supervision means providing guidance for the program and maintaining ultimate responsibility for the course. The program coordinator shall have a minimum of two years of nursing experience, at least one year of which is in the provision of long-term care services. The director of nursing of a facility may serve simultaneously as the program coordinator but may not perform training while serving as the director of nursing.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:10, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:11. Qualifications of primary instructor. The primary instructor of a nurse aide training program shall be a licensed nurse. The primary instructor is the actual teacher of course material. The primary instructor shall have a minimum of two years of nursing experience, at least one year of which is in the provision of long-term care services. The primary instructor shall have completed a course of instruction in teaching adults or shall have experience in teaching adults within the past five years.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:11, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:12. Qualifications of supplemental personnel. Supplemental personnel may assist with the instruction of nurse aides. One year of experience in the individual's respective field of practice is required.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:12, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:13. Supervision of students. A student in a nurse aide training program may not perform any services unless they have been trained and found to be proficient by the instructor. Students in a training program may perform services only under the supervision of a licensed nurse.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:13, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.
Law Implemented: SDCL 34-12-29.

44:74:02:14. Physical facilities. Classrooms, conference rooms, laboratories, and equipment shall be available in the number and size to accommodate the number of nurse aides enrolled in the training program. Programs shall provide temperature control, lighting, and clean, safe conditions for instruction.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:14, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.
Law Implemented: SDCL 34-12-29.

44:74:02:15. Nurse aide curriculum. The curriculum of the nurse aide training program shall address the medical, psychosocial, physical, and environmental needs of the patients or residents served by the nursing facility. Each unit of instruction shall include behaviorally stated objectives with measurable performance criteria. The nurse aide training program shall consist of at least 75 hours of classroom and clinical instruction, including the following:

(1) Sixteen hours of training in the following areas before the nurse aide has any direct contact with a patient or resident:

- (a) Communication and interpersonal skills;
- (b) Infection control;
- (c) Safety/emergency procedures, including the Heimlich maneuver;
- (d) Promoting patients' and residents' independence;
- (e) Respecting patients' and residents' rights; and
- (f) Abuse, neglect, and misappropriation of resident property;

(2) Sixteen hours of supervised practical training, with enough instructors to ensure that nursing care is provided with effective assistance and supervision. The ratio may not be less than one instructor for each eight students in the clinical setting;

(3) Instruction in each of the following content areas:

- (a) Basic nursing skills:
 - (i) Taking and recording vital signs;
 - (ii) Measuring and recording height and weight;
 - (iii) Caring for the patients' or residents' environment;
 - (iv) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and
 - (v) Caring for patients or residents when death is imminent;
- (b) Personal care skills, including the following:
 - (i) Bathing;
 - (ii) Grooming, including mouth care;
 - (iii) Dressing;
 - (iv) Toileting;
 - (v) Assisting with eating and hydration;

- (vi) Feeding techniques;
- (vii) Skin care; and
- (viii) Transfers, positioning, and turning to include the use of mechanical lift or movement devices;

(c) Mental health and social services:

- (i) Modifying aides' behavior in response to patients' or residents' behavior;
- (ii) Awareness of developmental tasks associated with the aging process;
- (iii) How to respond to patients' or residents' behavior;
- (iv) Allowing the patient or resident to make personal choices, providing and reinforcing other behavior consistent with the patient's or resident's dignity; and
- (v) Using the patient's or resident's family as a source of emotional support;

(d) Care of cognitively impaired patients or residents, including the following:

- (i) Techniques for addressing the unique needs and behaviors of individuals with dementia;
- (ii) Communicating with cognitively impaired patients or residents;
- (iii) Understanding the behavior of cognitively impaired patients or residents;
- (iv) Appropriate responses to the behavior of cognitively impaired patients or residents; and
- (v) Methods of reducing the effects of cognitive impairments;

(e) Basic restorative nursing services, including the following:

- (i) Training the patient or resident in self-care according to the patient's or resident's abilities;
- (ii) 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 control care training; and
- (vi) Care and use of prosthetic and orthotic devices;

(f) Residents' rights, including the following:

- (i) Providing privacy and maintaining confidentiality;
- (ii) Promoting the patients' or residents' right to make personal choices to accommodate their needs;
- (iii) Giving assistance in reporting 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 patients' or residents' personal possessions;
- (vi) Promoting the patient's or resident's right to be free from abuse, mistreatment, and neglect and understanding the need to report any instances

of such treatment to appropriate facility staff;
(vii) Avoiding the need for restraints.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:15, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:16. Equivalency of education. An individual may meet the 75-hour training requirement by equivalency of education. A facility shall make a request to the department in writing for an equivalency determination, including proof of training with the request.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:16, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:17. Nurse aide competency evaluation program standards. A nurse aide competency evaluation program shall meet the following standards:

(1) The nurse aide shall be informed by the facility that a record of successful completion of the evaluation will be included in the registry;

(2) The evaluation shall consist of two elements:

(a) The competency evaluation component may be offered as either a written or oral examination. This component of the evaluation shall:

- (i) Include each curriculum requirement specified in § 44:74:02:15;
- (ii) Be developed from a pool of test questions, with no more than 20 percent of prior questions used on a succeeding examination;
- (iii) Use a system that prevents disclosure of the content of the examination; and
- (iv) If oral, be read from a prepared text in a neutral manner;

(b) The skills demonstration component shall consist of a minimum of five tasks randomly selected from a pool of tasks generally performed by nurse aides. The pool of skills shall include all of the personal care skills listed in subdivision 44:74:02:15(3)(b). The skills demonstration tasks shall be performed on a live person.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:17, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:18. Competency evaluation program administration standards. The competency evaluation may be administered by a facility. The entity that administers competency evaluations shall meet the requirements of this section and shall have the approval of the department:

(1) The written or oral examination shall be administered by an individual with previous group testing experience;

(2) The skills demonstration shall be administered by a registered nurse who has at least one year's experience in providing care for the elderly or the chronically ill and who has taken a skills demonstration rater training course;

(3) The skills demonstration shall be conducted in a facility or laboratory setting comparable to the setting in which the nurse aide functions and shall accommodate the number of nurse aides enrolled in the competency evaluation program.

Source: 21 SDR 118, effective January 2, 1995; 30 SDR 84, effective December 4, 2003; transferred from § 44:04:18:18, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:19. Facility proctoring of examination. The written, oral, or skills demonstration examination may be conducted in a facility and proctored by facility personnel if the facility obtains department approval before giving the examinations. The facility shall ensure that the examination is secure from tampering. Department approval may be withdrawn if there is evidence of tampering. Scoring of the examination shall be done by the professional testing company under contract with the department to administer the examination.

Source: 21 SDR 118, effective January 2, 1995; 30 SDR 84, effective December 4, 2003; transferred from § 44:04:18:19, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:20. Notification to individual regarding successful or unsuccessful completion of the competency evaluation program. The facility offering the examination shall advise in advance any individual who takes a competency evaluation that a record of the successful completion of the evaluation will be included in the registry. To be listed in the registry, a nurse aide shall pass the written or oral portion and the skills demonstration portion of the competency evaluation with a score of at least 75 percent. If the nurse aide does not achieve a score of 75 percent, the facility shall advise the nurse aide of the areas failed. The nurse aide may have two additional opportunities to complete evaluation successfully.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:20, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:21. Operation of nurse aide registry. The department is accountable for the operation of the nurse aide registry and may designate an entity to maintain the registry. A nurse aide is listed on the registry through application or by endorsement. The department shall provide a copy of all information contained in the registry on an individual upon request. The public may contact

the department at South Dakota Department of Health, Office of Licensure and Certification, 615 East 4th Street, Pierre, South Dakota 57501, or by calling 605-773-3356, to obtain information from the registry between the hours of 8:00 a.m. and 5:00 p.m. central time, Monday through Friday, except for state and federal holidays.

Source: 21 SDR 118, effective January 2, 1995; 26 SDR 96, effective January 23, 2000; transferred from § 44:04:18:21, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:22. Registry status by application. A nurse aide seeking registry status shall submit to the department an application, completed by the program coordinator or primary instructor, documenting successful completion of an approved training program. The entity responsible for scoring the nurse aide competency evaluation program shall submit documentation of successful completion of the written or oral examination and the skills demonstration of the competency evaluation to the department within 30 days after the administration of the evaluation.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:22, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:23. Registry status by endorsement. A nurse aide seeking registry status by endorsement from another state registry shall submit to the department the following information:

- (1) A completed application;
- (2) Written documentation indicating successful completion of another state's approved nurse aide training and competency evaluation program;
- (3) Verification of initial listing on the nurse aide registry in another state;
- (4) Verification of listing on a nurse aide registry from the state of most recent employment; and
- (5) Documentation of employment as a nurse aide within the last 24 consecutive months.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:23, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:24. Registry content. The registry contains the following information for each nurse aide who has gained registry status:

- (1) The full name of the nurse aide, including maiden name and any surnames used;
- (2) The last known home address;
- (3) The registration number;
- (4) The date the registry status expires;
- (5) The date of birth;

- (6) The most recent employment;
- (7) The date of successful completion of the examination and skills demonstration components of the competency evaluation;
- (8) The name and address of the professional testing service that scored the competency evaluations taken by the nurse aide; and
- (9) Any disciplinary proceedings against the nurse aide, including findings of abuse, neglect, or misappropriation of patient or resident property as specified in § 44:74:02:30.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:24, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:25. Renewal of certification. Certification expires two years from the date of initial registration. To renew certification, the nurse aide shall submit to the department a verification of a minimum of 12 hours of training per year as required in § 44:74:02:02(4) and a minimum of 12 hours of monetary compensation as a nurse aide during the preceding 24 months. An individual who has not performed the training and the required nursing or nursing-related services for monetary compensation during the preceding 24 consecutive months shall complete a new competency evaluation program. The department may grant an exception to § 44:74:02:25 for a nurse aide called to active military service. The nurse aide shall provide evidence of active duty, such as a copy of duty orders. The exemption for renewal ceases six months after discharge from active military service.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:25, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:26. Grounds for revocation, denial, or suspension of nurse aide certification. The department may revoke, deny, or suspend a nurse aide's certification if the department determines after a contested case hearing pursuant to SDCL chapter 1-26 that the nurse aide has violated the meaning of abuse, neglect, or misappropriation of resident property as those terms are defined in § 44:74:01:01. The department may also revoke, deny, or suspend a nurse aide's certification if the nurse aide waives his or her right to a case hearing in accordance with § 44:74:02:29. Certification may be suspended by the department during the investigation of an allegation of abuse, neglect, or misappropriation of resident property by a nurse aide following due process as outlined in § 44:74:02:29. The department may revoke, deny, or suspend a nurse aide's certification, following due process as outlined in § 44:74:02:29, if the department determines the nurse aide's certification has been revoked, suspended, or denied in another state.

Source: 21 SDR 118, effective January 2, 1995; 26 SDR 96, effective January 23, 2000; transferred from § 44:04:18:26, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:27. Mandatory reporting of allegations. A facility licensed by the department shall notify the department in writing, within 48 hours, of any alleged misconduct by a nurse aide related to abuse or neglect of an individual or to misappropriation of a patient's or resident's property.

Source: 21 SDR 118, effective January 2, 1995; transferred from § 44:04:18:27, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:28. Investigation of allegations. After an allegation of abuse, neglect, or misappropriation of resident property, the facility shall take steps to prevent further incidents of abuse, neglect, or misappropriation of resident property from occurring, investigate allegations thoroughly, and take any corrective action necessary. The facility shall report its findings to the department within five working days. The department, or another agency of state government, may conduct its own investigation in addition to the facility's investigation.

Source: 21 SDR 118, effective January 2, 1995; 26 SDR 96, effective January 23, 2000; 27 SDR 59, effective December 17, 2000; transferred from § 44:04:18:28, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:29. Notice and hearing process. The department shall follow the contested case procedure found in SDCL chapter 1-26 if a hearing is conducted:

- (1) To determine if a nurse aide has engaged in abuse, neglect, or misappropriation of resident property of an individual; or
- (2) When the department denies a petition to remove a finding of neglect from the registry.

If the department has determined abuse, neglect, or misappropriation of resident property of an individual has occurred, a notice of the right to a hearing will be sent to the nurse aide. The notice shall state the aide has 30 days from receipt of the notice to respond. The notice shall include a waiver of hearing. Failure to return the waiver or failure to request a hearing within 30 days waives the right to a hearing.

Source: 21 SDR 118, effective January 2, 1995; 26 SDR 96, effective January 23, 2000; 29 SDR 81, effective December 11, 2002; 30 SDR 84, effective December 4, 2003; transferred from § 44:04:18:29, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:30. Documentation of substantiated allegations on registry. If, after a hearing on the matter, the nurse aide is found to have committed abuse, neglect, or misappropriation of resident property of an individual, the department shall update the registry with documentation within 10 days from the date of the ruling. If a waiver of hearing is received, the department shall update the nurse aide's registry status. The documentation remains on the registry per-

manently and includes the following:

- (1) A summary of the allegation;
- (2) A summary of the department's investigative report;
- (3) The statement by the nurse aide, if one is provided;
- (4) The department's decision;
- (5) The waiver of the hearing, if any; and
- (6) A date of the hearing, findings of fact, and conclusions of law, and the outcome, if a hearing is held.

Source: 21 SDR 118, effective January 2, 1995; 26 SDR 96, effective January 23, 2000; 30 SDR 84, effective December 4, 2003; transferred from § 44:04:18:30, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

44:74:02:31. Procedure to remove of a finding of neglect from registry. A certified nurse aide may petition for a removal of a finding of neglect after one year beginning on the date on which the finding was placed on the certified nurse aide registry.

If the department determines the employment and personal history of the certified nurse aide does not reflect a pattern of abusive behavior or neglect and the neglect in the original finding was a singular occurrence, the department may remove the finding from the registry.

The department may deny the petition if the employment and personal history of the certified nurse aide reflects a pattern of abusive behavior or neglect and the neglect involved in the original finding was not a singular occurrence. The department shall follow the procedure as provided in § 44:74:02:29.

Source: 29 SDR 81, effective December 11, 2002; transferred from § 44:04:18:31, 42 SDR 51, effective October 13, 2015.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.

Notes