

## CHAPTER X

### RULES AND REGULATIONS FOR CERTIFICATION AS A NURSE AIDE

General Authority - C.R.S. 12-38-108(1) (j) and C.R.S. 12-38.1-103(3)

Specific Authority - C.R.S. 12-38-108(1) (l) (l) (A) and C.R.S. 12-38.1-103, 104, 105, 106, and 107.  
3 CCR 716-1

#### **1. STATEMENT OF BASIS AND PURPOSE**

The rules are adopted to specify procedures used in obtaining and maintaining nurse aide certification.

#### **2. DEFINITIONS**

- 2.1 "Board" is the Colorado State Board of Nursing
- 2.2 "Nurse aide training program" is a course of study which is approved by the Colorado State Board of Nursing or the appropriate authority in another state or territory of the United States which meets the requirements of the Omnibus Budget Reconciliation Act of 1987.
- 2.3 "Competency evaluation" is the evaluation instrument approved by the Board consisting of two components, the written and manual skills evaluation.
- 2.4 "Executive Officer" is the chief officer employed pursuant to C.R.S. 12-38-107. The executive officer has been delegated authority to administer examinations, issue certificates by endorsement and examination, and to renew certificates.
- 2.5 "Endorsement" is the process of obtaining certification as a nurse aide by the Board upon the Board's determination that the applicant is certified to practice as a nurse aide by another state or territory of the United States with requirements that are essentially similar to the requirements of Colorado.
- 2.6 "Criminal History Record Check" is a search of the applicant's criminal history, including arrests and conviction records.
- 2.7 "Criminal Conviction" is the finding of guilty by a court of competent jurisdiction of a felony, misdemeanor, petty offense, or criminal motor vehicle offense. For purposes of these rules, criminal conviction includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence or judgment.
- 2.8 "Verification" is the process of verifying name(s), social security number(s) and address(es) of the applicant using generally accepted independent methodology.
- 2.9 "Conviction Summary Report" is the summary of the individual's criminal convictions.
- 2.10 "Criminal History Report" is the final report to the Board of all documentation relating to a specific applicant, required pursuant to this Chapter.
- 2.11 "Aliases" is any and all names other than the name given by the applicant.

#### **3. CERTIFICATION BY EXAMINATION**

- 3.1 The Board shall review and may accept a competency evaluation for nurse aides.
- 3.2 The contract for the use of the competency evaluation shall be negotiated and approved by the executive officer or designee in the absence of the executive officer.

- 3.3 The competency evaluation shall be administered at least quarterly. Notification of any applicable administration dates, deadlines, and sites shall be sent to all active approved nurse aide training programs in the state.
- 3.4 In the event that applicant examination materials are lost or destroyed through circumstances beyond the control of the Board, the applicant will be required to retake the competency evaluation(s) in order to meet requirements for certification.
- 3.5 Applicants shall be informed in writing regarding their performance.
- 3.6 The Board shall release performance information only with written authorization from the applicant or nurse aide.
- 3.7 Verified graduates from state-approved nurse aide training programs shall be eligible to take the competency evaluation, subject to Section 3.10.
  - A. At the discretion of the training program, individuals may be allowed to show that they have equivalent training and via testing and demonstration of competency, to challenge the nurse aide training program curriculum content prior to taking the competency evaluation.
  - B. When an individual exercises the challenge option, he or she must provide evidence to the training program of having received equivalent training.
- 3.8 Practical and professional nursing education programs and psychiatric technician training programs in the U. S. and its territories shall be deemed to be approved nurse aide training programs provided the program has been approved by the appropriate agency of the state/territory in which the program is located. Individuals shall be eligible to take the competency evaluation provided the requirements of 3.10 are met and they have successfully met one of the following:
  - A. At least five semester credit hours, or their equivalent, of nursing courses which have included the content required under Chapter XI "Rules and Regulations for Approval of Nurse Aide Training Programs".
  - B. At least five semester credit hours of a psychiatric technician training program specializing in the mentally ill which have included the content required under Chapter XI "Rules and Regulations for Approval of Nurse Aide Training Programs".
  - C. The psychiatric technician training program specializing in the developmentally disabled.
- 3.9 Practical and professional nursing education programs located outside the U.S. and its territories shall be deemed to be approved nurse aide training programs and their graduates shall be eligible to take the competency evaluation provided:
  - A. Credentials of education are translated into English.
  - B. Section 3.8 B is met.
  - C. Section 3.10 is met.
- 3.10 Requirements to be completed for certification by examination:
  - A. Submission of application on current Board approved form.
  - B. Payment of application fee, if required.
  - C. Verification of educational credentials. Any individual who has an active or lapsed nursing or psychiatric technician license in good standing, need not provide transcripts.

- D. A criminal history record check completed within the previous 90 days as outlined in section 6 of this chapter.
- E. Has otherwise met state and federal requirements.

### 3.11 Competency evaluation failures

- A. The applicant must pass both components of the competency evaluation within 2 years of receipt of the certification application.
- B. If an applicant fails any component of the competency evaluation three times, he/she is not eligible to apply for nurse aide certification or take the competency evaluation at any time in the future without repeating a nurse aide training program.

## **4. CERTIFICATION BY ENDORSEMENT**

### 4.1 Nurse aides from another state or territory of the U.S. shall be eligible for certification by endorsement in Colorado providing said nurse aide has met each of the following requirements:

- A. Submission of application on current Board approved form.
- B. Payment of application fee, if required.
- C. Is listed in good standing on the nurse aide registry and is able to currently practice in another state or U.S. territory which meets all relevant federal requirements for long term care.
- D. Submission of a criminal history record check completed within the previous 90 days as outlined in section 6 of this chapter.
- E. Has otherwise met state and federal requirements.

## **5. REQUIREMENTS FOR RENEWAL AND REINSTATEMENT**

### 5.1 Certificates shall be subject to renewal as determined by the Board.

- A. The certificate is renewed when the nurse aide maintains continued certification prior to the expiration date of the certificate.
  - 1. Nurse aide certificate renewal applications postmarked after the certificate's expiration date may be assessed an additional penalty fee.
  - 2. The certificate holder's canceled check or a receipt from the Board shall be considered as proof of renewal until the renewed certificate is received.
  - 3. Separate payments are required for each renewal application.
- B. A certificate which is not renewed by the nurse aide will be subject to reinstatement requirements.

### 5.2 A nurse aide must verify that she/he has performed nursing care activities for a minimum of 8 hours for pay during the previous 24 months from the renewal or reinstatement application date.

### 5.3 The nurse aide's signature on the application verifies the 8 hours worked

### 5.4 If the nurse aide **has** performed nursing care activities described in section 5.2 above:

- A. To renew the certificate the nurse aide must submit:
  - 1. A Board approved renewal application signed by the nurse aide.
  - 2. Payment of required fee.
- B. To reinstate the certificate the nurse aide must submit:
  - 1. A Board approved reinstatement application signed by the nurse aide.
  - 2. Payment of required fee.

5.5 If the nurse aide **has not** performed nursing care activities described in section 5.2 above:

- A. To renew the certificate the nurse aide must submit:
  - 1. A Board approved renewal application.
  - 2. Payment of the required fee.
  - 3. Evidence that the nurse aide has passed the Board's competency evaluation within the past 24 months.
- B. To reinstate the certificate the nurse aide must submit:
  - 1. A Board approved reinstatement application.
  - 2. Payment of the required fee.
  - 3. Evidence that the nurse aide has passed the Board's competency evaluation within the past 24 months.
  - 4. A criminal history record check completed within the previous 90 days as outlined in section 6 of this chapter if the certificate has been expired longer than 24 months.

## **6. CRIMINAL HISTORY RECORD CHECK**

6.1 Applicants for certification by examination and endorsement and applicants for reinstatement of his/her certificate as described in section 5.5 B. of these rules shall submit a criminal history record check.

6.2 The elements required for an acceptable criminal history record check include the following:

- A. Submission to an agency performing the criminal history record check of a completed Board approved form requesting a criminal history record check.
- B. The criminal history record check requested by the applicant shall:
  - 1. Span the length of the applicant's life, depending on the availability of records.
  - 2. Verify name(s), social security number(s), and address(es) using generally accepted independent methodology.
  - 3. Search for criminal arrests and convictions in the State of Colorado, using all names and aliases.

4. Search in each state/county outside of Colorado as indicated by the data, using all names and aliases, when:
  - a. The applicant's request form indicates he/she has lived in states other than Colorado; and/or
  - b. There is conflicting information when verifying the applicant's name(s), social security number(s) and/or address(es).
5. Include a summary of the applicant's criminal conviction history as outlined in section 2.7 of this chapter.

C. The conviction summary report to the Board must include the following:

1. The name, address, and telephone number of the agency performing the check and the date of the report.
2. Name of applicant.
3. Social security number and date of birth.
4. Other names and aliases.
5. Date(s) of guilty or nolo contendere plea(s) and convictions(s).
6. Jurisdiction of conviction(s).
7. Description of offense(s).
8. Disposition(s) (i.e., plea, conviction, deferred).
9. Class and type of conviction(s) (i.e., misdemeanor, felony).
10. Sentencing information (i.e., fine, incarceration, probation).
11. Databases and/or sources of information utilized (i.e., CBI, court system, etc.).
12. A statement noting any and all discrepancies found between information supplied by the applicant and that discovered in the criminal history record check.
13. Identification and written explanation of the time period of records available if the criminal history record check does not span the length of the applicant's life and/or does not provide a history covering all times during which the applicant lived outside Colorado.

6.3 The criminal history record provided to the Board in a criminal history report shall include:

- A. Conviction Summary Report
- B. A copy of the applicant's request for criminal history record check
- C. Verification
- D. Supporting documentation to include arrest record

6.4 The criminal history report must be submitted to the Board, or designated agent, within fourteen (14) calendar days of the applicant's request for a criminal history record check.

## **7. GENERAL RULES RELATING TO CERTIFICATES**

7.1 The nurse aide is responsible to maintain his/her own documentation of skills, education and test results.

7.2 Incomplete Applications:

A. Application for certification by examination:

1. Failure to submit all requirements as outlined in section 3.11 will be considered an incomplete application.
2. The Board shall purge all documentation 1 year after the date of application.

B. Application for certification by endorsement:

1. Failure to submit all requirements as outlined in section 4 will be considered an incomplete application. The applicant has 1 year from the initial date of application to submit all the required documentation.

7.3 Name and address changes:

- A. The nurse aide shall supply legal evidence of name change by court record, marriage certificate, divorce decree or passport in order for such change to be made on Board records.
- B. Notice of change of address shall be submitted in writing to the Board by the nurse aide within 30 days of such change.
- C. Any notification by the Board to nurse aides required or permitted under the Nurse Aide Practice Act or the Colorado Administrative Procedures Act shall be addressed to the most recent address provided in writing to the Board by the nurse aide and any such mailing shall be deemed proper service on said nurse aide.

Adopted: September 14, 2005

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