

CHAPTER XVII

RULES AND REGULATIONS FOR THE COLORADO CERTIFIED NURSE AIDE REGISTRY

General Authority - C.R.S. 12-38.1-103(3)
Specific Authority - C.R.S. 12-38.1-103(3) & (4)
3 CCR 716-1

1. **ESTABLISHMENT OF CERTIFIED NURSE AIDE REGISTRY.**

1.1 The Colorado Certified Nurse Aide Registry maintains information on certified nurse aides with certification in the state of Colorado. The Certified Nurse Aide Registry records shall contain the following:

- A. Full name, including maiden name, other surnames
- B. Last known address
- C. Date of birth
- D. Date original Colorado certification was granted
- E. Status of certification, including date of expiration of current certificate
- F. Certification number
- G. Name and address of entity that administered competency evaluation
- H. Information regarding any finding of abuse, neglect, or misappropriation, including:
 - 1. documentation of state's investigation, including nature of allegation, evidence that led state to conclude allegation was valid;
 - 2. date of hearing, if any, and outcome;
 - 3. a statement by the individual disputing the allegation, if he/she chooses.
- I. Information regarding any disciplinary action against the nurse aide

2. **DEFINITIONS**

2.1 *Finding* means any final determination by the Board after considering the evidence, after a hearing, if any, and after any appeal or review time has passed.

2.2 *Abuse* means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish.

2.3 *Neglect* means failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness and to promote health and wellness.

2.4 *Misappropriation* means the deliberate misplacement, exploitation, or wrongful (temporary or permanent) use of a patient's belongings or money or facility property.

2.5 *Removal of finding* means removal of the finding relating to abuse, neglect, or misappropriation only. Other findings which may have arisen out of the same incident and information regarding the incident itself are not removed from the registry unless deemed appropriate by the Board.

2.6 *Certified nurse aide*, for the purposes of these rules, is a certified nurse aide, a nurse aide applicant, or a certified nurse aide who has been suspended or revoked by the Board.

3. **PLACEMENT OF FINDINGS OF ABUSE, NEGLIGENCE, OR MISAPPROPRIATION ON THE REGISTRY.**

3.1 In any case in which a certified nurse aide has been found by the Board of Nursing to have abused or neglected a patient or to have misappropriated patient property, such finding shall be placed in the records of the certified nurse aide registry.

- 3.2 Placement in the registry shall be accomplished within 10 days of the final finding.
- 3.3 A finding may also be based upon a conviction in a court of law for abuse, neglect, or misappropriation.
- 4. REMOVAL OF FINDINGS OF ABUSE, NEGLECT, OR MISAPPROPRIATION FROM THE REGISTRY.**
- 4.1 A finding of abuse, neglect, or misappropriation must be removed from the registry when:
- A. the finding has been determined to be in error; or
 - B. the certified nurse aide has been found not guilty of the offense in a court of law if the conviction was the basis of the placement on the registry; or
 - C. the Board is notified of the individual's death and given proof thereof.
- 4.2 A finding of neglect may be removed, upon the request of the certified nurse aide against whom the finding has been made and upon a determination of the Board of Nursing that such finding should be removed pursuant to the process outlined in this section.
- 5. TIME FOR REQUEST FOR REMOVAL**
- 5.1 A request for removal of a finding may be made at any time if:
- A. the individual has been found not guilty in a court of law if the conviction was the only basis for the finding; or
 - B. the Board is notified that the individual has died; or
 - C. the request is based upon evidence that the behavior was not a part of a pattern of abusive behavior or neglect and the neglect was a singular occurrence.
- 5.2. In cases other than those in part 5.1, removal will be considered only after:
- A. five years from the date of the final finding in cases of neglect in which harm to the patient resulted.
 - B. three years from the date of the final finding in cases of neglect where no harm occurred or verbal abuse.
- 6. INFORMATION TO BE PROVIDED BY THE CERTIFIED NURSE AIDE**
- 6.1 A request to the Board of Nursing for removal of a finding must be in writing in accordance with the procedures set forth in these rules and must be timely made pursuant to part 5 of these rules.
- 6.2 A request will include the following information about the individual:
- A. full name of the certified nurse aide, including the name under which the nurse aide is/was certified;
 - B. date of birth;
 - C. certification number;
 - D. current address.
- 6.3 A request will include the basis for seeking removal from the registry as follows:
- A. evidence that the behavior that formed the basis of the finding was not part of a pattern of abusive behavior or neglect and that it was a singular occurrence, and

- B. evidence of rehabilitation.

7. PROCEDURE BEFORE THE BOARD OF NURSING.

7.1 A request for removal of a finding will be reviewed by the Board within 90 days of receipt of the completed request. In no case, however, will a determination on a request brought under section 5.1.C be made prior to the expiration of the 1-year period beginning on the date on which the name of the certified nurse aide was added to the registry. The board shall consider whether to:

- A. deny removal; or
- B. request further information or investigation; or
- C. grant removal.

7.2 Grounds for denial of removal include:

- A. failure to comply with paragraph 5.2 regarding the waiting period for such requests;
- B. a determination that the behavior was part of a pattern of abusive behavior or was not a singular occurrence.
- C. a determination that the certified nurse aide has not provided sufficient evidence of rehabilitation.

7.3 Grounds for granting removal include:

- A.
 - 1. proof of a not guilty judgment in a court of law based on the incident which formed the basis of the finding; OR
 - 2. a determination that the incident upon which the finding was based was not part of a pattern of abusive behavior or neglect and the neglect was a singular occurrence; AND
- B.
 - 1. a determination that the evidence is sufficient to lead the board to believe that similar behavior will not be repeated; AND
 - 2. a determination that the evidence is sufficient to show that the individual has been rehabilitated.

8. EFFECT OF REMOVAL OF FINDING FROM REGISTRY.

8.1 When a finding is removed from the individual's record in the registry, information regarding the incident upon which the finding was made and other findings will not be removed unless the removal is pursuant to section 4.1 and the Board further determines that other findings or the entire incident are appropriately removed.

8.2 Upon removal of the finding, it may not be used in any way to limit the individual's certificate to practice.