

# DEPARTMENT OF REGULATORY AGENCIES

## Division of Registrations

### 3 CCR 716-1

#### CHAPTER X

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

**BASIS:** The authority for the promulgation of these rules and regulations by the State Board of Nursing ("Board") specifically in relation to sections 12-38.1-103, 104, 105, 106 and 107 C.R.S. is set forth in sections 12-38-108(1)(j) and 12-38.1-103(3) C.R.S.

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

#### 1. DEFINITIONS

- 1.1 "Board" is the State Board of Nursing.
- 1.2 "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 that meets the requirements of the Omnibus Budget Reconciliation Act of 1987.
- 1.3 "Competency evaluation" is the evaluation instrument approved by the Board consisting of both a written and a manual skills component.
- 1.4 "Executive Officer" is the chief officer employed pursuant to section 12-38-107 C.R.S. The Executive Officer has been delegated authority to administer examinations, issue certificates by endorsement and examination, and to renew certificates.
- 1.5 "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. CERTIFICATION BY EXAMINATION

- 2.1 The Board shall review and may accept a Competency evaluation for nurse aides.
- 2.2 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.
- 2.3 The Competency evaluation shall be administered at least quarterly. Notification of any applicable administration dates, deadlines, and sites shall be sent to all active Nurse aide training programs in the state.
- 2.4 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 in order to meet requirements for certification.
- 2.5 Applicants shall be informed in writing regarding the results of the Competency evaluation.

- 2.6 The Board shall release Competency evaluation results only to the applicant or the nurse aide with written authorization from the applicant or nurse aide.
- 2.7 Verified graduates from Nurse aide training programs shall be eligible to take the Competency evaluation, subject to Section 2.10 of these rules.
- A. At the discretion of the training program and prior to taking the Competency evaluation, individuals may be allowed to challenge the nurse aide training program curriculum by showing that they have equivalent training and be certified via testing and demonstration of competency.
  - B. When an individual exercises the challenge option, he or she must provide to the training program evidence of having received equivalent training.
- 2.8 Practical and professional nursing education programs and psychiatric technician training programs in the U. S. and its territories shall be deemed to be Nurse aide training programs provided the program has been approved by the appropriate agency of the state/territory in which the program is located. Students of such programs shall be eligible to take the Competency evaluation provided the requirements of section 2.10 of these rules are met and they have successfully met one of the following:
- A. At least five semester credit hours, or its equivalent, of nursing courses that include 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 that includes the content required under Chapter XI "Rules and Regulations for Approval of Nurse Aide Training Programs" or
  - C. A psychiatric technician training program specializing in the developmentally disabled.
- 2.9 Practical and professional nursing education programs located outside the U.S. and its territories shall be deemed to be Nurse aide training programs and their graduates shall be eligible to take the Competency evaluation provided:
- A. The credentials of education are translated into English.
  - B. The requirement of section 2.8 A is met; and
  - C. The requirement of section 2.10 is met.
- 2.10 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; yet any individual who has an active or expired nursing or psychiatric technician license in good standing need not provide transcripts; and
  - D. Meets all state and federal requirements for certification in Colorado.
- 2.11 Competency evaluation limitations:

- A. The applicant must have successfully completed both the written and manual skills Competency evaluation within two (2) years of the receipt of the application for certification.
- B. An applicant who fails any component of the Competency evaluation three times, must repeat a Nurse aide training program before being eligible to apply for nurse aide certification or to take the Competency evaluation at any time in the future.

### **3. CERTIFICATION BY ENDORSEMENT**

- 3.1 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 all 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 in another state or U.S. territory;
  - D. Meets all state and federal requirements for certification in Colorado.

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

- 4.1 Certificates shall be subject to renewal as set forth in section 24-34-102 C.R.S.
  - A. The certificate may be 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 and prior to the end of the grace period, may be assessed an additional penalty fee.
    - 2. The certificate holder's online renewal confirmation or a receipt from the Board shall be considered as proof of renewal until the renewed certificate is issued.
    - 3. Separate payments are required for each renewal application.
  - B. A certificate that is not renewed by the nurse aide within the renewal period including the sixty day grace period will be subject to reinstatement requirements.
- 4.2 A nurse aide must attest that she/he has received monetary compensation for performing at least eight (8) hours of nursing care activities during the twenty-four (24) months prior to the renewal or reinstatement application date.
- 4.3 The nurse aide's attestation on the renewal application shall serve as the verification of the eight (8) hours of compensated nursing care activities.
- 4.4 To reinstate a certificate that has been expired for less than two (2) years the nurse aide must submit:
  - 1. A Board approved reinstatement application signed by the nurse aide.
  - 2. Payment of the required fee.
- 4.5 To reinstate a certificate that has been expired for more than two (2) years, the applicant must re-take and pass the Competency evaluation and submit:

1. A Board approved examination application; and
2. Payment of the required fee.

4.6 If the nurse aide has not performed nursing care activities as described in section 4.2 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.

C. To reinstate a certificate that has been expired for more than two (2) years, the applicant must re-take and pass the written and manual skills Competency evaluation and submit:

1. A Board approved examination application; and
2. Payment of the required fee.

4.7 The nurse aide's attestation on the reinstatement application shall serve as the verification of the eight (8) hours of compensated nursing care activities.

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

5.1 The nurse aide is responsible for maintaining his/her own documentation of skills, education and test results.

5.2 Incomplete Applications:

A. Application for certification by examination or endorsement:

1. Failure to submit all requirements as outlined in section 2.11 will be considered an incomplete application.
2. The Board shall purge all documentation one (1) year after the receipt date of the application.

5.3 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 to the Board by the nurse aide within 30 days of such change in writing or via the Board's on-line system.
- C. Any notification by the Board to nurse aides, as required or permitted under the Nurse Aide Practice Act, sections 12-38.1-101 to -120, C.R.S. or the Colorado Administrative Procedures Act, sections 24-4-101 TO -108, C.R.S. 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 of process on said nurse aide.

Adopted            January 21, 2009  
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