

Oregon State Board of Nursing: Interpretive Statement

Employment Requirement for Certified Nursing Assistants and Certified Medication Aides

Statement of Purpose

Paid employment hours are required as a measurement of continued competence for continued certification for certified nursing assistants (CNAs) and certified medication aides (CMAs). The purpose of this statement is to articulate the types of activities and roles a CNA or CMA may use to meet the employment requirement.

Background/Significance

Wherever the CNA or CMA is employed, his/her employment must be in keeping with the statutory definition of nursing assistant (ORS 678.440 (5)). The Oregon statutory definition of nursing assistant is as follows: **ORS 678.440(5)** "As used in this section, "nursing assistant" means a person who assists licensed nursing personnel in the provision of nursing care." The CNA and the CMA's employment also has to comply with the standards found in Division 62 and 63 of the Nurse Practice Act's administrative rules (OAR 851-062-0010 through 851-062-0135 and OAR 851-063-0010 through 851-063-0110) found at www.oregon.gov/OSBN/pdfs/npa/Div62.pdf and www.oregon.gov/OSBN/pdfs/npa/Div63.pdf.

Board Statement

The Board acknowledges that the demand for client care continues to expand into a wider variety of healthcare settings, health care organizations, and settings that do not exist for the primary purpose of providing healthcare. Thus CNAs and CMAs are assisting nurses in a wide diversity of positions. These positions may be described under various titles. Whether the CNA or CMA uses the title "CNA" or "CMA" or has a job description that requires CNA or CMA certification is secondary to the actual duties performed by the individual and their position in assisting a nurse in the performance of those duties. It is not the setting or the job title that makes a role a CNA or CMA position.

The Board Asserts the Following:

1. A CNA or CMA does not function independently of the licensed nurse.
2. CNAs are required to have at least 400 hours of paid employment as a CNA within the CNA or CMA authorized duties, under the supervision or monitoring by a nurse, in the two years immediately preceding the certificate expiration date. See OAR 851-062-0070(3)(c) for rule reference to employment hours at www.oregon.gov/OSBN/pdfs/npa/Div62.pdf.
3. CMAs are required to have at least 400 hours of paid employment performing authorized medication aide duties, under the supervision or monitoring by a nurse, in the 24 months immediately prior to expiration of the certificate expiration date. See OAR 851-062-0110(1)(b) for rule reference to employment hours at www.oregon.gov/OSBN/pdfs/npa/Div62.pdf.
4. Supervision means the licensed nurse is physically present and accessible in the immediate client care area, is available to intervene if necessary, and periodically observes and evaluates the skills and abilities of the CNA or CMA in the performance of the authorized duties.
5. Monitoring means that the Registered Nurse (RN) assesses and plans for care of the client, assigns duties to the CNA or CMA according to the nursing care plan, and evaluates client outcomes as an indicator of the CNA or CMA's competency. The RN retains oversight responsibility for the CNA or CMA.
6. Employment hours have to be accomplished in a paid role.
7. Employment hours are based on the appropriate authorized duties for the certification.
8. Hours worked as a CNA 2 or CMA count towards the renewal of CNA 1 certification.
9. Hours worked as a CNA 1 do not count for the renewal of CMA certification.
10. The burden of proof that activities meet the employment requirement remains with the applicant for renewal of certification or applicant for certification by endorsement.
11. The Board may validate employment hours through a random audit process.

Oregon State Board of Nursing: Interpretive Statement

12. The Board will consider the following elements and ask the following questions when evaluating compliance with the employment requirement:
- Is the CNA or CMA assisting a nurse in accordance with the statutory definition of nursing assistant?
 - Are the tasks performed consistent with the authorized duties of the administrative rules found in Division 63 of the Nurse Practice Act?

Documentation

The Board expects the CNA or CMA to maintain appropriate documentation to support the paid employment.

For any employment hours reported at the time of certification renewal, the Board presumes the CNA or CMA will document both the number of hours and the tasks performed in the role of CNA or CMA. Documentation is retained by the certificate holder for the purposes of auditing. The documentation of employment hours may be accomplished in a variety of ways. Some examples follow:

- Written tracking of dates and hours providing care
- Employment contracts with specified dates/hours
- Pay stubs
- Schedules showing assigned work hours for a specific person

Documentation of the work performed, while functioning in the role of a CNA or CMA, is also an expectation. Documentation of this work might need to be accessed during the audit process. This documentation may be provided through one or more of the following:

- Listing of duties associated with a position held
- Summary of job activities
- Position Descriptions

Connection to nurse oversight should also be documented. Examples of this type of documentation may include:

- Documents reflecting care planning by licensed nurses with duties assigned to CNA
- Position Descriptions
- Agency Policies

Volunteer Work

Volunteer work, regardless where it occurs, does not meet the employment requirement for CNA or CMA certification renewal.

Continuing Education

Continuing education does not substitute for employment hours.

Dual Roles

An enrolled nursing student may renew their CNA certification without documentation of paid employment. A former nursing student may use clinical practice hours in the nursing program within the immediate two years prior to certification renewal as part or all of the required 400 hours for CNA or CMA renewal.

A CNA or CMA may also hold a current nursing license. A currently licensed RN or LPN may use their RN or LPN practice hours within the last two years as part or all of the required 400 hours of paid employment for their CNA or CMA renewal.

Oregon State Board of Nursing: Interpretive Statement

Preparing for Certification Renewal

It is the responsibility of the CNA or CMA to take appropriate steps to prepare for certification renewal and complete the required employment hours before the certification expiration date. The required 400 hours is roughly equivalent to three months full-time employment. It is the CNA or CMA's responsibility to make sure that the work setting and nurse oversight meets the requirements for their work hours to count for their renewal.

Frequently Asked Questions

- 1. Q: What happens if the CNA or CMA does not meet the employment requirement?**
A: The CNA or CMA who cannot meet all of the employment hours for renewal may renew certification upon successfully passing the state competency examination. A CNA or CMA has three attempts within two years of the certification expiration date to pass the competency examination. If the CNA or CMA fails to pass the competency examination in three attempts or within two years of the expiration date on the certification, he/she may become certified by completing a Board-approved training program and then passing the competency examination. These rules may be found at www.oregon.gov/OSBN/pdfs/npa/Div62.pdf.
- 2. Q: How does the Board enforce this requirement?:**
A: When a CNA or CMA applies for certification renewal, the application is evaluated to ensure that all certification standards are met. One of those standards is completion of employment hours. The application of the individual CNA or CMA is evaluated by the Board's staff. If the CNA or CMA does not meet the standard set for employment hours, he/she is referred to one of the options mentioned in question 1 above or the Board may seek additional documentation to reflect meeting the employment hour requirement.
- 3. Q: What if a CNA or CMA does not agree with this evaluation of employment hours?**
A: The complete file will be investigated. The licensee has contested case rights as outlined in ORS chapter 183 related to Board actions taken against a license.
- 4. Q: I am a CNA in Oregon and have been taking care of my sick parent. Does this count towards paid employment for the purpose of renewing my CNA?**
A: If the parent qualifies for Medicaid and the state is paying the CNA under a program like Client-Employed Provider Program (CEP), it may count if there is nurse oversight. However, if the CNA is just doing what they would do as a child of that client and is not getting routine reimbursement from the client or state, it probably will not count.
- 5. Q: I have a current CNA in Oregon and I work as a rehabilitation aide in a skilled nursing facility. Can I count these hours towards my CNA renewal?**
A: No, a rehabilitation aide is under the direction and supervision of the therapist. However, if the CNA is working as a restorative aide in a skilled nursing facility under the supervision and direction of the licensed nurse, they would be able to count the hours towards their CNA renewal.
- 6. Q: I am a CNA in Oregon and I work for a foster home owned and operated by an RN. Can I count these employment hours towards the renewal of my CNA?**
A: Yes, if the RN assesses and plans for the care of the client(s), assigns the CNA duties in accordance with care plan, and evaluates client outcomes as an indicator of the CNA's competency. In this scenario, the RN retains the oversight responsibility.

Oregon State Board of Nursing: Interpretive Statement

7. **Q: I am a CNA in Oregon and I own a foster home. Can I count the hours that I spend in the caregiving role towards the renewal of my CNA?**

A: An owner of a foster care home who is a CNA cannot count their hours spent in the caregiving role in the foster home towards renewing their CNA. This is true even if they hire an RN or have a hospice/home health nurse seeing the client. In this situation, the CNA, as an owner of the foster home is not subordinate to the RN; therefore the hours cannot be used toward renewal.

References: Oregon Nurse Practice Act, Divisions 62 and 63

Authority for Approval: ORS 678.442 and 678.445

History of Document: Adopted April 19, 2012

Revised: October 28, 2015

The Oregon State Board of Nursing (OSBN) is authorized by Oregon Revised Statutes Chapter 678 to exercise general supervision over the practice of nursing in Oregon to include regulation of nursing licensure, education, and practice in order to assure that the citizens of Oregon receive safe and effective care. The OSBN further interprets statute and rule and issues opinions in the form of Policy and Interpretive Statements. These policies and interpretive statements are advisory in nature and issued as guidelines for safe nursing practice.