

TO: ALL INTERESTED PARTIES

FROM: HOLLY MERCER
EXECUTIVE DIRECTOR

DATE: October 22, 2009

**SUBJECT: ADMINISTRATIVE RULEMAKING HEARING REGARDING THE
ADOPTION OF AMENDMENTS TO ADMINISTRATIVE RULES OAR
851-061-0090 (RULES TO CHANGE CLASSROOM AND LAB
INSTRUCTOR TO STUDENT RATIOS FOR NURSING ASSISTANTS).**

On Thursday, November 19, 2009 at 9:00 a.m., the Oregon State Board of Nursing will hold a hearing regarding adoption of amendments to administrative rules OAR 851-061-0090 (rules to change classroom and lab instructor to student ratios for nursing assistants). This hearing will be held in the conference room of the Oregon State Board of Nursing, 17938 S.W. Upper Boones Ferry Road, Portland, Oregon.

Attached is a copy of the Notice of Proposed Rulemaking for this hearing. The Board is authorized by ORS 678.440 and 678.444 to establish and amend such rules.

If you are unable to attend the hearing, you may submit your comments to me in writing by November 17, 2009 and I will see that they are incorporated into the testimony received at the hearing and considered by the Board at their November 19, 2009 meeting.

The Board looks forward to receiving your input.

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Board of Nursing
Agency and Division

KC Cotton 17938 S.W. Upper Boones Ferry Road, Portland, OR 97224
Rules Coordinator Address

851
Administrative Rules Chapter Number

(971) 673-0638
Telephone

RULE CAPTION

Rules Change Classroom and Lab Instructor to Student Ratios for Nursing Assistants.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

November 19, 2009	9:00 a.m.	17938 S.W. Upper Boones Ferry Road	James McDonald
Hearing Date	Time	Portland, Oregon 97224	Board President
		Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT:

AMEND: OAR 851-061-0090

REPEAL:

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 678.440, 678.444
Stat. Auth.

Other Authority

ORS 678.440, 678.444
Stats. Implemented

RULE SUMMARY

These rules cover the standards for training programs for Nursing Assistants and Medication Aides. This rule amendment would change classroom and lab instructor to student ratios for Nursing Assistant and Medication Aide training.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

November 17, 2009 -- 5:00 p.m.

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

KC Cotton

Printed name

Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2005

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon State Board of Nursing
Agency and Division

851
Administrative Rules Chapter Number

In the Matter of: OAR 851-061-0090

Rules Change Classroom and Lab Instructor to Student Ratios for Nursing Assistants.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: ORS 678.440, 678.444

Other Authority:

Stats. Implemented: ORS 678.440, 678.444

Need for the Rule(s): This rule change increases the number of nursing assistant students that can be taught at one time in the classroom setting and establishes instructor to student ratios for the lab setting for nursing assistant and medication aide training.

Documents Relied Upon, and where they are available:

- Division 61, Nurse Practice Act

Fiscal and Economic Impact, including Statement of Cost of Compliance:

Additional instructor time will be required for every ten students in the lab, however, more students will be able to be taught at one time in the classroom.

How were small businesses involved in the development of this rule?

Some stakeholders that provided input were from small businesses.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?:

Authorized Signer _____ KC Cotton _____
Printed name Date

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Bolded and underlined material is proposed to be added.
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To submit comments concerning these draft rules, e-mail comments to: Debra Buck, NA Program Consultant, at debra.buck@state.or.us

DIVISION 61

Standards for Training Programs for Nursing Assistants and Medication Aides

Standards for Program Approval: Curriculum 851-061-0090

- (1) Board-approved curriculum shall be used in approved nursing assistant level 1 and medication aide training programs.
- (2) A nursing assistant level 1 training program shall consist of:
 - (a) At least 150 hours of instruction divided into 75 hours of classroom instruction and 75 hours of supervised clinical experience;
 - (b) At least 24 hours of supervised classroom/laboratory instruction with return student demonstrations of learned skills to determine comprehension and competency, in addition to facility orientation, preceding the students' care of clients; and
 - (c) At least 75 hours of supervised clinical experience in a hospital, licensed nursing, residential, or assisted living facility that has a registered nurse on duty during all scheduled student clinical hours and is in substantial compliance with all standards of licensure.
- (3) An on-line nursing assistant level 1 training program shall consist of:
 - (a) At least the equivalent of 51 hours according to the nationally recognized standard of content to credit ratio;
 - (b) At least 24 hours of supervised laboratory instruction provided no later than two weeks after the successful completion of the on-line portion of the curriculum. The laboratory portion of the program shall include return student demonstration of learned skills to determine comprehension and competency, in addition to facility orientation, preceding the students' care of clients;
 - (c) At least 75 hours of supervised clinical experience in a hospital, licensed nursing, residential, or assisted living facility that has a registered nurse on duty during all scheduled student clinical hours and is in substantial compliance with all standards of licensure;
 - (d) Ongoing technical support service(s) to sustain the electronically offered program including provisions for staffing, reliability, privacy, and security; and
 - (e) Ongoing technical support service(s) for students on each required educational technology hardware, software, and delivery system.
- (4) A nursing assistant level 2 training program will have Board approved:
 - (a) Standardized category curriculum that may vary in training hours from other Board approved standardized category curricula; and
 - (b) Competency evaluation.
- (5) Medication aide training program classroom and clinical instruction hours:
 - (a) A medication aide training program shall consist of at least 80 hours of instruction divided into at least 24 hours of classroom instruction and at least 24 hours of 1:1 supervised clinical experience.

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- (b) All clinical hours shall be completed at one site (licensed nursing facility, hospital, assisted living facility, or residential care facility).
- (c) All required clinical hours shall be in medication administration related activities.
- (6) Admission requirements for medication aide training programs shall be:
 - (a) Current, unencumbered CNA 1 status on the Oregon CNA Registry maintained by the Board;
 - (b) Documentation of graduation from an approved basic nursing assistant level 1 training program at least six months prior to enrollment in the medication aide training program; and
 - (c) Documentation of at least six months full time experience as a nursing assistant level 1 or the equivalent in part time experience since graduation from a basic nursing assistant training program.
- (7) Classroom and clinical faculty/student ratios for nursing assistant level 1, level 2, and medication aide training programs:
 - (a) Classroom:
 - (A) The ratio of students per instructor **in the classroom** shall be such that each trainee is provided with registered nurse assistance and supervision and be no more than ~~[20]~~ **30** students per instructor ~~[for classroom]~~ for **nursing assistant level 1 training programs.** ~~[and]~~ **20 students per instructor for** medication aide training programs, and ~~[no more than]~~ 32 students per instructor for ~~[the classroom in the]~~ **CNA** level 2 training programs.
 - (B) The amount of students assigned per instructor with self-directed, on-line instruction shall be such that each trainee is provided with consultation and additional clarification by a Board approved instructor within 72 hours of a trainee's inquiry.
 - (C) The ratio of students per instructor with instructor-directed, on-line instruction shall be such that each trainee is provided with consultation and additional clarification by a Board approved instructor within 72 hours of a trainee's inquiry, and the class size shall be no more than 20 students per instructor per on-line classroom.
 - (b) Lab:

The ratio of students per instructor in a nursing assistant **level 1, level 2, and medication aide** training programs shall be no more than 10 students per instructor at all times during the lab experience.
 - (c) Clinical:
 - (A) The ratio of students per instructor in a nursing assistant level 1 training program shall be no more than 10 students per instructor at all times during the clinical experience.
 - (B) The ratio of students per instructor in a nursing assistant level 2 training program shall be no more than 8 students per instructor at all times during the clinical experience.
 - (C) The ratio of students per instructor in a medication aide training program shall begin with a ratio of one clinical preceptor to one medication aide student during the first 24 hours of the clinical experience. Less intensive supervision (either more students per preceptor or less direct supervision by preceptor) may occur **after the first 24 hours**, with satisfactory evaluation and approval of the clinical preceptor and primary instructor.
- (8) Clinical experience and demonstration of competency for nursing assistant level 1 and medication aide training programs:
 - (a) A clinical schedule shall be prepared for all students prior to the beginning of the clinical experience, and provided to the clinical facility director of nursing, the

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clinical instructor/preceptor, and the student.

- (b) Student practice and demonstration of competency for nursing assistant level 1 and medication aide training programs:
 - (A) Students may provide direct client care within their authorized duties under the supervision of an approved instructor.
 - (B) Students shall be identified as students at all times while in the clinical area.
 - (C) Students must not be counted as staff or utilized as staff during the hours that are scheduled for clinical experience.
 - (D) Students may be on a unit, floor or wing of a facility only under direct supervision of a qualified instructor.
 - (E) Students shall not be on a unit, floor, or wing without a CNA or licensed nurse.
 - (F) Students shall provide care only to the level they have been taught and determined competent by the approved clinical instructor.
- (c) In addition, for medication aide training programs, the clinical experience shall consist of a minimum of 10 medication passes to a minimum of five residents/patients during the first 20 hours of supervised clinical experience;
- (9) Program completion:
 - (a) Completion of a nursing assistant level 1 or medication aide training means that:
 - (A) The student has successfully completed 100% of the required classroom and clinical hours and content in the curriculum;
 - (B) The student has successfully demonstrated the required skills on the laboratory and clinical skills checklist;
 - (C) The student has achieved a score of 75% or higher on the program's final examination;
 - (D) The student has successfully completed the clinical portion of the program no later than four months following the last date of classroom instruction or within four months after the successful completion of the on-line portion of the program; and
 - (E) In addition, for nursing assistant level 1 training programs, the student has successfully completed current, adult CPR certification in accordance with Board-approved curriculum.
 - (b) Completion of a nursing assistant level 2 training means that:
 - (A) The student has successfully completed 100% of the required classroom and clinical hours and content in the curriculum; and
 - (B) The student has successfully completed the competency evaluation.

Stat. Auth: ORS 678.440, 678.444

Stats. Implemented: ORS 678.444