

**TO:** ALL INTERESTED PARTIES

**FROM:** HOLLY MERCER  
EXECUTIVE DIRECTOR

**DATE:** October 22, 2009

**SUBJECT: ADMINISTRATIVE RULEMAKING HEARING REGARDING THE  
ADOPTION OF ADMINISTRATIVE RULES OAR 851-063-0030 and 851-  
063-0035 (RULES THAT MAKE CHANGES IN AUTHORIZED DUTIES  
FOR CNA 1S AND CNA 2S).**

**On Thursday, November 19, 2009 at 9:00 a.m.**, the Oregon State Board of Nursing will hold a hearing regarding the adoption of amendments to administrative rules OAR 851-063-0030 and 851-063-0035 (rules that make changes in authorized duties for CNA 1s and CNA 2s). 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 678.442 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  
**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 851-063-0030 and 0035

Changes Made in Authorized Duties for CNA 1s and CNA 2s.

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

**Statutory Authority:** ORS 678.440, 442

**Other Authority:**

**Stats. Implemented:** ORS 678.440, 442, 444

**Need for the Rule(s):** Stakeholder meetings were held on January 12, February 23, March 24, May 1, July 8 and August 11, 2009, to review nursing assistant level one and the CNA 2 training program curriculums. These revisions are necessary to coordinate the language between the curriculums and the authorized duties.

**Documents Relied Upon, and where they are available:**

- ◆ Division 63, Nurse Practice Act

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

There is no anticipated fiscal or economic impact through this action.

**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](mailto:debra.buck@state.or.us)**

## **DIVISION 63**

# **Standards and Authorized Duties for Certified Nursing Assistants and Certified Medication Aides**

### **Authorized Duties and Standards for Certified Nursing Assistants 851-063-0030**

- (1) Under the supervision of a licensed nurse, the CNA may only provide care and assist clients with the following tasks related to the activities of daily living:
  - (a) Tasks associated with personal care:
    - (A) Bathing;
    - (B) Dressing;
    - (C) Grooming;
    - (D) Shaving;
    - (E) Shampooing and caring for hair;
    - (F) Providing and assisting with oral hygiene and denture care;
    - (G) Caring for the skin;
    - (H) Caring for the nails;
    - (I) Providing peri care;
    - (J) Bedmaking and handling linen; ~~[and]~~
    - (K) Maintaining environmental cleanliness~~[-]~~;
    - (L) Applying non-prescription pediculicides;**
    - (M) Applying topical, non-prescription barrier creams and ointments for prophylactic skin care; and**
    - (N) Turning oxygen on and off or transferring between wall and tank at pre-established flow rate for stable clients.**
  - (b) Tasks associated with maintaining mobility:
    - (A) Ambulating;
    - (B) Transferring;
    - (C) Transporting;
    - (D) Positioning;
    - (E) Turning;
    - (F) Lifting;
    - (G) Elevating extremities;
    - (H) Performing range of motion exercises; and
    - (I) Maintaining alignment.
  - (c) Tasks associated with nutrition and hydration:
    - (A) Feeding and assisting client with eating; and
    - (B) Assisting client with drinking.
  - (d) Tasks associated with elimination:
    - (A) Toileting;
    - (B) Assisting with use of bed pan and urinal;
    - (C) Providing catheter care, including the application of and removal of external urinary catheters;

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- (D) Administering enemas;
- (E) Collecting specimens: **sputum, stool, and urine including clean catch urine specimens;**
- (F) **Cleaning ostomy site on established, healthy ostomy and** [E]emptying ostomy bags or changing ostomy bags which do not adhere to the skin; and
- (G) Inserting bowel evacuation suppositories available without a prescription.
- (e) Tasks associated with use of assistive devices:
  - (A) Caring for dentures, eyeglasses and hearing aids;
  - (B) Caring for, applying and removing:
    - (i) Antiembolus stockings;
    - (ii) Prosthetic devices;
    - (iii) Orthotic devices; and
    - (iv) Braces.
  - (C) Assisting with wheelchairs, walkers, or crutches;
  - (D) Using footboards;
  - (E) Assisting with and encouraging the use of self-help devices for eating, grooming and other personal care tasks; and
  - (F) Utilizing and assisting clients with devices for transferring, ambulation, and alignment.
- (f) Tasks associated with maintaining environment and client safety.
- (g) Tasks associated with data gathering, recording and reporting:
  - (A) Measuring temperature, pulse, respiration and blood pressure **(manual and electronic-upper arm only and orthostatic blood pressure readings);**
  - (B) Measuring height and weight;
  - (C) Measuring and recording oral intake;
  - (D) Measuring and recording urinary output, both voided and from urinary drainage systems;
  - (E) Measuring and recording emesis;
  - (F) Measuring and recording liquid stool;
  - (G) Measuring and recording pulse oximetry; and
  - (H) Collect responses to pain using a facility approved pain scale.
- (2) The CNA may, as an unlicensed person, provide care as delegated or assigned by a nurse pursuant to the terms and conditions in OAR 851-047-0000 through OAR 851-047-0040.
- (3) ORS 678.440(4) defines the term "nursing assistant" as a person who assists licensed nursing personnel in the provision of nursing care. Consistent with that definition, a CNA must either:
  - (a) Be regularly supervised by a licensed nurse; or
  - (b) Work in a community-based care setting or other setting where there is no regularly scheduled presence of a licensed nurse provided there is periodic supervision and evaluation of clients under the provisions of OAR 851-047-0000 through OAR 851-047-0040.
- (4) Under no circumstance shall a CNA work independently without supervision or monitoring by a licensed nurse who provides assessment of clients as described in OAR 851-063-0030(3)(a)(b).
- (5) A CNA may accept verbal or telephone orders for medication from a licensed health care professional who is authorized to independently diagnose and treat only when working in the following settings under the specified administrative rule:
  - (a) When working in Adult Foster Homes, as permitted under OAR 411-050-0447(4)(b);
  - (b) When working in Residential Care Facilities, as permitted under OAR 411-055-0210(f)(D); and

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- (c) When working in Assisted Living Facilities, as permitted under OAR 411-056-0015(4).
- (6) Standards of Care for Certified Nursing Assistants. In the process of client care the CNA shall consistently:
- (a) Apply standard precautions according to the Centers for Disease Control and Prevention guidelines;
  - (b) Use hand hygiene between episodes of care;
  - (c) Use appropriate body mechanics to prevent injury to self and client;
  - (d) Follow the care plan as directed by the licensed nurse;
  - (e) Use appropriate communication with client, client's family and friends, and coworkers;
  - (f) Use alternatives to physical restraints, or apply physical restraints as directed by the licensed nurse;
  - (g) Determine absence of pulse and/or respiration, and initiate an emergency response;
  - (h) Report to the licensed nurse any recognized abnormality in client's signs and symptoms;
  - (i) Record observations and measurements, tasks completed, and client statements about condition or care;
  - (j) Apply safety concepts in the workplace;
  - (k) Report signs of abuse, neglect, mistreatment, misappropriation or exploitation;
  - (l) Demonstrate respect for rights and property of clients and coworkers; and
  - (m) Maintain client confidentiality.

Stat. Auth: ORS 678.440, ORS 678.442, 678.444

Stats. Implemented: ORS 678.440, ORS 678.442, 678.444

## Authorized Duties and Standards for CNA 2 Categories of Care 851-063-0035

- (1) Under the supervision of a licensed nurse, the CNA 2- Restorative Care may only provide care and assist clients with the following:
- (a) Tasks associated with performing and reinforcing functional steps of activities of daily living:
    - (A) Use adaptive, assistive and therapeutic equipment;
    - (B) ~~[Clean, change appliances/devices and dressings for established, non-acute ostomies]~~ **Change dressing or ostomy appliance/bag which adheres to the skin; and**
    - ~~[(C) Apply non-prescription topical creams and ointments for prophylactic treatment for skin condition; and]~~
    - ~~[(D)]~~ **(C) Discontinue indwelling catheters.**
  - (b) Tasks associated with relieving pain:
    - (A) Assist with complementary therapies (aromatherapy, art therapy, effleurage, light therapy, and music therapy) as ordered by a licensed nurse;
    - (B) Apply warm and cold compresses;
    - (C) Apply ice bag, ice collar, ice glove, or dry cold pack; and
    - (D) Use of heated soaks, sitz and whirlpool baths.
  - (c) Tasks associated with dysphagia:
    - (A) Add fluid to established gastrostomy or jejunostomy tube feedings and change established tube-feeding bags.
  - (d) Tasks associated with mobility:
    - (A) Provide range of motion on clients with complex medical problems;

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- (B) Use advanced transfer techniques;
- (C) Recognize ability and degree in which a client can ambulate and when functional loss has occurred;
- (D) Apply therapeutic positioning; and
- (E) Use adaptive, assistive, and therapeutic equipment.
- (e) Tasks associated with conditions that affect functional ability:
  - ~~[(A) Turn oxygen on and off at predetermined, established flow rate;]~~
  - ~~[(B)]~~ **(A)** Change simple, nonsterile dressings using aseptic technique when no wound debridement or packing is involved;
  - ~~[(C)]~~ **(B)** Perform clean intermittent straight urinary catheterization for chronic conditions;
  - ~~[(D) Collect clean-catch urine specimen;]~~
  - ~~[(E)]~~ **(C)** Empty, measure, and record output from other drainage devices;
  - ~~[(F)]~~ **(D)** Perform urine specimen tests;
  - ~~[(G)]~~ **(E)** Perform hemocult test for occult blood;
  - ~~[(H)]~~ **(F)** Obtain capillary blood glucose (CBGs);
  - ~~[(I)]~~ **(G)** Assist with incentive spirometer; **and**
  - ~~[(J)]~~ **(H)** Suction oral pharynx ~~[; and]~~.
  - ~~[(K) Apply pediculicides.]~~
- (f) Tasks associated with communication and documentation.
- (2) Under the supervision of a licensed nurse, the CNA 2- Acute Care may only provide care and assist clients with the following:
  - (a) Tasks associated with responsive observations:
    - (A) Vital signs:
      - (i) Pulse- electronic; and
      - (ii) Blood pressure- manual and electronic on upper arm, thigh, and lower leg ~~[, including orthostatic blood pressure readings].~~
    - (B) Warm and cold therapies.
  - (b) Tasks associated with technical skills:
    - (A) Add fluid to established post pyloric, jejunostomy and gastrostomy tube feedings and change established tube feeding bags;
    - (B) Apply sequential compression devices;
    - (C) Assist patients in and out of Continuous Passive Motion machines;
    - (D) Bladder scanning;
    - (E) Capillary blood glucose (CBG) testing;
    - (F) Interrupt and re-establish nasogastric (NG) suction;
    - (G) Newborn hearing screening;
    - (H) Placing electrodes/leads and running electrocardiogram (EKG);
    - (I) Placing electrodes/leads for telemetry;
    - (J) Remove cast in non-emergent situations;
    - (K) Set up traction equipment;
    - (L) Suction oral pharynx;
    - (M) Testing gastric contents for occult blood or pH;
    - (N) Testing stool for occult blood;
    - (O) Urine dip stick testing; and
    - (P) Reinforce use of an incentive spirometer.
  - (c) Tasks associated with interpersonal skills and communication.
  - (d) Tasks associated with safety.
  - (e) Tasks associated with infection control:
    - (A) Change dressing or ostomy appliance/bag which adheres to the skin;
    - (B) Discontinue foley catheter;

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- (C) Measure, record and/or empty output from drainage devices and closed drainage systems;
- (D) Obtain rectal swab;
- (E) Obtain sterile urine specimen from port of catheter; and
- (F) Perform clean intermittent straight catheterization for chronic conditions.
- (f) Tasks associated with documentation.
- (3) Under the supervision of a licensed nurse, the CNA 2- Dementia Care may only provide care and assist clients with the following:
  - (a) Tasks associated with person-directed care;
    - (A) Adjust care to meet individual preferences and unique needs; and
    - (B) Gather information on specific strengths, abilities, and preferences of a person with dementia.
  - (b) Tasks associated with responsive observation;
    - (A) Identify findings, patterns, habits, and behaviors that deviate from usual in a person with dementia;
    - (B) Recognize changes in persons with dementia that should be reported to the licensed nurse;
    - (C) Observe person's response to medications and notify licensed nurse when necessary;
    - (D) Observe and collect response to pain for the person with dementia; and
    - (E) Provide input to licensed nurse on person with dementia's response to interventions for problems and care plan approaches.
  - (c) Tasks associated with interpersonal skills/communication;
    - (A) Utilize de-escalation strategies;
    - (B) Protect person with dementia and self in a crisis situation; and
    - (C) Use communication techniques to enhance the quality of life for a person with dementia.
  - (d) Tasks associated with activities of daily living (ADL);
    - (A) Utilize techniques to encourage self care for the person with dementia; and
    - (B) Coordinate ADL approaches with the person with dementia's own patterns/habits.
  - (e) Tasks associated with activities;
    - (A) Make meaningful moments for the person with dementia; and
    - (B) Support individual preferences and habits.
  - (f) Tasks associated with safety;
    - (A) Identify safety risks for a person with dementia; and
    - (B) Apply preventive/supportive/protective strategies or devices when working with a person with dementia.
  - (g) Tasks associated with environment including contributing to a safe, calm, stable, home-like environment for a person with dementia.
  - (h) Tasks associated with technical skills;
    - (A) Data gathering skills:
      - ~~[(i) — Collect clean catch urine specimen;]~~
      - ~~[(ii)]~~ **(i)** Perform tests on urine specimens;
      - ~~[(iii)]~~ **(ii)** Empty, measure, and record output from drainage devices;
      - ~~[(iv)]~~ **(iii)** Perform hemocult test for occult blood;
      - ~~[(v)]~~ **(iv)** Perform capillary blood glucose (CBGs); and
      - ~~[(vi)]~~ **(v)** Bladder scanning.
    - (B) Designated tasks:
      - ~~[(i) — Apply pediculicides;]~~
      - ~~[(ii) — Turn oxygen on and off at predetermined, established flow rate;]~~

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- ~~[(iii)]~~ **(i)** Change simple, nonsterile dressings using aseptic technique when no wound debridement or packing is involved;
- ~~[(iv)]~~ **(ii)** ~~[Clean ostomy sites and change dressings or appliances for established, non-acute ostomies]~~ **Change dressing or ostomy appliance/bag which adheres to the skin;**
- ~~[(v)]~~ ~~Apply topical over-the-counter creams and ointments for prophylactic treatment of skin conditions;~~
- ~~[(vi)]~~ **(iii)** Discontinue foley catheters;
- ~~[(vii)]~~ **(iv)** Perform clean intermittent straight urinary catheterization for chronic conditions;
- ~~[(viii)]~~ **(v)** Insert over-the-counter vaginal suppositories and vaginal creams;
- ~~[(ix)]~~ **(vi)** Assist with incentive spirometer;
- ~~[(x)]~~ **(vii)** Suction oral pharynx;
- ~~[(xi)]~~ **(viii)** Interrupt and re-establish suction (with the exception of chest tubes); and
- ~~[(xii)]~~ **(ix)** Add fluid to established jejunostomy and gastrostomy tube feedings and change established tube feeding bags.

- (i) Tasks associated with end of life care;
  - (A) Recognize symptoms for a person reaching the end-of-life; and
  - (B) Provide compassionate end-of-life care.
- (j) Tasks associated with documentation; and
- (k) Tasks associated with caregiver self care.
- (4) Standards of Care for CNA 2. In the process of client care the CNA 2 shall consistently apply standards set for CNA 1s and:
  - (a) Establish competency as a CNA 2;
  - (b) Maintain competency as a CNA 2;
  - (c) Perform within authorized duties of each CNA 2 category in which the CNA has established competency.

Stat. Auth.: ORS 678.440, 678.442

Stats. Implemented: ORS 678.440, 678.442