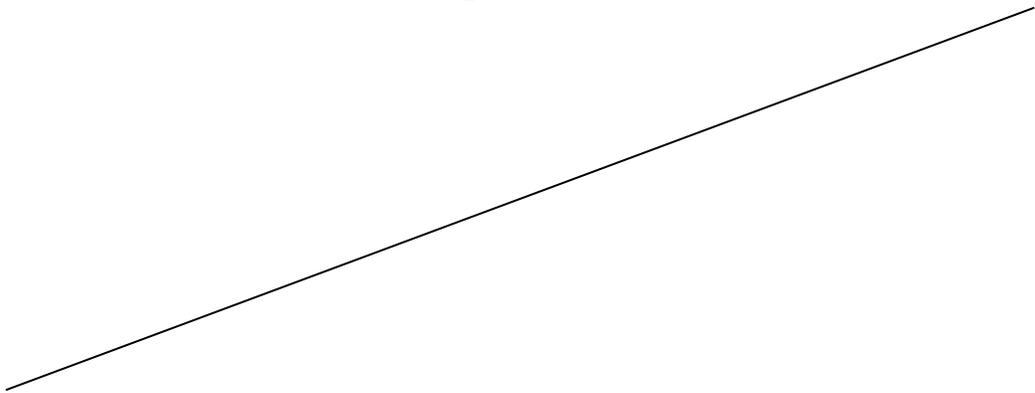


DEPARTMENT OF HUMAN SERVICES

Repeal of Chapters 17-1420, 17-1438, 17-1439, 17-1440,
17-1441, and 17-1442; and Adoption of Chapters
17-1443, 17-1444, and 17-1445

Hawaii Administrative Rules

1. Chapter 17-1420, Hawaii Administrative Rules, is repealed.
2. Chapter 17-1438, Hawaii Administrative Rules, is repealed.
3. Chapter 17-1439, Hawaii Administrative Rules, is repealed.
4. Chapter 17-1440, Hawaii Administrative Rules, is repealed.
5. Chapter 17-1441, Hawaii Administrative Rules, is repealed.
6. Chapter 17-1442, Hawaii Administrative Rules, is repealed.
7. Chapter 17-1443, Hawaii Administrative Rules, entitled "State-Approved Feeding Assistant Training Program" is adopted to read as follows:_____



"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 ADULT AND COMMUNITY CARE PROGRAMS

CHAPTER 1443

STATE-APPROVED FEEDING ASSISTANT TRAINING PROGRAM

- §17-1443-1 Purpose
- §17-1443-2 Definitions
- §17-1443-3 Application for a state-approved feeding assistant training program
- §17-1443-4 Requirements for a state-approved feeding assistance training program
- §17-1443-5 Appeal

§17-1443-1 Purpose. The purpose of this chapter is to establish administrative provisions for state-approved feeding assistant training programs. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.10, 431.10, 483.1) (Imp: 42 C.F.R. §§440.40, 483.1, 483.35, 483.160)

§17-1443-2 Definitions. As used in this chapter:

"Department" means the department of human services.

"Feeding assistant" means an individual who has successfully completed a state-approved feeding assistant training program approved by the department and who is paid by a nursing facility or is used under an arrangement with another agency or organization to feed nursing facility residents who have no complicated feeding problems. Complicated feeding problems include, but are not limited to, difficulty

§17-1443-2

swallowing, recurrent lung aspirations, and tube or parenteral or intravenous (IV) feeding.

§17-1443-2

"Nursing facility" or "NF" means a skilled nursing facility (SNF) or intermediate care facility (ICF) or both, that is licensed and certified by the department of health as meeting the requirements of medicare or medicaid participation.

"Registered nurse" means an individual who is licensed as a registered nurse in the State, pursuant to chapter 457, HRS.

"Resident" means an individual who resides in a nursing facility and receives needed professional services directed by the attending physician toward the maintenance, improvement, or protection of health, or lessening of illness, disability, or pain. [Eff
] (Auth: HRS §346-14; 42 C.F.R.
§§430.10, 431.10, 483.1) (Imp: 42 C.F.R. §§440.40,
483.1, 483.35, 483.160)

§17-1443-3 Application for state-approved feeding assistant training program. (a) Requests for approval from a nursing facility shall be submitted to the department on a departmental application form.

(b) The application shall be considered complete when it includes all of the requirements as specified in section 17-1443-4.

(c) The submission of additional information shall be in the format as prescribed by the department.

(d) The date of application shall be the date a complete application is received by the department. An incomplete application may be returned to the applicant without action.

(e) Prior to rendering a decision on the request for approval, the department shall conduct an on-site review of the feeding assistant training program.

(f) Within ninety days of the date of application, the department shall provide the nursing facility with a written decision on whether or not the feeding assistant training program has been approved.

(g) On-going approval of the feeding assistant training program shall continue unless there are changes in registered nurse supervision or changes in curriculum as specified in section 17-1443-4. Such changes shall require the program to obtain departmental approval through another approval process as specified in this section. [Eff]
(Auth: HRS §346-14; 42 C.F.R. §431.10) (Imp: HRS §346-46; 42 C.F.R. §§440.40, 483.1, 483.151)

§17-1443-4 Requirements for a feeding assistant training program.

(a) A feeding assistant training program approved by the department shall include a minimum of ten hours of training to include a combination of classroom training and a minimum of four hours of practical training. Practical training means training in which the individual learns and demonstrates knowledge and proficiency while performing tasks on another individual under the direct supervision of a registered nurse.

(b) The feeding assistant training program shall include, but not be limited to, the following:

- (1) Feeding techniques;
- (2) Assistance with feeding and hydration;
- (3) Communication and interpersonal skills;
- (4) Appropriate responses to resident behavior;
- (5) Safety and emergency procedures, including the Heimlich maneuver;
- (6) Infection control;
- (7) Resident rights; and
- (8) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting those changes to the supervisory nurse.

(c) Individuals being trained shall be at least eighteen years of age at the commencement of the feeding assistant training program.

(d) A nursing facility shall maintain a record of all feeding assistants who have successfully completed the feeding assistant training program.

(e) The department of health, office of health care assurance, as part of the federally mandated surveys that it conducts of nursing facilities in the State, shall determine whether the feeding assistant training program requirements established by the department of human services are met by any such nursing facility that operates a feeding assistant training program approved under this chapter.

(f) Proof of completion of a feeding assistant training program by a nursing facility may be accepted as sufficient training for a feeding assistant to provide this service in a nursing facility in the State that did not provide the actual training." [Eff
] (Auth: HRS §346-14; 42 C.F.R.
§§430.10, 431.10, 483.1) (Imp: 42 C.F.R. §§440.40,
483.1, 483.35, 483.160)

§17-1443-5 Appeal. (a) A nursing facility may appeal the department's decision not to approve the nursing facility's feeding assistant program. When the department does not approve a feeding assistant program, the department shall mail a written notice via certified mail to the nursing facility. The written notice shall include:

- (1) The reasons for the action being taken by the department; and
- (2) A statement explaining the nursing facility right to appeal the department's decision to the director of the department, no later than thirty days after the date of the notice of the action.

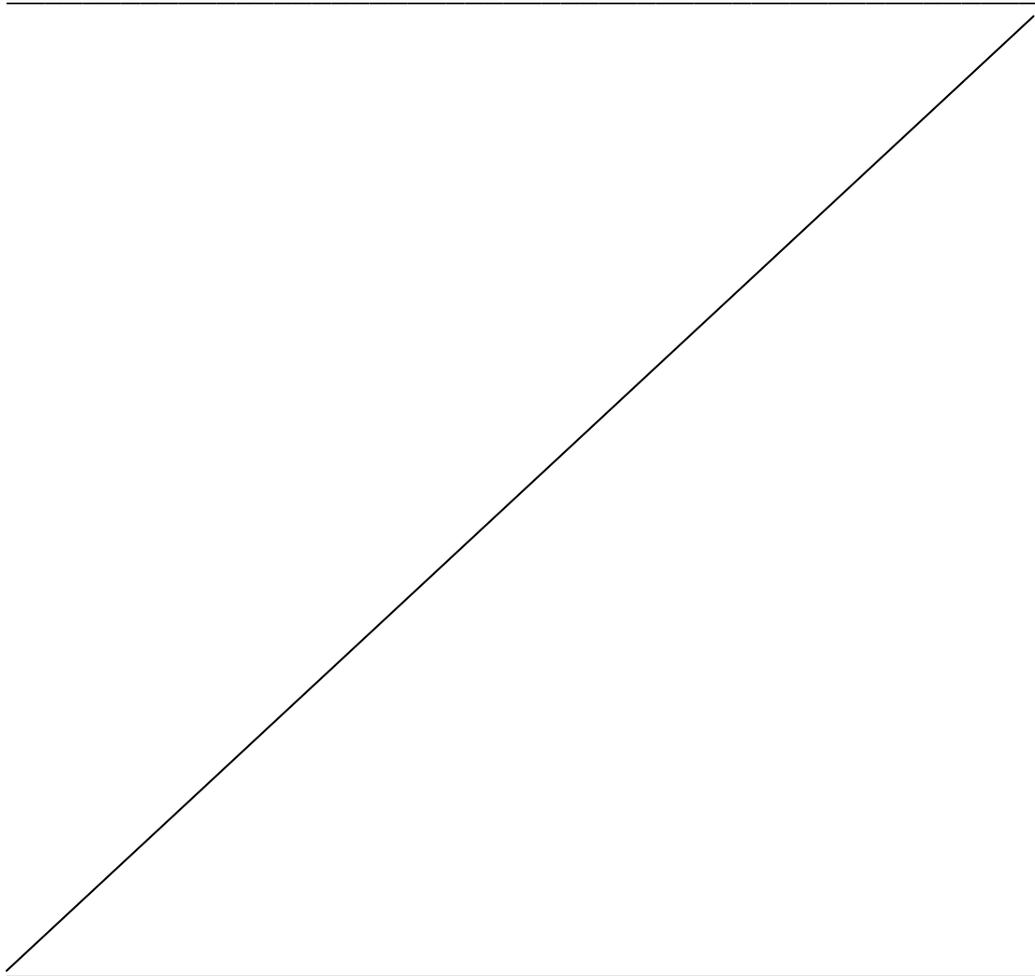
(b) Upon receiving a timely written appeal, the director of the department shall give notice of and an opportunity for a hearing before a hearing officer. Based on the evidence presented at the hearing, the hearing officer shall make the final decision for the department as to whether the approval shall not be granted.

(c) At any hearing provided for by this section, the nursing facility may be represented by counsel and

shall have the right to call, examine, and cross-examine witnesses. Evidence may be received even though inadmissible under rules of evidence applicable under court procedures.

(d) The hearing officer's decision shall be in writing, shall contain findings of fact and rulings of law, and shall be mailed to the nursing facility by certified or registered mail." [Eff]
(Auth: HRS §§346-14, 346-46) (Imp: 42 C.F.R. §483.151)

8. Chapter 17-1444, Hawaii Administrative Rules, entitled "Nurse Aide Training and Competency Evaluation Programs" is adopted to read as follows:



"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 ADULT AND COMMUNITY CARE PROGRAMS

CHAPTER 1444

NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAMS

§17-1444-1	Purpose
§17-1444-2	Definitions
§17-1444-3	Application for an initial certification of a NATCEP
§17-1444-4	Curriculum requirements for a NATCEP
§17-1444-5	Instructor requirements for a NATCEP
§17-1444-6	Disposition of an application for a NATCEP certification
§17-1444-7	On-going certification of a NATCEP
§17-1444-8	Appeal

§17-1444-1 Purpose. The purpose of this chapter is to establish the standards that shall be applied by the department in granting certification of the nurse aide training and competency evaluation programs. [Eff _____] (Auth: HRS §346-14; 42 C.F.R. §431.10) (Imp: HRS §§346-46; 457A-2, 457A-7, 457A-8)

§17-1444-2 Definitions. As used in this chapter:

"Certified NATCEP" means a NATCEP that meets the department's certification requirements as specified in this chapter.

"Department" means the department of human services.

"Facility-based NATCEP" means a NATCEP that is based in a nursing facility and sponsored primarily by that nursing facility.

"Initial certification of a NATCEP" means the department's application process that is designed to ensure that the training program shall be under the supervision of instructors who meet federal requirements and the training program contains all of the skill requirements mandated by federal and state law.

"Medicare or medicaid nurse aide" shall be as defined in section 457A-1.5, HRS.

"NATCEP" means a nurse aide training and competency evaluation program.

"Non-facility based NATCEP" means a NATCEP that is not based in a nursing facility, is not sponsored by a nursing facility, and classes are usually not held in a nursing facility.

"Nurse aide" shall be as defined in section 457A-1.5, HRS.

"Nursing facility" or "NF" means a skilled nursing facility (SNF) or intermediate care facility (ICF) or both, that is licensed and certified by the department of health as meeting the requirements for medicare or medicaid participation.

"On-going certification of a NATCEP" means the review process by which the department determines that a certified NATCEP continues to meet instructor and skill requirements mandated by federal and state law.

"Registered nurse" or "RN" means an individual who is licensed as a registered nurse in the State, pursuant to chapter 457, HRS.

"Resident" means an individual who resides in a nursing facility and receives needed professional services directed by a physician toward the maintenance, improvement, or protection of health, or lessening of illness, disability, or pain.

"State-licensed or state-certified health care settings" shall be as defined in section 457A-1.5, HRS.

"Supervised practical training" means training in a laboratory setting designed to simulate the nursing facility environment in which the trainee learns and demonstrates knowledge and proficiency while performing tasks on an individual under the direct supervision of a registered nurse.

"Trainee" means an individual enrolled as a student in a NATCEP to be trained as a nurse aide. [Eff] (Auth: HRS §346-14; 42 C.F.R. §430.10) (Imp: HRS §346-46; 42 C.F.R. §§483.10, 483.75, 483.151, 483.152, 483.154)

§17-1444-3 Application for initial certification of a NATCEP. (a) Requests for certification from a facility-based or a non-facility based NATCEP shall be submitted to the department on a departmental application form.

(b) The date of application shall be the date a complete application is received by the department. The application shall be considered complete when it includes all of the requirements as specified in sections 17-1444-4 and 17-1444-5.

(c) The submission of additional information shall be in the format as prescribed by the department.

(d) An incomplete application may be returned to the applicant without action.

(e) Prior to rendering a decision on the request for certification, the department shall conduct an on-site review of the NATCEP. [Eff] (Auth: HRS §346-14; 42 C.F.R. §431.10) (Imp: HRS §346-46; 42 C.F.R. §§440.40, 483.1, 483.151)

§17-1444-4 Curriculum requirements for a NATCEP. (a) A written copy of the facility-based or non-facility based NATCEP's curriculum as specified in this section shall be included with the NATCEP's application for certification.

(b) The curriculum requirements, at a minimum, shall include the following:

- (1) One hundred hours of training. Thirty hours or more shall be spent in classroom activities of which at least sixteen hours shall be in the following areas prior to any direct contact by trainees with residents:
 - (A) Communication and interpersonal skills;
 - (B) Infection control;
 - (C) Safety and emergency procedures, including Heimlich maneuver;
 - (D) Understanding and promoting resident's independence; and
 - (E) Respecting residents' rights;
 - (2) Basic nursing skills, including recognition of abnormal changes in body functioning and the importance of reporting such changes to a supervisor;
 - (3) Personal care skills;
 - (4) Mental health and social service needs;
 - (5) Care of cognitively impaired residents;
 - (6) Basic restorative services; and
 - (7) Resident's rights.
- (c) Other classroom activities shall include, but shall not be limited to, the following activities:
- (1) Introduction to the health care delivery system in Hawaii with special emphasis on agencies and facilities that care for the aged;
 - (2) Appropriate professional conduct as a nurse aide;
 - (3) General preventive health care with emphasis on controlling the spread of infections;
 - (4) Basic information about human bodily functions;
 - (5) Interpersonal skills including time and stress management, teamwork, developing relationships with residents, and coping with death and dying; and
 - (5) Basic medical terminology.
- (d) Seventy hours of the one hundred hours of training specified in subsection (b)(1) shall consist of supervised practical training. Supervised

practical training shall include at a minimum, the following:

- (1) Basic nursing skills that must be taught and directly supervised by a registered nurse for a minimum of thirty hours;
- (2) Basic personal care skills that must be taught and directly supervised by a licensed practical or vocational nurse working under the supervision of a registered nurse for a minimum of thirty hours; and
- (3) Basic restorative services that must be taught by a licensed or certified therapist working under the supervision of a registered nurse for a minimum of ten hours.

(e) In a non-facility based NATCEP, the supervised practical training shall be conducted in a laboratory setting designed to simulate the nursing facility environment.

(f) Trainee activities in a NATCEP are restricted as follows:

- (1) Trainees shall not perform any services for which the trainee has not been trained and found proficient by the registered nurse instructor; and
- (2) Trainees providing services to residents shall be under the general supervision of a registered nurse.

(g) Instructional techniques may include, but are not limited to, the following:

- (1) Lectures;
- (2) Written assignments;
- (3) Audiovisual aids; and
- (4) Role playing.

(h) The NATCEP shall objectively measure the trainee's performance in classroom activities and in supervised practical training that shall include, but not be limited to, the following:

- (1) Oral and written testing;
- (2) Trainee assessment forms;
- (3) Attendance records, including tardiness and absences;

- (4) Evaluation of the trainee's understanding and ability to perform each skill correctly; and
- (5) Evidence that the trainee has achieved competence in all curriculum areas as specified in this section prior to completion of the program. [Eff
] (Auth: HRS §§346-14, 346-46) (Imp: 42 C.F.R. §§483.152, 483.154)

§17-1444-5 Instructor requirements for a NATCEP.

(a) The training of nurse aides in a NATCEP must be performed by or under the general supervision of a registered nurse instructor who possesses a minimum of two years of nursing experience, at least one year of which must have been in the provision of nursing facility services.

(b) The registered nurse instructor shall have completed a course in teaching adults or have experience in teaching adults or in supervising nurse aides.

(c) In a facility-based NATCEP, the training of nurse aides may be performed under the general supervision of the director of nursing for the facility. The director of nursing shall be prohibited from performing the actual training.

(d) The registered nurse instructor shall ensure that the contents of courses taught by registered nurses, licensed practical or vocational nurses, or supplemental personnel other than the registered nurse instructor meet the curriculum requirements as specified in section 17-1444-4.

(e) Supplemental personnel from other health professions may be utilized by the registered nurse instructor to instruct trainees on relevant topics. Supplemental personnel shall have at least one year of experience in their respective fields, including but not limited to:

- (1) Activities specialists;
- (2) Dieticians;
- (3) Fire safety experts;

- (4) Gerontologists;
- (5) Licensed practical or vocational nurses;
- (6) Nursing home administrators;
- (7) Pharmacists;
- (8) Psychologists;
- (9) Physical and occupational therapists;
- (10) Physicians;
- (11) Registered nurses;
- (12) Resident rights experts;
- (13) Sanitarians;
- (14) Social workers; and
- (15) Speech, language, and hearing therapists.
[Eff _____] (Auth: HRS §§346-14,
346-46) (Imp: 42 C.F.R. §483.152)

§17-1444-6 Disposition of an application for a NATCEP certification. (a) Within ninety days of the date of application, the department shall provide the NATCEP with a written decision on whether or not the NATCEP has been approved for certification.

(b) Certification shall be granted for a period not to exceed two years. [Eff _____] (Auth: HRS §§346-14, 346-46) (Imp: 42 C.F.R. §483.151)

§17-1444-7 On-going certification of a NATCEP.

(a) Prior to certification expiration, requests from a NATCEP for a renewed certification shall be submitted to the department on a form approved by the department.

(b) On-going certification of a NATCEP shall be granted after the department's review and determination that the NATCEP continues to meet the certification requirements as specified in this chapter. Each on-going certification shall be granted for a period not to exceed two years.

(c) When substantive changes occur with the NATCEP that may affect the NATCEP's ability to comply with certification requirements as specified in this chapter, the NATCEP shall immediately notify the department of such changes. Upon notification of

changes to the NATCEP, the department shall review the NATCEP for continued compliance in accordance with provisions specified in this chapter.

(d) Substantive changes may include, but shall not be limited to, changes in:

- (1) Registered nurse instructor personnel;
- (2) Classroom or clinical site locations;
- (3) Required curriculum content; or
- (4) Required hours of training.

(e) The department may revoke certification of a NATCEP when the department determines that the NATCEP:

- (1) Does not meet curriculum requirements as specified in section 17-1444-4;
- (2) Does not meet instructor requirements as specified in section 17-1444-5; or
- (3) Has not permitted the department to conduct unannounced on-site visits to review the NATCEP.

(f) The department shall provide written notification to the NATCEP specifying the reason(s) for the revocation of a certification. Upon the effective date of revocation, the NATCEP shall not enroll new trainees. A trainee who has already started a training program with a NATCEP that has had its certification revoked shall be permitted to complete the training program.

(g) A facility-based NATCEP shall not be certified when the NATCEP in the previous two years:

- (1) Has operated under a waiver issued by the department of health;
- (2) Has been subject to an extended or partial extended survey conducted by the department of health;
- (3) Has been assessed a civil money penalty by the department of health of not less than \$5,000; or
- (4) Has been subject to a remedy to ensure the health and safety of its residents.

(h) The department shall not, until two years has elapsed since the assessment of the penalty or penalties by the department of health, certify a

facility-based NATCEP that within the two-year period beginning October 1, 1988:

- (1) Had its participation terminated;
- (2) Was subject to a denial of payment;
- (3) Was assessed a civil money penalty of not less than \$5,000 for deficiencies in nursing facility standards;
- (4) Operated under temporary management appointed to oversee the operation of the nursing facility; or
- (5) Pursuant to action taken by the department of health, was closed or had its residents transferred. [Eff _____] (Auth: HRS §§346-14, 346-46) (Imp: 42 C.F.R. §483.151)

§17-1444-8 Appeal. (a) A NATCEP may appeal the department's decision to revoke a NATCEP's certification. When the department revokes a current certification, the department shall mail a written notice via certified mail to the NATCEP's last known address as may be shown on the certification. The written notice shall include:

- (1) The reasons for the action being taken by the department; and
- (2) A statement explaining the NATCEP's right to appeal the department's decision to the director of the department, in writing, no later than thirty days after the date of the notice of the action.

(b) Upon receiving a timely written appeal, the director of the department shall give notice of and an opportunity for a hearing before a hearing officer. Based on the evidence presented at the hearing, the hearing officer shall make the final decision for the department as to whether the certification shall be revoked.

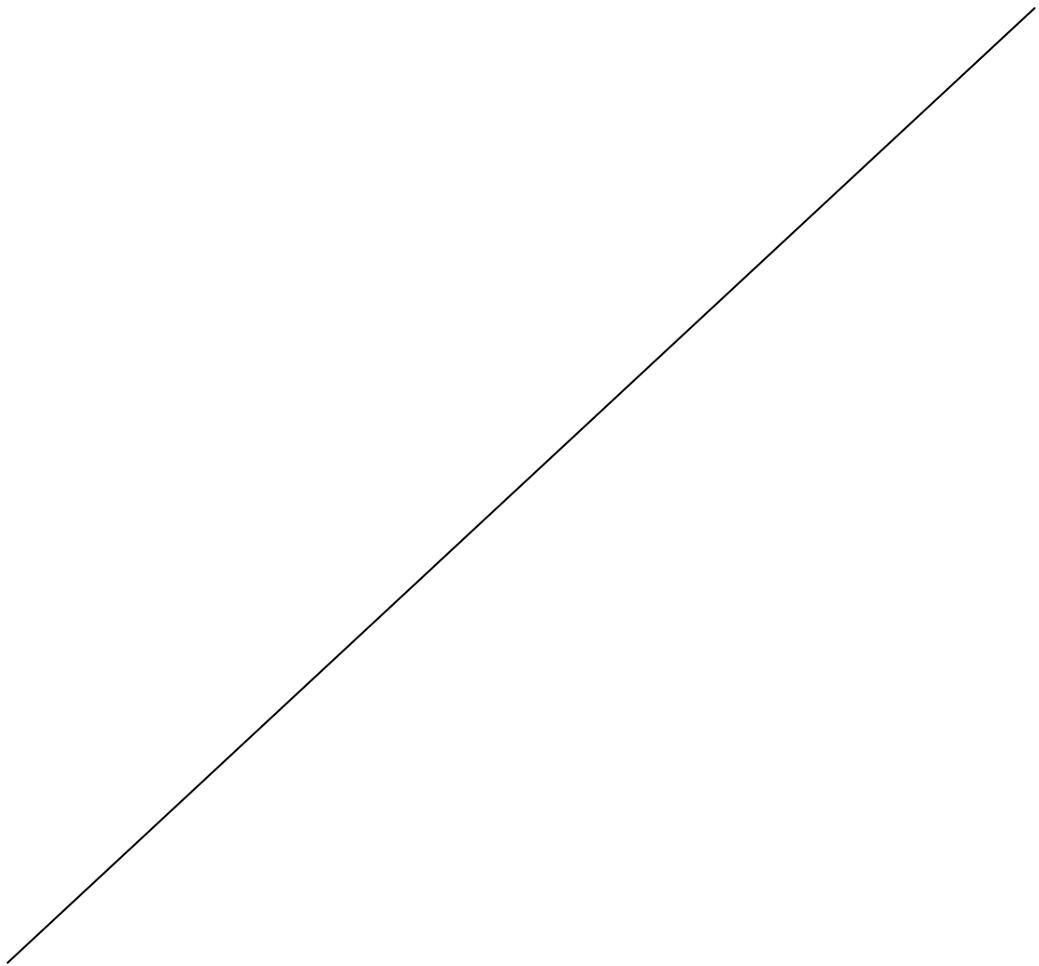
(c) At any hearing provided for by this section, the NATCEP may be represented by counsel and shall have the right to call, examine, and cross-examine witnesses. Evidence may be received even though

inadmissible under rules of evidence applicable under court procedures.

(d) The hearing officer's decision shall be in writing, shall contain findings of fact and rulings of law, and shall be mailed to the parties to the proceedings by certified or registered mail to the last known address as shown on the certification.

(e) Filing an appeal shall not stay the department's revocation of a certification." [Eff] (Auth: HRS §§346-14, 346-46) (Imp: 42 C.F.R. §483.151)

9. Chapter 17-1445, Hawaii Administrative Rules, entitled "Recertification of Nurse Aides in State-Licensed or State-Certified Health Care Settings" is adopted to read as follows: _____



"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 ADULT AND COMMUNITY CARE PROGRAMS

CHAPTER 1445

RECERTIFICATION OF NURSE AIDES IN STATE-LICENSED OR
STATE-CERTIFIED HEALTH CARE SETTINGS

§17-1445-1	Purpose
§17-1445-2	Definitions
§17-1445-3	Recertification requirements
§17-1445-4	Option A nurse aide recertification
§17-1445-5	Option B nurse aide recertification
§17-1445-6	Notification

§17-1445-1 Purpose. (a) The purpose of this chapter is to establish the standards that shall be applied by the department for the recertification of nurse aides employed in state-licensed or state-certified health care settings.

(b) State-licensed or state-certified health care settings may or may not require recertification of nurse aides in their employ. When recertification is required, the standards as specified in this chapter shall apply. [Eff _____] (Auth: HRS §346-14; 42 C.F.R. §431.10) (Imp: HRS §§346-46, 457A-2)

§17-1445-2 Definitions. As used in this chapter:

"Certified nurse aide" shall be as defined in section 457A-1.5, HRS.

"Competency evaluation" means an assessment, conducted by a registered nurse approved by the department, of a nurse aide's knowledge of basic nurse aide skills, including the demonstration of such skills.

"Continuing education hours" means a course of study or class instruction equivalent to one hour or sixty minutes, the content of which shall be applicable to the demonstration of skills required by nurse aides in state-licensed or state-certified health care settings.

"Department" means the department of human services.

"Nurse aide" shall be as defined in section 457A-1.5, HRS.

"Nursing facility" means a skilled nursing facility (SNF) or intermediate care facility (ICF) or both, that is licensed and certified by the department of health as meeting the requirements for medicare or medicaid participation.

"Recertification" shall be as described in sections 346-46, 457A-7, and 457A-8, HRS.

"Registered nurse" means an individual who is licensed as a registered nurse in the State, pursuant to chapter 457, HRS.

"Registered nurse evaluator" means a registered nurse who has, at a minimum, one year experience in providing nursing services for elderly, disabled, or chronically ill individuals, and who has been approved by the department to perform competency evaluations of nurse aides seeking recertification under this chapter.

"Registered nurse instructor" means a registered nurse employed to teach or supervise classes or courses of study offered by a state-certified nurse aide training and competency evaluation program as described in chapter 17-1444.

"State-licensed or state-certified health care settings" shall be as defined in section 457A-1.5, HRS. [Eff _____] (Auth: HRS §346-14; 42 C.F.R. §430.10) (Imp: HRS §§346-46, 457A-2)

§17-1445-3 Recertification requirements. (a) Nurse aides who are certified, employed in state-licensed or state-certified health care settings, and who choose to be recertified as a nurse aide are required to be recertified not less than every two years.

(b) The recertification process is a combination of requirements specified by the department of commerce and consumer affairs and the department of human services.

(c) Recertification requirements of a nurse aide specified by the department of commerce and consumer affairs are as described in section 16-89A-4(c).

(d) Recertification requirements of a nurse aide specified by the department of human services are as follows:

- (1) The nurse aide shall complete twenty-four hours of continuing education in the two-year period prior to the expiration of the current nurse aide certification.
- (2) Continuing education subject areas shall consist of topics relevant to the employment of a nurse aide in a state-licensed or state-certified health care setting and may include, but are not limited to:
 - (A) Communication and interpersonal skills;
 - (B) Universal precautions (infection control);
 - (C) Safety and emergency procedures, including Heimlich maneuver;
 - (D) Understanding and promoting client independence;
 - (E) Respecting client rights;
 - (F) Basic nursing skills, including recognizing abnormal changes in body functioning and the importance of reporting changes to a supervisor;
 - (G) Personal care skills to maintain elderly, disabled, and cognitively impaired clients in home-like settings;
 - (H) Mental health and social service needs and resources;

- (I) Basic restorative services;
- (J) Health care delivery systems in Hawaii with an emphasis on agencies and facilities that care for the aged and disabled; and
- (K) Best practices in the care of clients with diabetes, end-stage renal disease, cancer, and clients who are terminally ill.

(3) In addition to the completion of the required number of continuing education hours, the nurse aide shall complete a competency evaluation, signed by a registered nurse instructor or registered nurse evaluator, on a form approved by the department.

(e) The recertification requirements shall be met by completing one of the options specified in sections 17-1445-4 or 17-1445-5.

§17-1445-4 Option A nurse aide recertification.

(a) Option A is the completion of a twenty-four hour course of study offered by a state-certified nurse aide training and competency evaluation program, and supervised by a registered nurse instructor who possesses a minimum of two years nursing experience, at least one year of which must have been in the provision of nursing facility services.

(b) The registered nurse instructor shall have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides.

(c) Upon successful completion of the twenty-four hour course of study, the registered nurse instructor shall sign a nurse aide competency evaluation, on a form approved by the department, certifying that the nurse aide has completed the course of study and has demonstrated competency and proficiency in basic nurse aide skills.

(d) The state-certified nurse aide training and competency evaluation program shall objectively measure the nurse aide's performance in the course of study that shall include, but not limited to, the following:

- (1) Attendance records; and
- (2) Evidence that the nurse aide has achieved competency and proficiency in basic nurse aide skills.

(e) At completion of the twenty-four hour course of study, the state-certified nurse aide training and competency evaluation program shall provide the nurse aide with a certificate as proof of course completion.

§17-1445-5 Option B nurse aide recertification.

(a) Option B is the completion of a total of twenty-four hours of continuing education class instructions, offered by entities such as, but not limited to, community colleges, health-related agencies or organizations, or registered nurses who are independent contractors, on subject areas relevant to nurse aides employed in state-licensed or state-certified health care settings.

(b) At the completion of each continuing education class, the class instructor shall provide the nurse aide with a certificate identifying the title of the class, the class instructor(s), and certifying the number of instructional class hours provided.

(c) The nurse aide shall be responsible for arranging for a registered nurse evaluator to complete the following:

- (1) Certify that the nurse aide completed, at a minimum, twenty-four continuing education class instruction hours within the two-year period prior to the expiration of the current nurse aide certification, and that the subject areas in each course of study were relevant to the employment of the nurse aide in state-licensed or state-certified health care settings; and

- (2) Complete and sign a nurse aide competency evaluation, on a form approved by the department, certifying that the nurse aide has successfully demonstrated competency and proficiency in basic nurse aide skills.

(d) To be approved as a department registered nurse evaluator, the registered nurse shall be able to identify to the department a process by which the registered nurse will:

- (1) Receive requests from nurse aides who require recertification;
- (2) Evaluate the nurse aide's competency and proficiency in demonstrating basic nurse aide skills; and
- (3) Document the completion of the evaluation process. [Eff _____] (Auth: HRS §§346-14, 346-46, 457A-7, 457A-8) (Imp: 42 C.F.R. §§483.75, 483.154)

§17-1445-6 Notification. Registered nurse instructors and registered nurse evaluators are responsible for submitting the names of the nurse aides who have successfully met the requirements for recertification as specified in this chapter to the department of commerce and consumer affairs, in the format prescribed by the department of commerce and consumer affairs." [Eff _____] (Auth: HRS §§346-14, 346-46, 457A-8) (Imp: 42 C.F.R. §§483.75, 483.154)

10. The repeal of chapters 17-1420, 17-1438, 17-1439, 17-1440, 17-1441, and 17-1442, and the adoption of chapters 17-1443, 17-1444, and 17-1445, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.