

REQUEST FOR TECHNICAL CHANGE

AGENCY: Medical Care Commission

RULE CITATION: 10A NCAC 13O .0301

DEADLINE FOR RECEIPT: Friday, December 11, 2015

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In Paragraph (a), line 6, please insert a comma after "Registry"

Also in line 6, who will put the individual on the Registry?

On line 7, I take it the "approved by the Department" language will be in accordance with Paragraph (g) of this Rule?

In Paragraph (b), line 8, do you want to incorporate all of the 42 CFR Part 483 (which includes PAASR, among other things) or just Subpart D?

In Paragraph (d), line 13, you state "examination" but elsewhere in the Rule, the term is "exam." Assuming this is the same thing, please use the same term here.

On line 14, who is the Department's agent?

In (e), who will record the completion? Please write the sentence to state the actor. For example, "The Department shall include a record..."

In Paragraph (f), I take it you mean to state "written or oral" because of the language in 42 CFR 483.154(b)(i) that states the candidate can choose between written or oral examination?

On line 20, replace "which" with "that"

In Paragraph (g), line 21, should this read "Every North Carolina's Nurse Aide competency exam..."?

On line 22, can't you simply end the sentence after "program"? This is because I think you should include the approval language of 42 CFR 483.151 and 483.152 in Paragraph (a). Why not state on line 7 "approved by the Department in accordance with/ as set forth in 42 CFR Parts 483.151

Amanda J. Reeder
Commission Counsel

Date submitted to agency: December 2, 2015

and 483.152”? Then it would be clear in (a) what the standards for approval are, and they would not be buried in the back of the sentence in (g). If you do not wish to do this, please change the citation on line 23 to “Parts 483.151 and 483.152.”

In (h), line 24, please state “Department-approved” to be consistent throughout the Rule.

Also, is this term “Nurse Aide I training program” (as in lines 22 and 25) or “training program” (on line 12)?

On line 25, please insert a comma after “Registry”

In (h), line 25, and (i), line 28, what is “relisted”? How is someone removed from the list?

In (i), line 29, please insert a comma after “Registry”

In Paragraph (i), does this address the requirements of G.S. 93B-15.1 as it relates to military trained applicants? I believe it does, but wanted to check to be sure.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
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1 10A NCAC 13O .0301 is adopted as published in NCR 30:03, pp. 267-268, as follows:

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3 **SECTION .0300 - NURSE AIDE I REGISTRY**
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5 **10A NCAC 13O .0301 NURSE AIDE I TRAINING AND COMPETENCY EVALUATION**

6 (a) To be eligible to be listed on the NC Nurse Aide I Registry a person shall pass a Nurse Aide I training program
7 approved by the Department and the State of North Carolina's Nurse Aide I competency exam.

8 (b) This Rule incorporates 42 CFR Part 483 by reference, including all subsequent amendments and editions.

9 Copies of the Code of Federal Regulations may be accessed electronically free of charge from

10 www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.

11 (c) The State of North Carolina's Nurse Aide I competency exam shall include each course requirement specified in
12 the Department-approved training program as provided for in 42 CFR Part 483.152.

13 (d) The State of North Carolina's Nurse Aide I competency examination shall be administered and evaluated only by
14 the Department or its agent as provided for in 42 CFR Part 483.154.

15 (e) A record of completion of the State of North Carolina's Nurse Aide I competency exam shall be included in the
16 NC Nurse Aide I Registry within 30 business days of passing both the written or oral examination and the skills
17 demonstration as provided for in 42 CFR Part 483.154.

18 (f) If the State of North Carolina's Nurse Aide I competency exam candidate does not pass both the written or oral
19 examination and the skills demonstration as provided for in 42 CFR Part 483.154, the candidate shall be advised by
20 the Department of the areas which the individual did not pass.

21 (g) Every competency exam candidate shall have, as provided for in 42 CFR Part 483.154, the opportunity to take the
22 exam three times before being required to retake and pass a Nurse Aide I training program which is approved by the
23 Department according to 42 CFR Part 483.151 through Part 483.152.

24 (h) A person who is currently listed on any state's Nurse Aide I Registry shall not be required to take the Department
25 approved Nurse Aide I training program to be listed or relisted on the NC Nurse Aide I Registry unless the person
26 fails to pass the State of North Carolina's Nurse Aide I competency exam after three attempts.

27 (i) U.S. military personnel who have completed medical corpsman training and retired or non-practicing nurses shall
28 not be required to take the Department-approved Nurse Aide I training program to be listed or relisted on the Nurse
29 Aide I Registry unless the person fails to pass the State of North Carolina's Nurse Aide I competency exam after three
30 attempts.

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32 *History Note: Authority G.S. 131E-255; 42 CFR Part 483;*

33 *Eff. January 1, 2016.*