NURSE AIDE REGISTRY RULE REQUEST

Approval of Rule By Governor Stitt

April 6, 2029

This emergency rule seeks enactment under the emergency rule making authority established in the Oklahoma Executive Department's Third Amended Executive Order 2020-07, and would be effective immediately upon approval by the Governor and valid for the duration of the emergency declaration, except where time limited by the Administrative Procedures Act at 75 O.S. § 253. Nothing in this emergency rule supersedes the requirements in statute in Title 63 of the Public Health Code relating to the employment and certification of nurse aides. Title 63 O.S. § 1-1951(A)(2) authorizes the Department to approve nurse aide training and competency programs including, but not limited to, education-based programs and employer-based programs. Where a nursing facility, specialized facility for individuals with developmental disabilities, continuum of care facility, assisted living center, adult day care center or residential care home, a facility operated by the Oklahoma Department of Veterans Affairs, home health agency, or hospice agency meets the requirements specified in law, this emergency rule grants presumptive approval of an employer based nurse aide training program.

Title 63 O.S. § 1-1950.3 authorizes the issuance of temporary emergency nurse aide training waivers. This emergency rule grants presumptive approval of temporary emergency waivers for the employment of nurse aide trainees in employer based nurse aide training programs, where said programs meet the requirements specified in law.

The rule establishes procedures for facilities to document that the required training is provided consistent with the established curriculum and that a licensed health care professional has verified the new employee demonstrated competency in a skill prior to working.
This emergency rule would not waive the employment screening requirements established under the Long Term Care Security Act, Title 63 O.S. 1-1944 et seq.

Below you will find the key rules for temporary emergency waivers and training programs. Please understand you have been given approval for both. There is no need to send in an application for a temporary emergency waiver or training program.

SUBCHAPTER 1. GENERAL PROVISIONS

310:677-1-7. Presumptive approval of nurse aide training programs and emergency training exception for unlicensed health professionals and feeding assistants during the state of emergency caused by COVID-19.

(a) This section of rule is enacted under the emergency rule making authority established in the Oklahoma Executive Department's Third Amended Executive Order 2020-07.

(b) This rule is shall be effective immediately upon approval by the Governor and valid for the duration of the emergency declaration in Executive Order 2020-07, as amended, except where time limited by the Administrative Procedures Act at 75 O.S. § 253.

(c) Nothing in this emergency rule supersedes the requirements in statute in Title 63 of the Public Health Code relating to the employment and certification of nurse aides.

(d) Title 63 O.S. § 1-1951(A)(2) authorizes the Department to approve nurse aide training and competency programs including, but not limited to, education-based programs and employer-based programs. Where a nursing facility, specialized facility for individuals with developmental disabilities, continuum of care facility, assisted living center, adult day care center or residential care home, a facility operated by the Oklahoma Department of Veterans Affairs, home health agency, or hospice agency meets the requirements specified in law, this emergency rule grants presumptive approval of an employer based nurse aide training program.

(e) Title 63 O.S. § 1-1950.3 authorizes the issuance of temporary emergency nurse aide training waivers. This emergency rule grants presumptive approval of temporary emergency waivers for the employment of nurse aide trainees in employer based nurse aide training programs, where said programs meet the requirements specified in law.

(f) The following requirements of this Chapter are suspended for this emergency for those facilities operating under the presumptive approval authority of this section: OAC 310:677-1-6, temporary emergency waiver; OAC 310:677-3-3, application; OAC 310:677-3-4(b), relating to disqualifying criteria for training program approval; and OAC 310:677-13-1, relating to prior certification of medication aides. The requirements at OAC 310:677-13-8(a)(3) and (4), relating to certification of medication aides as nurse aides and experience, are not applicable to the medication aide in training, with the exception that no trainee may have an abuse notation.

(g) Facilities with presumptive approval shall provide curriculum and skills assessments for their applicable training program consistent with the curriculum and skill assessment requirements specified in this Chapter and the following:

(1) Document training progress in the applicant's training record;
(2) Document in the training record the time spent in training in each of the required areas;
(3) Document satisfactory completion of applicable skill elements on the Skills Performance Checklist or Medication Skills Checklist, provided by the Department;
(4) When a skill element has been documented to have been demonstrated at satisfactory competency the trainee is authorized to perform the task; and
(5) An appropriate licensed health care professional documents and signs to acknowledge the training in competencies and demonstration of satisfactory performance for each skill.

(h) Unlicensed health professionals under this section seeking certification may, at any time, but not later than 120 days following the lifting of the declaration of emergency, submit a training exception request and sit for the competency examination pursuant to OAC 310:677-1-3(c).