

**DISTRICT OF  
COLUMBIA  
MUNICIPAL  
REGULATIONS  
for  
NURSE AIDE  
CERTIFICATION**

## CHAPTER 32. NURSE AIDE CERTIFICATION

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## Chapter 32 NURSE AIDE CERTIFICATION

## 3200. NURSE AIDE CERTIFICATION

3200.1 Effective October 1, 1990, no nursing facility in the District of Columbia that participates in the D.C. Medicaid Program or in Medicare shall use any individual working in the facility as a nurse aide for more than four (4) months, on a full-time, temporary, per diem, or other basis, unless that individual is competent to provide nursing and nursing related services, and has completed the District's approved training and competency evaluation program, or the District's approved competency evaluation program.

3200.2 An individual employed as a nurse aide in a nursing facility prior to the effective date of this rule shall qualify as a credentialed nurse aide if he or she has successfully completed the District's competency evaluation program only.

3200.3 A person may be deemed competent for purposes of qualifying as a credentialed nurse aide in the District of Columbia if he or she is credentialed in another state based on the successful completion of the nurse aide competency evaluation program of that state which has been approved by the District of Columbia.

3200.4 If a person has qualified as a credentialed nurse aide in another state but that state's process does not require successful completion of a competency evaluation program approved by the District of Columbia, the person may become

credentialed in the District by successfully completing the District's competency evaluation program.

3200.5 When an individual has not performed paid nursing or nursing related services in a nursing facility for a continuous period of twenty four (24) consecutive months since the most recent completion of a state approved training or competency evaluation program, the nursing facility shall require the individual to complete a new training and competency evaluation program within four (4) months of the first day of employment in the facility.

#### 3201. STANDARDS FOR NURSE AIDE TRAINING PROGRAMS

3201.1 Sections 3201-3212 establish criteria and standards for nurse aide training and competency evaluation programs that provide training for nurse aides employed in nursing facilities in the District of Columbia.

3201.2 These standards shall:

(a) Ensure that all persons employed as nurse aides have the competencies to perform the nursing duties in a safe and effective manner;

(b) Serve as a guide for the development of nurse aide training programs; and

(c) Provide criteria for the evaluation of new and established nurse aide training programs.

3201.3 Each institution authorized to provide nurse aide training shall obtain a certificate of approval from LTCA.

#### 3202. TYPES OF FACILITIES ELIGIBLE FOR CERTIFICATION

3202.1 The following types of institutions may apply for certificate of approval to provide nurse aide training:

(a) Private, degree-granting educational institutions operating or incorporated in the District of Columbia which are licensed by the Education Licensure Commission in accordance with the Educational Institution Licensure Act of 1976; D.C. Law 1-104;

(b) Private, non-degree post secondary schools operating in the District of Columbia which are licensed by the Education Licensure Commission;

(c) District public vocational or trade schools;

(d) District public universities or colleges; and

(e) Nursing homes operating in the District of Columbia that are licensed as nursing facilities by the Department of Consumer and Regulatory Affairs, licensed as training facilities by the Education Licensure Commission and have received no adverse actions during the preceding two (2) years.

3202.2 LTCA shall consider any one of the following as an adverse action which would preclude a nursing home from providing nurse aide training:

(a) A facility's participation in the Medicaid or Medicare Program is terminated, restricted or revoked;

(b) A facility, other than a new facility, has received a provisional or restricted license; or

(c) A facility is given a provider agreement of less than one (1) year.

### 3203. APPLICATION PROCEDURES

3203.1 Each institution applying for certificate of approval to provide nurse aide training shall do the following:

(a) At least 90 days in advance of the scheduled starting date, submit to the Department of Human Services, LTCA, a statement of intent to establish a nurse aide training program; and

(b) An application for a certificate of approval which contains the following information:

(1) A statement of purpose;

(2) A statement of need for the training program in the District of Columbia;

(3) The proposed program's potential effect on existing nurse aide training programs in the area;

(4) The organizational structure of the institution showing the relationship of the proposed training program within the organization;

(5) Evidence of financial resources adequate for planning, implementation, and continuation of the program;

(6) Licensure status of the proposed training facility;

(7) The availability of qualified instructors;

(8) The number of budgeted instructor positions;

(9) The availability of adequate clinical facilities for the training program;

(10) The anticipated trainee population and tentative time schedule for planning and initiating the program; and

(11) Fee schedules.

3203.2 The LTCA shall review the application to determine if sufficient information has been submitted to determine whether the program complies with sections 3201-3212.

3203.3 The LTCA shall within thirty (30) days of the date of the receipt of a request for approval of certification or the receipt of additional information requested from an applicant:

(a) Advise the applicant of the action taken on the request for approval of certification; or

(b) Request additional information from the applicant.

3203.4 After reviewing the application, the LTCA shall take one of the following actions:

(a) Grant provisional approval of the application if it is found that the proposed program meets the criteria in sections 3201-3212;

(b) Deny provisional approval if the proposed program fails to meet the criteria as stated in sections 3201-3212; or

(c) Defer provisional approval, if additional information is needed to make a determination.

3203.5 The LTCA shall send a written notice of its decision by mail to the applicant within thirty (30) days of the receipt of all necessary information.

3203.6 After a provisional approval of the application has been granted, the LTCA shall authorize a visit to the facility by a program evaluation team.

3203.7 The LTCA shall appoint the program evaluation team which shall include representatives from LTCA.

3203.8 The team shall visit each facility to determine if the applicant's program complies with sections 3201-3212. The program's evaluation may include, but is not limited to:

(a) Interviews with the institution's faculty, staff, and trainees;

(b) Inspection of facilities including patient care areas, classrooms, and laboratories;

(c) A review of the records, record keeping procedures, and trainee support facilities; and

(d) Any other information and assessments as may be relevant to the application.

3203.9 Each institution shall cooperate in the evaluation process with the evaluation team by ensuring that pertinent documents are available for review by the team.

3203.10 Following the on site evaluation of the facility by the evaluation team, LTCA shall take one of the following actions:

- (a) Grant certificate of approval to provide nurse aide training if it is determined that the program meets all criteria in sections 3201-3212;
- (b) Defer approval if there are deficiencies in the program which may be corrected in a short period of time; or
- (c) Deny approval if the program fails to meet the criteria in sections 3201-3212.

3203.11 Each training program shall have a certificate of approval to operate a nurse aide training program before nurse aide trainees may be admitted to the program.

3203.12 Each certificate of approval shall remain in effect for a period not to exceed two (2) years from the date of issuance.

3203.13 Each nurse aide training program shall be recertified with a new certificate of approval every two (2) years.

#### 3204. NURSE AIDE TRAINING PROGRAM CURRICULUM

3204.1 Each nurse aide training program shall provide one hundred twenty (120) hours of training for each nurse aide trainee before he or she may be certified as a nurse aide.

3204.2 Each nurse aide training program shall include training in the following areas:

- (a) Forty-five (45) hours of classroom instruction;
- (b) Thirty (30) hours of clinical laboratory practicums; and
- (c) Forty-five (45) hours of nursing home practicums.

3204.3 Each nurse aide training program shall prepare each nurse aide to do the following:

- (a) Communicate and interact with residents, families, and other members of the health team;
- (b) Demonstrate sensitivity to resident's emotional, social, and mental health needs;
- (c) Assist residents with self-care deficits while promoting functional independence;

- (d) Help to ensure and protect the resident's rights; and
- (e) Observe, report, and document the conditions and changes relating to the residents' physical and psycho-social well-being.

3204.4 Each nurse aide training program shall use as the primary textbook a long term care publication approved by LTCA. The program's instruction may be enhanced by using audio-visual, training aids, and additional medical textbooks and journals.

3204.5 Each nurse aide training program's curriculum shall require at least sixteen (16) hours of training in the following areas prior to any nurse aide's direct contact with a resident:

- (a) Communication and interpersonal skills;
- (b) Infection control;
- (c) Safety/emergency procedures;
- (d) Promoting resident's independence;
- (e) Respecting resident's rights;
- (f) Basic nursing skills:
  - (1) Taking and recording vital signs;
  - (2) Measuring and recording height and weight;
  - (3) Caring for the resident's environment;
  - (4) Recognizing abnormal signs and symptoms of common diseases and conditions;
  - (5) Caring for residents when death is imminent;
- (g) Personal care skills, including but not limited to:
  - (1) Bathing;
  - (2) Grooming, including mouth care;
  - (3) Dressing;
  - (4) Toileting;
  - (5) Assisting with eating and hydration;

- (6) Proper feeding techniques;
- (7) Skin care; and
- (8) Transfer, positioning, and turning;

(h) Mental health and social service needs:

- (1) Modifying aide's behavior in response to resident's behavior;
- (2) Identifying developmental tasks associated with the aging process;
- (3) Behavioral management by reinforcing appropriate behavior and reducing or eliminating inappropriate behavior;
- (4) Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity;
- (5) Using the resident's family as a source of emotional support;

(i) Care of cognitively impaired residents:

- (1) Techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others);
- (2) Communication with cognitively impaired residents;
- (3) Understanding the behavior of cognitively impaired residents;
- (4) Appropriate responses to the behavior of cognitively impaired residents;
- (5) Methods of reducing the effects of cognitive impairments;

(j) Basic restorative services:

- (1) Training the resident in self care according to the resident's abilities;
- (2) Use of assistive devices in transferring, ambulation, eating, and dressing;
- (3) Maintenance of range of motion;
- (4) Proper turning and positioning in bed and chair;
- (5) Bowel and bladder training;
- (6) Care and use of prosthetic and orthotic devices; and



(k) Resident's rights:

- (1) Providing privacy and maintenance of confidentiality;
- (2) Promoting the resident's rights to make personal choices to accommodate their needs;
- (3) Giving assistance in resolving grievances and disputes;
- (4) Providing needed assistance in getting to and participating in resident and family groups and other activities;
- (5) Maintaining care and security of resident's personal possessions;
- (6) Providing care which maintains the resident free from abuse, mistreatment, and neglect and the need to report any such instance to appropriate facility staff; and
- (7) Maintaining the resident's environment and care to avoid the need for restraints.

3204.6 No nurse aide employed by a nursing facility which participates in the medicaid program shall be charged for any portion of the nurse aide training course, including any fees for textbooks or other required course materials.

3204.7 Each nurse aide training program shall report any proposed changes in its curriculum to the LTCA, prior to their implementation for approval.

#### 3205. PROCEDURES FOR DETERMINING COMPETENCY

3205.1 The District's competency evaluation program shall be administered according to federal requirements in [42 CFR 483.154](#).

3205.2 The District's competency evaluation program shall require acceptable performance of tasks by the individual that the individual will be expected to perform as a nurse aide.

3205.3 The District's competency evaluation program shall include a written examination, unless the nurse aide chooses to establish competency by methods other than a written examination.

#### 3206. INSTRUCTOR QUALIFICATIONS

3206.1 Each nurse aide training program shall have a sufficient number of qualified instructors to meet the purposes and objectives of the nurse aide training program.

3206.2 The training of nurse aides shall be performed by or under the general supervision of a registered nurse who meets the following minimum qualifications:

- (a) Is licensed as a registered nurse in the District of Columbia;
- (b) Has at least one (1) year of teaching experience; and
- (c) Has at least two (2) years of nursing experience, one of which shall be in the provision of long term care.

3206.3 In nursing facility-based programs, the training of nurse aides shall be performed by or under the general supervision of the director of nursing for the facility.

3206.4 Qualified personnel from the health care team may serve as supplemental instructors to the instructor. These health professionals may include, but are not limited to:

- (a) Registered nurses;
- (b) Licensed practical nurses;
- (c) Pharmacists;
- (d) Dieticians;
- (e) Social workers;
- (f) Sanitarians;
- (g) Fire safety experts;
- (h) Nursing home administrators;
- (i) Gerontologists;
- (j) Psychologists;
- (k) Physical and occupational therapists;
- (l) Activities specialists;
- (m) Speech, hearing, or language therapists;
- (n) Resident rights experts;
- (o) Physicians; and
- (p) Credentialed nurse aides.

3206.5 Each health professional instructor shall have a minimum of two (2) years of current experience in caring for the elderly or chronically ill.

3206.6 Each instructor shall be, where applicable, licensed, registered, or certified in his or her profession in the District of Columbia.

3206.7 The ratio of instructors to trainees in clinical areas involving direct care of patients or clients shall be based upon patient acuity level, skill level of the trainee, and the clinical setting. The ratio shall not exceed one (1) instructor to ten (10) nurse aide trainees.

3206.8 Each instructor's qualifications shall be documented in the official records of the program and available for review by the LTCA.

3206.9 Each instructor shall be responsible for doing the following:

- (a) Assisting in the development, implementation, and evaluation of the purpose, philosophy, and objective of the nurse aide training program;
- (b) Helping to implement and evaluate the curriculum;
- (c) Facilitating student participation in the program and evaluating the progress and retention of students in the program;
- (d) Giving guidance to students;
- (e) Evaluating student achievement in the program;
- (f) Providing for student and peer evaluation of his or her teaching effectiveness; and
- (g) Participating in continuing nursing education programs to improve his or her own competence in areas of responsibilities.

#### MINIMUM QUALIFICATIONS FOR NURSE AIDE TRAINEES

3207.1 Each nurse aide trainee, after October 1, 1990, shall be able to understand, speak, read, and write the English language at the fourth (4th) grade level.

3207.2 Each nurse aide trainee shall be provided information on the policies governing admission, retention, dismissal, and the course requirements of the nurse aide training program in writing.

3207.3 Each nurse aide trainee shall be admitted on individual merit without discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibility, matriculation, political affiliation, physical handicap, source of income, and place of residence or business.

3207.4 Each nurse aide trainee shall be free of communicable disease as verified in writing by a licensed physician.

#### 3208. PERIODIC REVIEWS

3208.1 The holder of a certificate to train nurse aides shall submit to the LTCA an annual report in accordance with procedures set out by LTCA.

3208.2 LTCA shall re-evaluate a nurse aide training program at least annually or more frequently if deemed necessary by LTCA.

3208.3 LTCA shall make unannounced visits to review and assess each nurse aide training program to ensure that the program is in compliance with sections 3201-3212.

3208.4 The LTCA shall assess each nurse aide training program on the basis of visits to the facility, the progress of the nurse aide training program, and any other information deemed appropriate by LTCA.

#### 3209. PASS RATE ON THE DISTRICT'S APPROVED WRITTEN COMPETENCY EVALUATION AND DEMONSTRATED LEVEL OF COMPETENCE

3209.1 Each nurse aide training program shall ensure that at least seventy-five (75) percent of first time candidates from its program shall achieve a passing score on the District's approved competency evaluation.

#### 3210. ADVERSE ACTIONS AGAINST NURSE AIDE TRAINING PROGRAM

3210.1 The LTCA shall withdraw approval for certification of a nurse aide training program if it determines that the program is not in compliance with standards set forth in sections 3201-3212.

3210.2 If the nurse aide training program does not meet the requirements for approval of certification, the LTCA may grant conditional approval pending correction of the deficiencies.

3210.3 Nurse aide training program deficiencies sufficient to warrant withdrawal of approval of certification shall include, but are not limited to the following:

- (a) Failure to effectively utilize the District's approved curriculum for the training program;
- (b) Failure to maintain an adequate number of instructors with required qualifications;
- (c) Less than seventy five (75) percent of nurse aide trainees passing the District's approved competency evaluation program;
- (d) Failure of nurse aide trainees to demonstrate minimal competencies upon employment;
- (e) Failure to adhere to training program's stated philosophy, objectives, and policies; and
- (f) Failure to maintain adequate resources, facilities, and services required to meet training objectives.

3210.4 The LTCA shall withdraw approval of a nurse aide training and competency evaluation program or a nurse aide competency evaluation program if the program refuses to permit unannounced visits by the LTCA to review the program.

### 3211. RECORDS RETENTION

3211.1 Each nurse aide training program shall maintain an accurate and appropriate system of record keeping.

3211.2 Each nurse aide training program shall ensure that administrative and personnel records are protected against loss, destruction, and unauthorized review.

3211.3 A record for each nurse aide trainee shall be maintained by the facility and shall include the trainee's evaluation and health information.

3211.4 Each instructor's personnel records shall be maintained by the facility and shall include application data, qualifications, and position description.

3211.5 All records shall be maintained by the training facility for a minimum of five (5) years.

### 3212. RESOURCES, FACILITIES, AND SERVICES

3212.1 Each nurse aide training program shall maintain resources, facilities, and services which are adequate to accommodate the training program and shall include, but are not limited to:

(a) Adequate temperature controls in each training facility;

(b) Clean and safe conditions of the facility's premises;

(c) Adequate space to accommodate all students;

(d) Adequate lighting in each facility; and

(e) Sufficient and adequate equipment for the program's needs including audio-visual equipment and equipment needed for simulating resident care.

3212.2 Each classroom, conference room, laboratory, and office shall be adequate to meet the needs of the nurse aide training program.

3212.3 If there are cooperative agreements with agencies, each nurse aide training program shall develop the agreement in writing in conjunction with the cooperating agencies and maintain copies of the agreement in its records.

### 3250. CREDENTIALS CERTIFICATION

3250.1 The Director shall issue a credentials certificate to each nurse aide who successfully completes the training and competency evaluation approved by the Department as provided in section 3200.

3250.2 The nurse aide shall renew his or her certification once every two years as directed by the Director and shall meet any continuing education requirements established by the Department.

3250.3 A nurse aide who has been issued a certification by the Department shall

notify the Department of any change of home or business address within fifteen (15) days of the change of address.

#### 3251. NURSE AIDE REGISTRY

3251.1 The Director shall establish and maintain a registry of all individuals who have satisfactorily completed a nurse aide training and competency evaluation program or a nurse aide competency evaluation program approved by the Department, and who have been issued a certification of credentials by the Director.

3251.2 The registry may be maintained by the Department, or the Director may contract the daily operation and maintenance of the registry to a non-state entity.

3251.3 The registry shall contain the following information with respect to each nurse aide:

- (a) Full name, including any maiden name or other surnames used;
- (b) Last known address;
- (c) Certification number, including indication of type of certification;
- (d) Date of birth;
- (e) Last known employer, including date of hiring and date of termination of employment, if applicable;
- (f) Prior employment data if qualifying pursuant to subsection 3200.2;
- (g) The date the nurse aide passed the competency evaluation;
- (h) Current certification expiration date;
- (i) Name and address of entity which administered the competency evaluation;
- (j) Information on any Department findings of abuse, neglect or misappropriation of property, as required pursuant to subsection 3252.11; and
- (k) Any information required by federal law or regulation.

#### 3252. REPORTS OF NURSE AIDE ABUSE, NEGLECT OR MISAPPROPRIATION OF PROPERTY

3252.1 Each facility shall promptly notify the Department verbally of any alleged incident involving abuse or neglect of residents or misappropriation of residents' property by a nurse aide. The verbal notification shall include at least the name of the nurse aide and resident(s), and a description of the incident.

3252.2 The facility shall submit to the Department written notice of the incident as soon as possible, but no later than seventy-two (72) hours after its occurrence.

3252.4 The Department shall investigate the incident as soon as possible, but no later than seventy-two (72) hours after receipt of the verbal notification. The investigation shall include the following:

- (a) Interviews with the resident(s) and nurse aide, if possible;
- (b) Review of the resident's record and other facility documents;
- (c) Review of the nurse aide's employment record; and
- (d) Interviews with facility staff.

3252.5 The Department shall refer allegations of criminal conduct to the Metropolitan Police Department for investigation. The Department shall coordinate with the Metropolitan Police Department until the allegations are resolved.

3252.6 The Department shall notify each nurse aide against whom allegations of misconduct have been made of the proposed findings from the investigation, and shall provide the nurse aide with an opportunity for a hearing to rebut the evidence that substantiates the allegations.

3252.7 The notification to the nurse aide from the Department shall contain the following information:

- (a) A description of the allegations made against the nurse aide;
- (b) The proposed findings resulting from the investigation;
- (c) A statement that the nurse aide has a right to request a hearing, in order to challenge the charges against him or her, by submitting a written request within twenty (20) days of the date of service of the notice on a prescribed form;
- (d) Notification that his or her name will be listed in the Nurse Aide Abuse Registry, as having knowingly abused or neglected a resident or misappropriated a resident's property while providing services in a facility, unless the nurse aide requests a hearing and disproves the charges against him or her;
- (e) The consequences to the nurse aide of being listed in the Nurse Aide Abuse Registry;
- (f) A copy of the Request for Hearing Form; and
- (g) Notification that, in lieu of requesting a hearing, the nurse aide has a right to submit a written rebuttal to the proposed findings, which will be made a part of the entry in the Nurse Aide Abuse Registry, together with the findings of abuse.

3252.8 The Department shall serve the notice upon the nurse aide by personal delivery; by leaving it at the nurse aide's usual residence with a person of suitable discretion at least sixteen (16) years of age residing there; or by sending the notice to the nurse aide via certified mail and regular mail to the last known address of the nurse aide reported to the Department pursuant to subsection 3250.3.

3252.9 The Department shall maintain a copy of the notice, along with the certificate of the serving party or a copy of the stamped certified mail receipt, in its files.

3252.10 Proof of service may be shown by the certificate of the serving party in the

case of personal service, or by a return receipt if service is made by certified mail. If the nurse aide is no longer at the last known address shown by the records of the Department, and no forwarding address is available, service shall be deemed to have been made on the date the return receipt bearing that notification is received by the Director.

3252.11 If the charges against the nurse aide are substantiated through the hearing process, or if the nurse aide waives his or her right to a hearing, the Department shall record the individual's name in the Nurse Aide Abuse Registry. The entry shall include the following:

- (a) Documentation of the Department's investigation, including the nature of the allegations, the evidence that led to the findings, and the specific findings against the nurse aide;
- (b) The date of the hearing and its outcome; and
- (c) A summary of the written rebuttal statement of the nurse aide, if he or she disputed the findings.

3252.12 When the conduct of a nurse aide is recorded in the Nurse Aide Abuse Registry, the Department shall send the name of the nurse aide to all administrators of nursing homes in the District of Columbia, along with:

- (a) A copy of the hearing decision, if a hearing was held; or
- (b) A copy of the Department's investigative findings and any rebuttal statement filed by the nurse aide, if the nurse aide waived the right to a hearing.

3252.13 Information sent to nursing home administrators pursuant to subsection 3252.12 shall be sanitized to ensure resident confidentiality.

3252.14 The Department shall also place the names of nurse aides convicted in the Superior Court of the District of Columbia for abuse, neglect or mistreatment of residents in the Nurse Aide Abuse Registry, along with the dates of their convictions.

### 3253. HEARING PROCESS

3253.1 The nurse aide shall request a hearing no later than twenty (20) calendar days from the date of service of the notice.

3253.2 The Department shall schedule a hearing within ten (10) calendar days of receipt of the Request for Hearing Form, and shall send written notice of the hearing to the nurse aide at the address stated on the Hearing Request Form. The notice shall state that a hearing has been scheduled; the time, date and location of the hearing; and the nurse aide's rights at the hearing.

3253.3 The Department shall conduct the hearing pursuant to the District of Columbia Administrative Procedure Act of 1975, effective October 8, 1975 (D.C. Law 1-19, D.C. Official Code § 2-501 et seq.).

3253.4 The hearing may be conducted at the nursing home if a resident is involved in the proceedings.



3253.5 The Department shall render a decision in writing within thirty (30) days of the date of the hearing or closing of the record, whichever is later, and shall send copies of the decision by regular mail, and by certified mail, return receipt requested, to all parties involved.

3253.6 If the nurse aide is found not to have committed the act(s) alleged, the Department shall not place his or her name in the Nurse Aide Abuse Registry pursuant to subsection 3252.11, nor forward it to the administrators of nursing homes pursuant to subsection 3252.12.

3253.7 If the charges against a nurse aide are sustained following a hearing, the Department shall place the nurse aide's name in the Nurse Aide Abuse Registry, as provided in subsection 3252.11, within thirty (30) days after the time for filing an appeal has expired.

3253.8 The nurse aide may appeal an adverse decision to the District of Columbia Court of Appeals.

3253.9 An entry in the Nurse Aide Abuse Registry shall remain for a period of five (5) years, after which the nurse aide may apply for its removal by submitting the documentation requested by the Director.

#### 3254. OPERATION OF REGISTRY

3254.1 The Registry shall be accessible to the public and to health facilities for at least 6 hours per day, Monday through Friday, between the hours of 7 a.m. and 6 p.m. except for District of Columbia and federal holidays. Facilities shall be informed of the hours of operation.

3254.2 The address and phone number of the Registry shall be made available to the public by the Director of the Department.

3254.3 The Registry shall orally inform requesters who call for information whether an individual specified by the requester is certified, but shall not disclose further information about a nurse aide except in writing.

3254.4 Upon request, the Registry will send written verification as to whether an individual is certified, the date of the individual's competency evaluation and the name of the entity which performed the evaluation within ten (10) working days of the request.

3254.5 Names listed in the Nurse Aide Abuse Registry shall be accessible electronically through the Department's Internet website.

3254.6 The Registry shall disclose all information contained in the Registry within ten (10) working days to any Medicaid or Medicare participating nursing facility, home health agency, hospital, ombudsman, or any other representative of any official agency with a need to know, upon receipt of a written request for such information, which must include the reason for the request.

3254.7 The Registry shall provide the nurse aide with a copy of all information contained in the Registry on him or her within thirty (30) days of the date the

individual is placed on the Registry, and within thirty (30) days of the date that any changes or additions to the Registry are made. The nurse aide shall be permitted thirty (30) days to correct any misstatements or inaccuracies in the information pertaining to him or her in the Registry.

#### 3299. DEFINITIONS

3299.1 When used in this chapter, the following terms shall have the meaning ascribed below:

Abuse - the infliction of physical or mental harm on a nursing home resident.

Cooperating agency - an agency, other than the training facility which is utilized in providing learning experiences for nurse aide trainees.

Department - the Department of Health.

Director - the Director of the Department of Health, or his or her designee.

District - the District of Columbia.

Facility - a licensed nursing home in the District of Columbia.

LTCA - the Department of Health.

Misappropriation - to apply wrongfully or dishonestly to one's own an item or money belonging to a nursing home resident.

Neglect - to fail to carry out or perform, or to be remiss in the care or treatment of a nursing home resident.

Nurse aide -- an individual, who as a result of training and demonstrated competencies, provides nursing or nursing related services to residents in a nursing facility. This definition does not include an individual who volunteers to provide such services without pay, but does include individuals who are hired by residents and their families to provide care to residents in a nursing facility and includes nurse aides supplied by an agency as well as those actually employed by the facility.

Nurse Aide Abuse Registry -- a permanent record containing names of individuals who worked as nurse aides and were determined to have abused or neglected a resident or misappropriated a nursing home resident's property.

Nurse Aide Registry -- a listing of names of individuals who have met the criteria for certification in the District of Columbia.

Nurse aide trainee -- an individual enrolled in a District approved nurse aide training program.

Nursing home administrator -- the licensed person responsible for planning, organizing, directing, and controlling the operation of a nursing facility licensed in the District of Columbia.

Pass rate -- percentage of first time candidates who receive a passing score on the

competency evaluation.

Registry -- the Nurse Aide Registry.