

## Chapter DHS 129

### CERTIFICATION OF PROGRAMS FOR TRAINING AND TESTING NURSE AIDES, MEDICATION AIDES AND FEEDING ASSISTANTS

#### Subchapter I — General Provisions

- DHS 129.01 Authority and purpose.
- DHS 129.02 Applicability.
- DHS 129.03 Definitions.
- DHS 129.04 Waivers and variances.

#### Subchapter II — Nurse Aide Training and Testing

- DHS 129.05 Nurse aide training program approval process.
- DHS 129.06 Standards for instructors of nurse aide training programs.
- DHS 129.07 Standards for nurse aide training programs.
- DHS 129.08 Standards for nurse aide competency evaluation programs.
- DHS 129.09 Registry.
- DHS 129.10 Nurse aide program appeals.

#### Subchapter III — Feeding Assistants

- DHS 129.11 Feeding assistant training program requirements.
- DHS 129.12 Feeding assistant training program curriculum.
- DHS 129.13 Feeding assistant training program completion.
- DHS 129.14 Standards for instructors of feeding assistant training programs.
- DHS 129.15 Feeding assistant training program approval process.

- DHS 129.16 Feeding assistant employment requirements.
- DHS 129.17 Feeding assistant training program requirements.
- DHS 129.18 Feeding assistant training program record retention requirements.
- DHS 129.19 Feeding assistant training program prohibitions.
- DHS 129.20 Feeding assistant training program appeals.

#### Subchapter IV — Medication Aides

- DHS 129.21 Medication aide training program application and approval process.
- DHS 129.22 Standards for instructors of medication aide training programs.
- DHS 129.23 Nursing home medication aide student qualifications.
- DHS 129.24 Standards for nursing home medication aide training programs.
- DHS 129.25 Nursing home medication aide training program operation.
- DHS 129.26 Medication aide training program prohibitions.
- DHS 129.27 Hospice medication aide training program approval process.
- DHS 129.28 Standards for instructors of hospice medication aide training programs.
- DHS 129.29 Hospice medication aide student qualifications.
- DHS 129.30 Standards for hospice medication aide training programs.
- DHS 129.31 Hospice medication aide training program operation.

**Note:** Chapter HSS 129 was renumbered to chapter HFS 129 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1999, No. 522. Chapter HFS 129 as it existed on November 30, 2008, was repealed and a new chapter DHS 129, as renumbered from chapter HFS 129 under s. 13.92 (4) (b) 1., Stats., was created, Register November 2008 No. 635, effective December 1, 2008.

#### Subchapter I — General Provisions

**DHS 129.01 Authority and purpose.** This chapter is promulgated under the authority of ss. 146.40 (2m), (3) and (5) and 227.11 (2) (a), Stats., to provide conditions of approval for training programs and competency evaluation programs for persons who work as nurse aides, medication aides or feeding assistants in hospitals, nursing homes or facilities for the developmentally disabled, home health agencies or hospices certified under 42 USC 1395 to 1395ccc, and conditions for including persons in the department’s registry of nurse aides.

**History:** CR 08–042: cr. register November 2008 No. 635, eff. 12–1–08; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

**DHS 129.02 Applicability.** This chapter applies to any facility, agency or other organization that proposes to maintain a registry of nurse aides, train or administer competency evaluation testing of nurse aides, feeding assistants, or medication aides under a program approved by or under contract with the department under this chapter, and to all persons automatically included or eligible for inclusion and requesting inclusion in the department’s registry of nurse aides.

**History:** CR 08–042: cr. register November 2008 No. 635, eff. 12–1–08.

**DHS 129.03 Definitions.** In this chapter:

- (1) “Abuse” has the meaning specified in s. DHS 13.03 (1).
- (2) “Basic nursing course” means a course or combination of courses that contain the basic nursing skills, competencies and knowledge that the department is satisfied are generally equivalent in content to the skills contained in s. DHS 129.07 (1).
- (3) “Body mechanics” means the use of the muscle and skeletal systems during activity and when positioning the body for work tasks, given that the task is within the limits of worker capability when assisting in the movement, positioning and transfer of clients.
- (4) “Caregiver misconduct registry” has the meaning specified in s. DHS 13.03 (4).
- (5) “Client” means a person receiving care, treatment or diagnostic services from a health care provider.

(6) “Client care ergonomics” means a multifaceted, standardized approach for client mobility tasks, which incorporates the evaluation of client characteristics to assure proper selection and use of equipment by caregivers according to algorithms for client transfer and mobility activities.

(7) “Client related services” means care, treatment or diagnostic services provided to a client.

(8) “Clinical setting” means one of the following:

- (a) A practice setting where care and treatment of clients occur.
- (b) A health care–related setting, where care and treatment of clients occurs.

(9) “Competency evaluation program” means a testing program for nurse aides that is approved under this chapter and consists of all of the following components:

- (a) A written or oral examination.
- (b) A skills demonstration examination.

(10) “Complicated feeding problems” means difficulty in swallowing, recurrent lung aspiration, or tube or parenteral or IV feedings.

(11) “Department” means the Wisconsin department of health services.

(12) “Developmental tasks” means those functions normally associated with the aging process, including acceptance of and adjustment to psychosocial and physiological processes, transition throughout adulthood, retirement development, and life review.

(13) “Direct supervision” means that an RN or LPN is immediately available on the same unit, floor or wing as the nurse aide while the nurse aide is performing client–related services.

(14) “Employment” means working for another for compensation on a full–time, part–time, temporary, per diem, contractual or other basis.

(15) “Facility for the developmentally disabled” means a place or a distinct part of a place where five or more unrelated persons reside and who, because of their developmental disabilities, require access to 24–hour nursing care or treatment for developmental disabilities as defined under rules promulgated by the department for facilities for the developmentally disabled. “Facility for the developmentally disabled” does not include any of the following:











hearing aids, artificial eyes and artificial limbs. A nurse aide shall demonstrate the ability to do all of the following:

1. Recognize the importance of bowel and bladder programs.
  2. Recognize the method for maintaining and improving musculoskeletal functioning by promoting joint mobility, body alignment and movement, including being able to do all of the following:
    - a. Position clients by use of pillows, towel rolls, padding and footboards.
    - b. Perform simple range of motion exercises.
    - c. Assist clients in the use of crutches, walkers, wheelchairs, canes, prostheses and appliances.
  3. Transfer clients safely and according to principles of patient care ergonomics and with proficiency in use of available equipment that is used to transfer clients.
- Note:** Equipment used to transfer clients includes, but is not limited to, mechanical lifts, friction reducing devices; wheelchairs and gait belts.
4. Reinforce breathing exercises, including coughing and deep breathing.
  5. Help clients use hearing aids and visual aids.

(c) *Rights of clients.* 1. The program shall provide instruction on the principles of and requirements relating to clients' rights. The nurse aide shall demonstrate an understanding of all of the following obligations:

- a. Providing privacy for clients in treatment, living arrangements and personal care needs.
- b. Maintaining the confidentiality of client health and personal records.
- c. Allowing clients to make personal choices to accommodate the clients' needs.
- d. Providing help clients need in getting to and participating in activities, including client and family group meetings.
- e. Maintaining the personal possessions of clients in good and secure condition.
- f. Interacting with clients without abusing or neglecting the clients.
- g. Interacting with clients without misappropriating the clients' property.
- h. Immediately reporting to appropriate facility or agency staff every instance of abuse or neglect of a client or misappropriation of a client's property as defined in s. DHS 13.03 (1), (12), and (14).

2. The nurse aide shall demonstrate behavior that recognizes that clients have rights and that the aide respects those rights. The nurse aide shall do all of the following:

- a. Demonstrate respect and concern for each client's rights, preferences and awareness of age, color, disability, family status, financial status, gender, marital status, race, sexual orientation, and ethnic, cultural, social, generational and religious differences.
- b. Show respect for cultural, ethnic and religious food preferences.
- c. Recognize what constitutes abuse of clients and demonstrate an understanding of how to interact with clients without abusing them or without appearing to abuse them.
- d. Demonstrate prevention and intervention skills with combative clients that balance appropriate client care with a need to minimize the potential for injury to the aide and others.
- e. Recognize the role of state and federal regulatory agencies in licensing or otherwise approving providers and in investigating complaints of abuse of client property.
- f. Demonstrate an understanding of the process by which a client or staff member may file a complaint on behalf of a client and seek redress for a perceived violation of client rights.
- g. Recognize the role of client advocacy groups as client resources.

h. Demonstrate awareness of how to file a complaint with the department regarding operations within the provider setting.

(f) *Dementias.* The program shall include instruction about dementia and specific techniques for meeting the basic needs of clients with dementia. The nurse aide shall demonstrate an understanding of all of the following:

1. The nature of dementia, including the cause, course and symptoms of the impairment. The effects that brain changes have on the person's moods, abilities and functioning.
2. The effects on the client of staff verbal and nonverbal communication with the client and means of modifying these communications and approaches to facilitate effective interaction between clients and staff.
3. The feeding and fluid intake problems associated with dementia and the specialized techniques for addressing those problems.
4. The effect of the environment on clients with dementia and the appropriate environmental stimuli to use with those clients to reduce stress and maximize normal functioning and how to incorporate strategies that preserve function and prevent excess disability.
5. Possible causes of dementia related symptomatic behavior changes, specifically focusing on understanding behavior as an attempt to communicate unmet needs and then how to address the unmet need including an understanding of how pain impacts behavior.

6. Ways to help the person with dementia continue meaningful involvement in his or her day, the importance of structure and routine and the incorporation of the person's life story and past interests, routines, tastes, values and background.

7. The stress involved for the client, family and nurse aide in caring for a client with dementia and techniques for coping with this stress and ways to address the person with dementia's core needs of having self-esteem boosted, being useful, giving and receiving love, and caring for self and others.

(2) PROGRAM OPERATION. (a) *Class setting.* 1. Programs shall ensure that classrooms and lab facilities are adequate to meet the needs of the program, based on the number of students enrolled and how the classroom space is used. Programs shall ensure that classroom and skills labs have adequate temperature controls, clean and safe conditions, adequate space to accommodate students, adequate lighting, and all training equipment needed, including audiovisual equipment and any equipment needed for simulating resident care. Lab equipment shall be in the skill lab at all times necessary for demonstration, practice, and student demonstration. Any area designated as a classroom or lab in a facility-based program shall be an area that is not designated for resident care.

2. The program shall have qualified faculty members for both the classroom and the skills portion of the program.

3. The program shall have reasonable accommodations for students and prospective students with handicapping conditions.

(b) *Program standards.* 1. A training program shall be a minimum of 120 hours in length. This requirement includes at least 32 hours of clinical experience in a clinical setting approved by the department. The first 16 hours of training shall be provided in a classroom setting before a student has direct contact with clients. Tours of a facility including observations of clients and day-to-day facility activities may be incorporated into the classroom hours. Competency evaluation and provider orientation may not be counted toward meeting the 120-hour minimum requirement.

2. The program shall cover all of the following during the first 16 hours of classroom training:

- a. Communication and interpersonal skills.
- b. Infection control.
- c. Safety and emergency procedures.
- d. Promoting residents' independence.

















(3) The department shall score the examination and provide the students' examination results to the course coordinator one week after the final examination. Within 30 days after receipt of the information required in sub. (2), the department shall send a certificate of completion to the coordinator for distribution to each student who successfully passed the course.

(4) The department may revoke approval of an instructor if the department determines the instructor failed to comply with any requirement of this chapter.

**History:** CR 08-042: cr. register November 2008 No. 635, eff. 12-1-08.