CHAPTER 7
CERTIFIED NURSING ASSISTANTS

Section 1. Authority
(a) These rules and regulations are promulgated by the Wyoming State Board of Nursing pursuant to its authority under W.S. 33-21-119 thru 33-21-156 and the federal requirements (Public Law 100-203).

(b) The responsibility for enforcement of the provisions of these rules is vested in the board.

Section 2. General Provisions
(a) The board shall have all of the duties, powers and authority specifically granted by the Wyoming Nurse Practice Act and federal requirements necessary to the enforcement of reasonable rules governing the regulation of nursing assistants.

(b) Without limiting the foregoing, the board may do the following:

(i) Have the responsibility for the enforcement of the provision of rules governing the regulation of nursing assistant training, competency, certification, registry, practice, and discipline;

(ii) Develop and enforce standards for nursing assistant certification:

(A) Issue certification to the nursing assistants who have successfully met the requirements;

(B) Notify all nursing assistants of changes in laws, rules and regulations pertaining to nursing assistants;

(iii) Develop and enforce standards for competency evaluation of nursing assistants;

(A) Grant qualified individuals temporary permits to engage in graduate nursing assistant practice when indicated by the executive director;

(B) Examine, certify, renew, and reinstate the certificates of duly qualified individuals.

(iv) Deny any applicant a certificate or temporary permit to practice as a nursing assistant for examination, certification, renewal, or reinstatement if the applicant fails to meet the requirements of board rules and regulations;

(v) Develop standards for continued competency of nursing assistants during employment and upon return to employment;

(vi) Collect data regarding certification and educational enrollment of nursing assistants and report to the public;

(vii) Conduct investigations, hearings and proceedings concerning alleged violations of the boards rules and regulations;
(viii) Compel attendance of witnesses, issue subpoenas and administer oaths to those testifying at hearings;

(ix) Determine and administer appropriate disciplinary action against all individuals found guilty of violating the Wyoming Nurse Practice Act and board rules and regulations.

Section 3. Statement of Purpose

(a) These rules and regulations are adopted to implement the authority of the Wyoming State Board of Nursing to:

(i) Regulate the qualifications and certification standards of nursing assistants practicing in Wyoming;

(ii) Regulate the certification process for nursing assistants practicing in Wyoming;

(iii) Establish minimum standards of competency for nursing assistants;

(iv) Identify basic skills and functions necessary to nursing assistant practice;

(v) Enforce the standards for nursing assistant training and/or competency evaluation programs;

(vi) Establish minimal acceptable levels of safe nursing assistant practice;

(vii) Provide criteria for the board to evaluate safe and competent nursing assistant practice;

(viii) Clarify the scope of tasks for the certified nursing assistant;

(ix) Identify behaviors which are inconsistent with uniform and reasonable standards of nursing practice including, but not limited to:

(A) Fraud and deceit;

(B) Unsafe practice;

(C) Misappropriation of property;

(D) Abandonment;

(E) Abuse, including sexual abuse;

(F) Neglect, including substandard care;

(G) Violation of privacy and/or confidentiality;

(H) Drug diversion - self/others;

(I) Sale, unauthorized use, or manufacture of controlled/illicit drugs;
Criminal conviction;
Unprofessional conduct;
Boundary violations, including sexual boundaries;
Failure to comply with reasonable requests from the board including, but not limited to:
Response to complaints;
Response to formal pleadings such as notice of hearing or petition and complaint;
Response to inquiry regarding application or renewal information.
Impairment;
Lack of nursing competency;
Mental illness;
Physical illness including, but not limited to, deterioration through the aging process or loss of motor skill; or
Chemical or alcohol impairment.

Section 4. Certification Requirements for Nursing Assistants.
(a) All nursing assistants, regardless of title or care setting, shall be required to hold a current, valid nursing assistant certificate issued by the board within four (4) months from the first date of hire with the following exceptions:
(i) Nursing assistants who work for a home health agency/public health agency or in the community shall be certified prior to beginning work.
(A) Nursing assistants who are employed in a home health/public health or community setting shall receive sixteen (16) hours of training in home health nursing assistant tasks as prescribed by the board within the first two (2) weeks of employment;
(B) Nursing assistants who are employed in home health/public health or community settings shall not provide direct patient care until completion of the sixteen (16) hours of home health nursing assistant training;
(C) Documentation of completion of home health nursing assistant training shall be submitted to the board on the prescribed form.
(ii) Nursing assistants, regardless of title or setting, who work for a staffing agency shall be required to be certified prior to beginning work.
(b) Nursing assistant applying for endorsement must make application for certification immediately upon employment.
Section 5. Standards for Delegation of Basic Nursing Tasks and Skills

See Chapter 9.

Section 6. Degree of Direction or Supervision.

See Chapter 9.

Section 7. Basic Nursing Functions, Tasks, and Skills that may be Delegated.

(a) A certified nursing assistant, regardless of title or care setting shall be under the direction of a licensed nurse;

(b) After appropriate client assessment and delegation by the supervising nurse, the nursing assistant shall utilize knowledge of client’s rights, legal and ethical concepts, communication skills, safety, and infection control while performing the following:

(i) Basic Nursing Skills:

(A) Measuring and recording height, weight, intake and output;

(B) Measuring and recording vital signs, including blood pressure and fingerstick blood sugar;

(C) Observing, reporting, and recording signs, symptoms, and changes from baseline data established by the licensed nurse;

   (I) Observing and reporting client or family comments in response to care;

   (II) Observing and reporting environment situations;

   (III) Observing and reporting behaviors related to the plan of care;

(D) Caring for the client environment;

(E) Caring for the client when death is imminent;

(F) Measuring and recording food and fluid intake and output;

(G) Using client protective devices;

(H) Maintaining safety standards;

(I) Using hand washing, universal precautions, and other infection control measures.

(J) Implementing basic emergency procedures including cardiopulmonary resuscitation

(ii) Personal Care Skills:

(A) Bathing including bed bath, tub or shower, and perineal care;
and nail care;

(B) Grooming including sink, tub, or bed shampoo and oral hygiene technique;

(C) Dressing;

(D) Toileting;

(E) Assisting with eating and hydration, including proper feeding technique;

(F) Providing skin care including pressure ulcer prevention;

(G) Ambulating, positioning, and turning;

(H) Feeding, cutting up food, or placing of meal trays;

(I) Promoting client/resident independence;

(J) Socialization activities; and

(K) Assisting with the self-administration of medications includes the following:

(I) The licensed nurse assesses and determines the client is awake, alert and cognizant of their medications;

(II) Medications must be dispensed from a licensed pharmacy with the name, address, and telephone number of the pharmacy, name of client, name and strength of drug, directions for use, date filled, expiration date, prescription number, and prescriber (Assisted Living Facility Rules, Chapter 12, Section 6(d)(ii));

(III) The nursing assistant may perform the following:

(1.) Reminding the client to take medication (Assisted Living Facility Rules, Chapter 12, Section 6(iv)(A)(I));

(2.) Assisting with the removal of a cap or blister pack (Assisted Living Facility Rules, Chapter 12, Section 6(iv)(A)(III));

(3.) Assisting with the removal of a medication from a container for a client with a disability which prevents independent performance of this act (Assisted Living Facility Rules, Chapter 12, Section 6(iv)(A)(IV));

(4.) Observing the client take the medication;

(5.) Applying topical ointments to intact skin

(6.) Inserting dulcolax and glycerin suppositories

rectally.

(iii) Basic Restorative Skills Assistance:

(A) Activities of daily living;
Performing range of motion exercises;

Using assistive devices in transferring, positioning, ambulating, toileting, eating and dressing;

Turning and positioning properly;

Transferring;

Assisting in bowel and bladder training;

Using and caring for prosthetic devices;

Positioning of therapeutic devices; and

Training the client/resident in self care according to their abilities.

Mental Health and Psychosocial Skills.

Recognizing developmental tasks associated with the life process;

Utilizing basic skills which support the patient in age-appropriate behavior and self-care;

Applying basic principles of behavior management in response to the client's behavior;

Identifying characteristics that may put the client/resident at risk and providing care with consideration of:

The client's cognitive level of functioning;

The client's sensory deficits or impairments;

Communication limitations;

Altered level of consciousness;

Agitation or combative ness;

The client's ability to make personal choices;

The client's family or concerned others as a source of emotional support;

The client's need for participation in social activities; and

The client's expression of grief or conflict.

Organizing the client's environment to enhance well-being; and

Recognizing the client's spiritual needs.
(v) Communication Skills:

(A) Using appropriate verbal and non-verbal communication with clients, their families and co-workers;

(B) Recognizing non-verbal communication in clients, their families, and co-workers; and

(C) Recognizing and maintaining boundaries, including sexual boundaries.

(vi) Nursing Team Member Skills of the Certified Nursing Assistant:

(A) Accepting delegation, instruction, and supervision from the licensed nurse and other appropriate licensed health professionals;

(B) Accepting responsibility for actions;

(C) Following the nursing care plan to guide delegated aspects of care;

(D) Organizing work by priority assignments;

(E) Informing the delegation nurse and appropriate health professional about ability or inability to perform tasks;

(F) Observing, reporting, and recording data in a timely manner;

(G) Reporting changes in the client to the nurse in a timely manner;

(H) Participating with other members of the healthcare team to provide optimum care;

(I) Contributing to the planning of care;

(J) Reporting unsafe, neglectful or abusive care;

(K) Conducting assigned tasks without discrimination on the basis of age, race, religion, sex, lifestyle, national origin, disability or disease;

(L) Protecting the dignity and rights of clients regardless of social or economic status, personal attributes or nature of health problems;

(M) Protecting the individual's right to privacy and the maintenance of confidentiality;

(N) Protecting the property of the client, family, significant others, and the employer; and

(O) Providing care which maintains the client free from abuse and/or neglect.
Section 8. Standards for Nursing Assistant Training and Competency Evaluation Programs

(a) Purpose of Standards:

(i) To ensure the safe and effective functioning of nursing assistants who successfully complete nursing assistant training and competency evaluation programs.

(ii) To serve as a guide for the development and establishment of nursing assistant training and competency evaluation programs.

(iii) To provide criteria for the evaluation of nursing assistant training and competency evaluation programs.

(iv) To promote, preserve and protect the health, safety and welfare of the public by and through the effective control and regulation of nursing assistants and their functions and approval of nursing assistant training and competency evaluation programs.


(a) The board shall establish the process for evaluating nursing assistants for minimal competency.

Section 10. Disciplinary Procedures

(a) Purpose:

(i) To protect the public from incompetent nursing assistants;

(ii) To assure the minimum competence of nursing assistants; and

(iii) To provide a process to resolve complaints regarding nursing assistants, pursuant to Chapter 8 of the board's administrative rules and regulations.

(b) Grounds for Discipline:

(i) Engaging in any act inconsistent with uniform and reasonable standards of nursing practice, including but not limited to:

(A) Fraud and deceit;

(B) Unsafe practice;

(C) Misappropriation of property;

(D) Abandonment;

(E) Abuse, including sexual abuse;

(F) Neglect, including substandard care;

(G) Violations of privacy and/or confidentiality;

(H) Drug diversion – self/others;
(I) Sale, unauthorized use, or manufacture of controlled/illicit drugs;

(J) Criminal conviction;

(K) Unprofessional conduct;

(L) Boundary violations, including sexual boundaries;

(M) Failure to comply with reasonable requests from the board including, but not limited to:
   (I) Response to complaints;
   (II) Response to formal pleadings such as notice of hearing or petition and complaint;
   (III) Response to request to application or renewal information.

(N) Impairment;
   (I) Lack of nursing competency;
   (II) Mental illness;
   (III) Physical illness including, but not limited to, deterioration through the aging process or loss of motor skill; or
   (IV) Chemical or alcohol impairment

(ii) Failure to conform to the standards of prevailing nursing and nursing assistant practice, in which case actual injury need not be established.

(c) Disciplinary Records.
   (i) The board shall maintain records of disciplinary actions and make available public findings of abuse, neglect, or misappropriation of client property, or other disciplinary findings, and any statement disputing the finding by the nursing assistant listed on the registry.

(d) Disciplinary Notification.
   (i) The board shall notify the nursing assistant’s current employer, if known, of the disciplinary action.
   (ii) The board shall notify the Department of Health of disciplinary action taken against nursing assistants.