



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, WA 98504-5600

December 11, 2014

ALTSA: NH 2014- 025
120 DAY RULE FOR NARs

Dear Nursing Facility/Home Administrators and Interested Parties:

Historically, there has not been focused oversight on whether facilities have adhered to federal and state regulation concerning the employment of student nurse aides (NAR). The purpose of this letter is to provide a brief review of the state and federal requirements concerning the employment of unsupervised NARs in facilities.

There is both federal and state regulation - 42 Code of Federal Regulation (CFR) 483.75 and Washington Administrative Code (WAC) 388-97-1660 – governing the employment of NARs and under what conditions a student NAR can be employed in a SNF.

Specifically, 42 CFR 483.75 requires that that a SNF must not use any individual working in a facility as a nurse aide for more than four months unless certain exceptions are met: the student is competent to provide nursing and nursing related services, has completed a training and competency evaluation program or a competency evaluation program approved by the State, or the student has been deemed competent under 42 CFR 483.150 (a) and (b).

On the state level, WAC 388-97-1660 provides that a student giving direct resident care has successfully completed or is a student in a DSHS-approved nursing assistant training program and meets other requirements applicable to individuals performing nursing related duties in a nursing home, including those which apply to minors.

Based on these rules, an unsupervised NAR cannot do direct patient care during the 120 days from the date of hire, unless he or she has completed and passed their training program and passed both the written and skills competency exam while waiting to be added to the OBRA Registry.

Thank you for your continued commitment to nursing home residents. If you have any questions, please contact your RCS Field Manager.

Sincerely,


Carl I. Walters II., Director
Residential Care Services

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