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**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

Proposed Rule
LSA Document #04-7

DIGEST

Adds 410 IAC 16.2-1.1-19.3 to define dining assistant. Amends 410 IAC 16.2-3.1-14 to include dining assistant certificate or letter of completion. Adds 410 IAC 16.2-3.1-53 to establish the dining assistant program in comprehensive and residential facilities. Amends 410 IAC 16.2-5-1.4 to include dining assistant certificate or letter of completion. Adds 410 IAC 16.2-5-13 to establish the dining assistant program in comprehensive and residential facilities. Effective 30 days after filing with the secretary of state.

410 IAC 16.2-1.1-19.3 **410 IAC 16.2-5-1.4**
410 IAC 16.2-3.1-14 **410 IAC 16.2-5-13**
410 IAC 16.2-3.1-53

SECTION 1. 410 IAC 16.2-1.1-19.3 IS ADDED TO READ AS FOLLOWS:

410 IAC 16.2-1.1-19.3 “Dining assistant” defined

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28

Sec. 19.3. “Dining assistant” means an individual who is paid to feed residents by a facility or who is used under an arrangement with another agency or organization. (Indiana State Department of Health; 410 IAC 16.2-1.1-19.3)

SECTION 2. 410 IAC 16.2-3.1-14, PROPOSED TO BE AMENDED AT 27 IR 2056, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

410 IAC 16.2-3.1-14 Personnel

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1; IC 16-28-13-3

Sec. 14. (a) Each facility shall have specific procedures written and implemented for the screening of prospective employees. Specific inquiries shall be made for prospective employees. The facility shall have a personnel policy that considers references and any convictions in accordance with IC 16-28-13-3.

(b) A facility must not use any individual working in the facility as a nurse aide for more than four (4) months on a full-time, part-time, temporary, per diem, or other basis unless that individual:

- (1) is competent to provide nursing and nursing-related services; and
- (2) has completed a:
 - (A) training and competency evaluation program; ~~approved by the division~~ or a
 - (B) competency evaluation program;
approved by the division.

(c) Each nurse aide who is hired to work in a facility shall have successfully completed a nurse aide training program approved by the division or shall enroll in the first available approved training program scheduled to

commence within sixty (60) days of the date of the nurse aide's employment. The program may be established by the facility, **or** by an organization, or **an** institution. The training program shall consist of at least the following:

(1) Thirty (30) hours of classroom instruction within one hundred twenty (120) days of employment. At least sixteen (16) of those hours shall be in the following areas prior to any direct contact with a resident:

- (A) Communication and interpersonal skills.
- (B) Infection control.
- (C) Safety/emergency procedures, including the Heimlich maneuver.
- (D) Promoting residents' independence.
- (E) Respecting residents' rights.

(2) The remainder of the thirty (30) hours of instruction shall include the following:

(A) Basic nursing skills as follows:

- (i) Taking and recording vital signs.
- (ii) Measuring and recording height and weight.
- (iii) Caring for residents' environment.
- (iv) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor.
- (v) Caring for residents when death is imminent.

(B) Personal care skills, including, but not limited to, the following:

- (i) Bathing.
- (ii) Grooming, including mouth care.
- (iii) Dressing.
- (iv) Toileting.
- (v) Assisting with eating and hydration.
- (vi) Proper feeding techniques.
- (vii) Skin care.
- (viii) Transfers, positioning, and turning.

(C) Mental health and social service needs as follows:

- (i) Modifying aides' behavior in response to residents' behavior.
- (ii) Awareness of developmental tasks associated with the aging process.
- (iii) How to respond to residents' behavior.
- (iv) Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity.
- (v) Using the resident's family as a source of emotional support.

(D) Care of cognitively impaired residents as follows:

- (i) Techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others).
- (ii) Communicating with cognitively impaired residents.
- (iii) Understanding the behavior of cognitively impaired residents.
- (iv) Appropriate responses to the behavior of cognitively impaired residents.
- (v) Methods of reducing the effects of cognitive impairments.

(E) Basic restorative services as follows:

- (i) Training the resident in self-care according to the resident's abilities.
- (ii) Use of assistive devices in transferring, ambulation, eating, and dressing.
- (iii) Maintenance of range of motion.
- (iv) Proper turning and positioning in bed and chair.
- (v) Bowel and bladder training.
- (vi) Care and use of prosthetic and orthotic devices.

(F) Residents' rights as follows:

- (i) Providing privacy and maintenance of confidentiality.
- (ii) Promoting residents' right to make personal choices to accommodate their needs.
- (iii) Giving assistance in resolving grievances and disputes.
- (iv) Providing needed assistance in getting to and participating in resident and family groups and other activities.
- (v) Maintaining care and security of residents' personal possessions.

(vi) Promoting residents' right to be free from abuse, mistreatment, and neglect, and the need to report any instances of such treatment to appropriate facility staff.

(vii) Avoiding the need for restraints in accordance with current professional standards.

(3) Seventy-five (75) hours of supervised clinical experience, at least sixteen (16) hours of which must be in directly supervised practical training. As used in this subdivision, "directly supervised practical training" means training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under direct supervision of a registered nurse or a licensed practical nurse. These hours shall consist of normal employment as a nurse aide under the supervision of a licensed nurse.

(4) Training that ensures the following:

(A) Students do not perform any services for which they have not trained and been found proficient by the instructor.

(B) Students who are providing services to residents are under the general supervision of a licensed nurse.

(d) A facility must arrange for individuals used as nurse aides, as of the effective date of this rule, to participate in a competency evaluation program approved by the division and preparation necessary for the individual to complete the program.

(e) Before allowing an individual to serve as a nurse aide, a facility must receive registry verification that the individual has met competency evaluation requirements unless the individual:

(1) is a full-time employee in a training and competency evaluation program approved by the division; or

(2) can prove that he or she has recently successfully completed a training and competency evaluation program approved by the division and has not yet been included in the registry.

Facilities must follow up to ensure that such individual actually becomes registered.

(f) A facility must check with all state nurse aide registries it has reason to believe contain information on an individual before using that individual as a nurse aide.

(g) If, since an individual's most recent completion of a training and competency evaluation program, there has been a continuous period of twenty-four (24) consecutive months during none of which the individual provided nursing or nursing-related services for monetary compensation, the individual must complete a new:

(1) training and competency evaluation program; or a new

(2) competency evaluation program.

(h) The facility must complete a performance review of every nurse aide at least once every twelve (12) months and must provide regular inservice education based on the outcome of these reviews. The inservice training must be as follows:

(1) Sufficient to ensure the continuing competence of nurse aides but must be no less than twelve (12) hours per year.

(2) Address areas of weakness as determined in nurse aides' performance reviews and may address the special needs of residents as determined by the facility staff.

(3) For nurse aides providing services to individuals with cognitive impairments, also address the care of the cognitively impaired.

(i) The facility must ensure that nurse aides and qualified medication aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs as identified through resident assessments and described in the care plan.

(j) Medication shall be administered by licensed nursing personnel or qualified medication aides. If medication aides handle or administer drugs or perform treatments requiring medications, the facility shall ensure that the persons have been properly qualified in medication administration by a state-approved course. Injectable medications shall be given only by licensed personnel.

(k) There shall be an organized ongoing inservice education and training program planned in advance for all personnel. This training shall include, but not be limited to, the following:

- (1) Residents' rights.
- (2) Prevention and control of infection.
- (3) Fire prevention.
- (4) Safety and accident prevention.
- (5) Needs of specialized populations served.
- (6) Care of cognitively impaired residents.

(l) The frequency and content of inservice education and training programs shall be in accordance with the skills and knowledge of the facility personnel as follows. For nursing personnel, this shall include at least twelve (12) hours of inservice per calendar year and six (6) hours of inservice per calendar year for nonnursing personnel.

(m) Inservice programs for items required under subsection (k) shall contain a means to assess learning by participants.

(n) The administrator may approve attendance at outside workshops and continuing education programs related to that individual's responsibilities in the facility. Documented attendance at these workshops and programs meets the requirements for inservice training.

(o) Inservice records shall be maintained and shall indicate the following:

- (1) The time, date, and location.
- (2) **The** name of the instructor.
- (3) The title of the instructor.
- (4) The ~~name~~ **names** of the participants.
- (5) The program content of inservice.

The employee will acknowledge attendance by written signature.

(p) Initial orientation of all staff must be conducted and documented and shall include the following:

- (1) Instructions on the needs of the specialized population or populations served in the facility, for example:
 - (A) aged;
 - (B) developmentally disabled;
 - (C) mentally ill;
 - (D) children; or
 - (E) care of cognitively impaired;

residents.

- (2) A review of residents' rights and other pertinent portions of the facility's policy manual.
- (3) Instruction in first aid, emergency procedures, and fire and disaster preparedness, including evacuation procedures and universal precautions.
- (4) A detailed review of the appropriate job description, including a demonstration of equipment and procedures required of the specific position to which the employee will be assigned.
- (5) Review of ethical considerations and confidentiality in resident care and records.
- (6) For direct care staff, instruction in the particular needs of each resident to whom the employee will be providing care.

(q) Each facility shall maintain current and accurate personnel records for all employees. The personnel records for all employees shall include the following:

- (1) **The** name and address of **the** employee.
- (2) Social Security number.
- (3) Date of beginning employment.
- (4) Past employment, experience, and education if applicable.
- (5) Professional licensure, certification, or registration number **or dining assistant certificate or letter of completion** if applicable.
- (6) Position in the facility and job description.
- (7) Documentation of orientation to the facility and to the specific job skills.
- (8) Signed acknowledgement of orientation to residents' rights.

- (9) Performance evaluations in accordance with the facility's policy.
- (10) Date and reason for separation.

(r) The employee's personnel record shall be retained for at least three (3) years following termination or separation of the employee from employment.

(s) Professional staff must be licensed, certified, or registered in accordance with applicable state laws or rules.

(t) A physical examination shall be required for each employee of a facility within one (1) month prior to employment. The examination shall include a tuberculin skin test, using the Mantoux method (5 TU PPD), administered by persons having documentation of training from a department-approved course of instruction in intradermal tuberculin skin testing, reading, and recording unless a previously positive reaction can be documented. The result shall be recorded in millimeters of induration with the date given, date read, and by whom administered. The tuberculin skin test must be read prior to the employee starting work. The facility must assure the following:

(1) At the time of employment, or within one (1) month prior to employment, and at least annually thereafter, employees and nonpaid personnel of facilities shall be screened for tuberculosis. For health care workers who have not had a documented negative tuberculin skin test result during the preceding twelve (12) months, the baseline tuberculin skin testing should employ the two-step method. If the first step is negative, a second test should be performed one (1) to three (3) weeks after the first step. The frequency of repeat testing will depend on the risk of infection with tuberculosis.

(2) All employees who have a positive reaction to the skin test shall be required to have a chest x-ray and other physical and laboratory examinations in order to complete a diagnosis.

(3) The facility shall maintain a health record of each employee that includes:

(A) a report of the preemployment physical examination; and

(B) reports of all employment-related health examinations.

(4) An employee with symptoms or signs of active disease, (symptoms suggestive of active tuberculosis, including, but not limited to, cough, fever, night sweats, and weight loss) shall not be permitted to work until tuberculosis is ruled out.

(u) In addition to the required inservice hours in subsection (l), staff who have regular contact with residents shall have a minimum of six (6) hours of dementia-specific training within six (6) months of initial employment, or within thirty (30) days for personnel assigned to the Alzheimer's and dementia special care unit, and three (3) hours annually thereafter to meet the needs or preferences, or both, of cognitively impaired residents and to gain understanding of the current standards of care for residents with dementia.

(v) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (c), (e), (f), (g), (i), (j), or (s) is a deficiency;

(2) subsection (a), (b), (d), (h), (k), (l), (m), (n), (o), (p), (t), or (u) is a noncompliance; and

(3) subsection (q) or (r) is a nonconformance.

(Indiana State Department of Health; 410 IAC 16.2-3.1-14; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1537, eff Apr 1, 1997; errata, 20 IR 1738; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2414; filed May 16, 2001, 2:09 p.m.: 24 IR 3024; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 3. 410 IAC 16.2-3.1-53 IS ADDED TO READ AS FOLLOWS:

410 IAC 16.2-3.1-53 Dining assistants

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1; IC 16-28-13-3; IC 25-23-1-1

Sec. 53. (a) Each dining assistant shall successfully complete a sixteen (16) hour training program for dining assistants that has been approved by the department.

(b) A dining assistant training program must obtain approval from the department prior to providing instruction to individuals.

(c) The facility shall do the following:

- (1) Ensure that resident selection for dining assistance is based on the charge nurse's assessment and the resident's most recent assessment and plan of care.**
- (2) Not allow the dining assistant to assist more than two (2) residents at any one (1) time.**
- (3) Ensure the dining assistant is oriented to the following:**
 - (A) The resident's diet, likes, and dislikes.**
 - (B) Feeding techniques appropriate to the individual resident.**
- (4) Document the use of a dining assistant on the resident's care plan and review at each care plan conference.**
- (5) Check the nurse aide registry prior to training an individual as a dining assistant.**
- (6) Use only individuals as dining assistants who have successfully completed a department-approved training program for dining assistants.**

(d) The scope of practice for dining assistants is as follows:

- (1) A dining assistant shall work under the supervision of a licensed nurse who is on the unit or floor where the dining assistance is furnished and is immediately available to provide assistance as needed.**
- (2) In an emergency, a dining assistant shall call the supervising nurse using the resident call system or any other method available.**
- (3) A dining assistant shall assist only residents who do not have complicated eating problems, which include, but are not limited to, the following:**
 - (A) Difficulty swallowing.**
 - (B) Recurrent lung aspirations.**
 - (C) Tube or parenteral/IV feedings.**

(e) The dining assistant training program shall consist of, but is not limited to, the following:

- (1) Eight (8) hours of classroom instruction prior to any direct contact with a resident that includes the following:**
 - (A) Feeding techniques.**
 - (B) Regular and special diets.**
 - (C) Reporting food and fluid intake.**
 - (D) Assistance with feeding and hydration.**
 - (E) Communication and interpersonal skills.**
 - (F) Infection control.**
 - (G) Safety/emergency procedures including the Heimlich maneuver.**
 - (H) Promoting residents' independence.**
 - (I) Abuse, neglect, and misappropriation of property.**
 - (J) Nutrition and hydration.**
 - (K) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting these changes to the supervising nurse.**
 - (L) Mental health and social service needs including how to respond to a resident's behavior.**
 - (M) Residents' rights including the following:**
 - (i) Privacy.**
 - (ii) Confidentiality.**
 - (iii) Promoting residents' right to make personal choices to accommodate their needs.**
 - (iv) Maintaining care and security of residents' personal possessions.**
 - (v) Dignity.**
- (2) Eight (8) hours of clinical instruction that consists of, but is not limited to, the following:**
 - (A) Feeding techniques.**
 - (B) Assistance with eating and hydration.**

(f) The dining assistant training program and training facility, if applicable, must ensure that clinical instruction provides for the direct supervision of the dining assistant by a licensed nurse.

(g) Each training program shall have a qualified instructor responsible for program oversight who at a

minimum:

- (1) possesses a valid Indiana registered nurse license under IC 25-23-1-1;**
- (2) possesses two (2) years of licensed nursing experience, of which at least one (1) year of experience is in the provision of long term care services; and**
- (3) completed a department-approved training program.**

(h) An approved program director of a department nurse aide training program constitutes a qualified instructor under subsection (g) and may conduct dining assistant training without additional training.

(i) Dining assistant training may only be provided by:

- (1) a registered nurse;**
- (2) a licensed practical nurse;**
- (3) a qualified dietician;**
- (4) an occupational therapist; or**
- (5) a speech-language pathologist.**

Certified nurse aide and qualified medication aide personnel shall not participate in or provide any dining assistant training.

(j) In order to issue a certificate or letter of completion to the dining assistant, the dining assistant training program shall ensure that the dining assistant demonstrates competency in all areas of instruction using a checklist approved by the department.

(k) Each approved program shall maintain a student file that:

- (1) is retained for a minimum of three (3) years; and**
- (2) contains:**

(A) individualized documentation of the:

- (i) classroom training that includes dates of attendance and areas of instruction; and**
- (ii) clinical instruction that includes dates of attendance and areas of instruction including procedures and activities completed during the clinical experience; and**

(B) a copy of the certificate or letter confirming successful completion of the dining assistant training program, which shall be signed and dated by the instructor and bear the name and address of the training program.

(l) The department may revoke an approved dining assistant training program if evidence exists that the program has not been administered in accordance with this section.

(m) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (a), (b), (c), (d), (e), (f), (g), or (j) is a deficiency;**
- (2) subsection (h) or (i) is a noncompliance; and**
- (3) subsection (k) is a nonconformance.**

(Indiana State Department of Health; 410 IAC 16.2-3.1-53)

SECTION 4. 410 IAC 16.2-5-1.4, PROPOSED TO BE AMENDED AT 27 IR 2067, SECTION 10, IS AMENDED TO READ AS FOLLOWS:

410 IAC 16.2-5-1.4 Personnel

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1; IC 16-28-13-3

Sec. 1.4. (a) Each facility shall have specific procedures written and implemented for the screening of prospective employees. Appropriate inquiries shall be made for prospective employees. The facility shall have a personnel policy that considers references and any convictions in accordance with IC 16-28-13-3.

(b) Staff shall be sufficient in number, qualifications, and training in accordance with applicable state laws and

rules to meet the twenty-four (24) hour scheduled and unscheduled needs of the residents and services provided. The number, qualifications, and training of staff shall depend on skills required to provide for the specific needs of the residents. A minimum of one (1) awake staff person, with current CPR and first aid certificates, shall be on site at all times. If fifty (50) or more residents of the facility regularly receive residential nursing services or administration of medication, or both, at least one (1) nursing staff person shall be on site at all times. Residential facilities with over one hundred (100) residents regularly receiving residential nursing services or administration of medication, or both, shall have at least one (1) additional nursing staff person awake and on duty at all times for every additional fifty (50) residents. Personnel shall be assigned only those duties for which they are trained to perform. Employee duties shall conform with written job descriptions.

(c) Any unlicensed employee providing more than limited assistance with the activities of daily living must be either a certified nurse aide or a home health aide. Existing facilities that are not licensed on the date of adoption of this rule and that seek licensure within one (1) year of adoption of this rule have two (2) months in which to ensure that all employees in this category are either a certified nurse aide or a home health aide.

(d) Prior to working independently, each employee shall be given an orientation to the facility by the supervisor (or his or her designee) of the department in which the employee will work. Orientation of all employees shall include the following:

(1) Instructions on the needs of the specialized populations:

- (A) aged;
- (B) developmentally disabled;
- (C) mentally ill;
- (D) dementia; or
- (E) children;

served in the facility.

(2) A review of the facility's policy manual and applicable procedures, including:

- (A) organization chart;
- (B) personnel policies;
- (C) appearance and grooming policies for employees; and
- (D) residents' rights.

(3) Instruction in first aid, emergency procedures, and fire and disaster preparedness, including evacuation procedures.

(4) Review of ethical considerations and confidentiality in resident care and records.

(5) For direct care staff, personal introduction to, and instruction in, the particular needs of each resident to whom the employee will be providing care.

(6) Documentation of the orientation in the employee's personnel record by the person supervising the orientation.

(e) There shall be an organized inservice education and training program planned in advance for all personnel in all departments at least annually. Training shall include, but is not limited to, residents' rights, prevention and control of infection, fire prevention, safety, accident prevention, the needs of specialized populations served, medication administration, and nursing care, when appropriate, as follows:

(1) The frequency and content of inservice education and training programs shall be in accordance with the skills and knowledge of the facility personnel. For nursing personnel, this shall include at least eight (8) hours of inservice per calendar year and four (4) hours of inservice per calendar year for nonnursing personnel.

(2) In addition to the above required inservice hours, staff who have contact with residents shall have a minimum of six (6) hours of dementia-specific training within six (6) months and three (3) hours annually thereafter to meet the needs or preferences, or both, of cognitively impaired residents effectively and to gain understanding of the current standards of care for residents with dementia.

(3) Inservice records shall be maintained and shall indicate the following:

- (A) **The** time, date, and location.
- (B) **The** name of **the** instructor.
- (C) **The** title of **the** instructor.
- (D) ~~Name~~ **The** names of **the** participants.

(E) **The** program content of inservice.

The employee will acknowledge attendance by written signature.

(f) A health screen shall be required for each employee of a facility prior to resident contact. The screen shall include a tuberculin skin test, using the Mantoux method (5 TU, PPD), unless a previously positive reaction can be documented. The result shall be recorded in millimeters of induration with the date given, date read, and by whom administered. The facility must assure the following:

(1) At the time of employment, or within one (1) month prior to employment, and at least annually thereafter, employees and nonpaid personnel of facilities shall be screened for tuberculosis. The first tuberculin skin test must be read prior to the employee starting work. For health care workers who have not had a documented negative tuberculin skin test result during the preceding twelve (12) months, the baseline tuberculin skin testing should employ the two-step method. If the first step is negative, a second test should be performed one (1) to three (3) weeks after the first step. The frequency of repeat testing will depend on the risk of infection with tuberculosis.

(2) All employees who have a positive reaction to the skin test shall be required to have a chest x-ray and other physical and laboratory examinations in order to complete a diagnosis.

(3) The facility shall maintain a health record of each employee that includes reports of all employment-related health screenings.

(4) An employee with symptoms or signs of active disease, (symptoms suggestive of active tuberculosis, including, but not limited to, cough, fever, night sweats, and weight loss) shall not be permitted to work until tuberculosis is ruled out.

(g) The facility must prohibit employees with communicable disease or infected skin lesions from direct contact with residents or their food if direct contact will transmit the disease. An employee with signs and symptoms of communicable disease, including, but not limited to, an infected or draining skin lesion, shall be handled according to a facility's policy regarding direct contact with residents, their food, or resident care items until the condition is resolved. Persons with suspected or proven active tuberculosis will not be permitted to work until determined to be noninfectious and documentation is provided for the employee record.

(h) The facility shall maintain current and accurate personnel records for all employees. The personnel records for all employees shall include the following:

(1) **The** name and address of **the** employee.

(2) Social Security number.

(3) Date of beginning employment.

(4) Past employment, experience, and education, if applicable.

(5) Professional licensure or registration number **or dining assistant certificate or letter of completion**, if applicable.

(6) Position in the facility and job description.

(7) Documentation of orientation to the facility, including residents' rights, and to the specific job skills.

(8) Signed ~~acknowledgment~~ **acknowledgement** of orientation to residents' rights.

(9) Performance evaluations in accordance with facility policy.

(10) Date and reason for separation.

(i) The employee personnel record shall be retained for at least three (3) years following termination or separation of the employee from employment.

(j) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (b), (c), or (g) is a deficiency;

(2) subsection (a), (d), (e), or (f) is a noncompliance; and

(3) subsection (h) or (i) is a nonconformance.

(Indiana State Department of Health; 410 IAC 16.2-5-1.4; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1567, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1921, eff Mar 1, 2003)

SECTION 5. 410 IAC 16.2-5-13 IS ADDED TO READ AS FOLLOWS:

410 IAC 16.2-5-13 Dining assistants

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1; IC 16-28-13-3; IC 25-23-1-1

Sec. 13. (a) Each dining assistant shall successfully complete a sixteen (16) hour training program for dining assistants that has been approved by the department.

(b) A dining assistant training program must obtain approval from the department prior to providing instruction to individuals.

(c) The facility shall do the following:

(1) Ensure that resident selection for dining assistance is based on the charge nurse's assessment and the resident's most recent assessment and plan of care.

(2) Not allow the dining assistant to assist more than two (2) residents at any one (1) time.

(3) Ensure the dining assistant is oriented to the following:

(A) The resident's diet, likes, and dislikes.

(B) Feeding techniques appropriate to the individual resident.

(4) Document the use of a dining assistant on the resident's care plan and review at each care plan conference.

(5) Check the nurse aide registry prior to training an individual as a dining assistant.

(6) Use only individuals as dining assistants who have successfully completed a department-approved training program for dining assistants.

(d) The scope of practice for dining assistants is as follows:

(1) A dining assistant shall work under the supervision of a licensed nurse who is on the unit or floor where the dining assistance is furnished and is immediately available to provide assistance as needed.

(2) In an emergency, a dining assistant shall call the supervising nurse using the resident call system or any other method available.

(3) A dining assistant shall assist only residents who do not have complicated eating problems, which include, but are not limited to, the following:

(A) Difficulty swallowing.

(B) Recurrent lung aspirations.

(C) Tube or parenteral/IV feedings.

(e) The dining assistant training program shall consist of, but is not limited to, the following:

(1) Eight (8) hours of classroom instruction prior to any direct contact with a resident that includes the following:

(A) Feeding techniques.

(B) Regular and special diets.

(C) Reporting food and fluid intake.

(D) Assistance with feeding and hydration.

(E) Communication and interpersonal skills.

(F) Infection control.

(G) Safety/emergency procedures including the Heimlich maneuver.

(H) Promoting residents' independence.

(I) Abuse, neglect, and misappropriation of property.

(J) Nutrition and hydration.

(K) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting these changes to the supervising nurse.

(L) Mental health and social service needs including how to respond to a resident's behavior.

(M) Residents' rights including the following:

(i) Privacy.

- (ii) Confidentiality.
- (iii) Promoting residents' right to make personal choices to accommodate their needs.
- (iv) Maintaining care and security of residents' personal possessions.
- (v) Dignity.

(2) Eight (8) hours of clinical instruction that consists of, but is not limited to, the following:

- (A) Feeding techniques.
- (B) Assistance with eating and hydration.

(f) The dining assistant training program and training facility, if applicable, must ensure that clinical instruction provides for the direct supervision of the dining assistant by a licensed nurse.

(g) Each training program shall have a qualified instructor responsible for program oversight who at a minimum:

- (1) possesses a valid Indiana registered nurse license under IC 25-23-1-1;
- (2) possesses two (2) years of licensed nursing experience, of which at least one (1) year of experience is in the provision of long term care services; and
- (3) completed a department-approved training program.

(h) An approved program director of a department nurse aide training program constitutes a qualified instructor under subsection (g) and may conduct dining assistant training without additional training.

(i) Dining assistant training may only be provided by:

- (1) a registered nurse;
- (2) a licensed practical nurse;
- (3) a qualified dietician;
- (4) an occupational therapist; or
- (5) a speech-language pathologist.

Certified nurse aide and qualified medication aide personnel shall not participate in or provide any dining assistant training.

(j) In order to issue a certificate or letter of completion to the dining assistant, the dining assistant training program shall ensure that the dining assistant demonstrates competency in all areas of instruction using a checklist approved by the department.

(k) Each approved program shall maintain a student file that:

- (1) is retained for a minimum of three (3) years; and
- (2) contains:
 - (A) individualized documentation of the:
 - (i) classroom training that includes dates of attendance and areas of instruction; and
 - (ii) clinical instruction that includes dates of attendance and areas of instruction including procedures and activities completed during the clinical experience; and
 - (B) a copy of the certificate or letter confirming successful completion of the dining assistant training program, which shall be signed and dated by the instructor and bear the name and address of the training program.

(l) The department may revoke an approved dining assistant training program if evidence exists that the program has not been administered in accordance with this section.

(m) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (a), (b), (c), (d), (e), (f), (g), or (j) is a deficiency;
- (2) subsection (h) or (i) is a noncompliance; and
- (3) subsection (k) is a nonconformance.

(Indiana State Department of Health; 410 IAC 16.2-5-13)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 24, 2004 at 2:30 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed rules to establish the dining assistant program in comprehensive and residential facilities and to include a dining assistant certificate or letter of completion and a definition of dining assistant. Copies of these rules are now on file at the Health Care Regulatory Services Commission, Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health