

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 ADULT AND COMMUNITY CARE PROGRAMS

CHAPTER 1443

STATE-APPROVED FEEDING ASSISTANT TRAINING PROGRAM

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§17-1443-1 Purpose. The purpose of this chapter is to establish administrative provisions for state-approved feeding assistant training programs. [Eff JUL 1 2 2013] (Auth: HRS §346-14; 42 C.F.R. §§430.10, 431.10, 483.1) (Imp: 42 C.F.R. §§440.40, 483.1, 483.35, 483.160)

§17-1443-2 Definitions. As used in this chapter:

"Department" means the department of human services.

"Feeding assistant" means an individual who has successfully completed a state-approved feeding assistant training program approved by the department and who is paid by a nursing facility or is used under an arrangement with another agency or organization to feed nursing facility residents who have no complicated feeding problems. Complicated feeding problems include difficulty swallowing, recurrent lung

aspirations, and tube or parenteral or intravenous (IV) feeding.

"Nursing facility" means a skilled nursing facility or intermediate care facility or both, that is licensed and certified by the department of health as meeting the requirements of medicare or medicaid participation.

"Registered nurse" means an individual who is licensed as a registered nurse in the State, pursuant to chapter 457, HRS.

"Resident" means an individual who resides in a nursing facility and receives needed professional services directed by the attending physician toward the maintenance, improvement, or protection of health, or lessening of illness, disability, or pain. [Eff JUL 12 2013] (Auth: HRS §346-14; 42 C.F.R. §§430.10, 431.10, 483.1) (Imp: 42 C.F.R. §§440.40, 483.1, 483.35, 483.160)

§17-1443-3 Application for state-approved feeding assistant training program. (a) Requests for approval from a nursing facility shall be submitted to the department on a departmental application form.

(b) The application shall be considered complete when it includes all of the requirements as specified in section 17-1443-4.

(c) The submission of additional information shall be in the format as prescribed by the department.

(d) The date of application shall be the date a complete application is received by the department. An incomplete application may be returned to the applicant without action.

(e) Prior to rendering a decision on the request for approval, the department shall conduct an on-site review of the feeding assistant training program.

(f) Within ninety days of the date of application, the department shall provide the nursing facility with a written decision on whether or not the feeding assistant training program has been approved.

(g) On-going approval of the feeding assistant

training program shall continue unless there are changes in registered nurse supervision or changes in curriculum as specified in section 17-1443-4. Such changes shall require the program to obtain departmental approval through another approval process as specified in this section. [Eff JUL 12 2013]
(Auth: HRS §346-14; 42 C.F.R. §431.10) (Imp: HRS §346-46; 42 C.F.R. §§440.40, 483.1, 483.151)

§17-1443-4 Requirements for a feeding assistant training program. (a) A feeding assistant training program approved by the department shall include a minimum of ten hours of training, and shall include a combination of classroom training and a minimum of four hours of practical training. Practical training means training in which the individual learns and demonstrates knowledge and proficiency while performing tasks on another individual under the direct supervision of a registered nurse.

(b) The feeding assistant training program shall include the following:

- (1) Feeding techniques;
- (2) Assistance with feeding and hydration;
- (3) Communication and interpersonal skills;
- (4) Appropriate responses to resident behavior;
- (5) Safety and emergency procedures, including the Heimlich maneuver;
- (6) Infection control;
- (7) Resident rights; and
- (8) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting those changes to the supervisory nurse.

(c) Individuals being trained shall be at least eighteen years of age at the commencement of the feeding assistant training program.

(d) A nursing facility shall maintain a record of all feeding assistants who have successfully completed the feeding assistant training program.

(e) The department of health, office of health care assurance, as part of the federally mandated

surveys that it conducts of nursing facilities in the State, shall determine whether the feeding assistant training program requirements established by the department of human services are met by any such nursing facility that operates a feeding assistant training program approved under this chapter.

(f) Proof of completion of a feeding assistant training program by a nursing facility may be accepted as sufficient training for a feeding assistant to provide this service in a nursing facility in the State that did not provide the actual training. [Eff
JUL 12 2013] (Auth: HRS §346-14; 42 C.F.R. §§430.10, 431.10, 483.1) (Imp: 42 C.F.R. §§440.40, 483.1, 483.35, 483.160)

§17-1443-5 Appeal. (a) A nursing facility may appeal the department's decision not to approve the nursing facility's feeding assistant program. When the department does not approve a feeding assistant program, the department shall mail a written notice via certified mail to the nursing facility. The written notice shall include:

- (1) The reasons for the action being taken by the department; and
- (2) A statement explaining the nursing facility right to appeal the department's decision to the director of the department, no later than thirty days after the date of the notice of the action.

(b) Upon receiving a timely written appeal, the director of the department shall give notice of and an opportunity for a hearing before a hearing officer. Based on the evidence presented at the hearing, the hearing officer shall make the final decision for the department as to whether the approval shall not be granted.

(c) At any hearing provided for by this section, the nursing facility may be represented by counsel and shall have the right to call, examine, and cross-examine witnesses. Evidence may be received even though inadmissible under rules of evidence applicable

under court procedures.

(d) The hearing officer's decision shall be in writing, shall contain findings of fact and rulings of law, and shall be mailed to the nursing facility by certified or registered mail. [Eff JUL 12 2013]
(Auth: HRS §§346-14, 346-46) (Imp: 42 C.F.R. §483.151)