

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 105

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 105 PAID DINING ASSISTANTS

001. SCOPE AND AUTHORITY. These regulations implement Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-6038 to 71-6042 that govern registration of paid dining assistants and identify the circumstances and conditions under which paid dining assistants may feed residents in nursing homes.

002. DEFINITIONS. Definitions are found in Neb. Rev. Stat. § 71-6038 and this chapter.

002.01 CURRICULUM. A detailed outline of the course content including specific content areas.

002.02 IMMEDIATELY AVAILABLE. The registered or licensed practical nurse is available to respond at any time in person or by electronic communication, including pagers, intercom or call light systems, telephone and cell phones.

002.03 SUPERVISION. The provision of oversight to a paid dining assistant by a registered or licensed practical nurse who is on duty, physically present in the nursing home, and immediately available.

002.04 SUPERVISOR. Any person employed by the nursing home in a supervisory nursing capacity and who would be available for the paid dining assistant to notify in an emergency situation related to feeding residents.

003. ROLE OF THE PAID DINING ASSISTANT. Paid dining assistants must not perform nursing or nursing-related services. Paid dining assistants are only to supplement and not to substitute for licensed, registered, or practical nurses or nurse aides.

004. COURSE CURRICULUM AND TRAINING REQUIREMENTS FOR PAID DINING ASSISTANTS. Paid dining assistant courses must be approved by the Department and be taught by a single entity or person who meets the requirements of this chapter.

004.01 COURSE APPLICATION. The course provider must submit a completed application provided by the Department that includes the following:

- (A) Name of the entity or person providing the course;
- (B) Course curriculum, including all course materials that will be utilized to meet the content areas;
- (C) A detailed description of methods used to determine competency of each paid dining assistant, including copies of exams and procedures;

- (D) Name and license number of the registered nurse administering the course; and
- (E) Signature of the registered nurse administering the course.

004.02 COURSE CONTENT. The course must contain the following elements:

- (A) At least 8 documented hours of classroom and clinical instruction;
- (B) Be administered by a licensed registered nurse who has authority to practice in the State of Nebraska; and
- (C) Include instruction and competency evaluation in the following content areas:
 - (i) Feeding techniques, including levels of assistance, cueing, proper positioning, and use of assistive devices as appropriate;
 - (ii) Assistance with feeding and hydration, including basic nutrition, age-related changes related to feeding and nutrition, dehydration, weight loss, therapeutic diets and dining preparation;
 - (iii) Communication and interpersonal skills, including basic communication skills including verbal and non-verbal communication, and barriers to communication;
 - (iv) Appropriate responses to resident behavior, including identification of common behavior problems and suggested management approaches;
 - (v) Safety and emergency procedures including abdominal thrusts, general safety procedures when feeding residents, fire and disaster procedures, and basic emergency care including falls, scalds and burns, seizures, chest pain, shortness of breath and reporting procedures;
 - (vi) Infection control, including personal hygiene, hand washing, proper handling of food, and standard precautions;
 - (vii) Resident rights, including resident rights as set forth in 175 Nebraska Administrative Code (NAC) 12;
 - (viii) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting these changes to the supervisory nurse including objective and subjective observations, what to report, to whom to report changes and the time frame of reporting;
 - (ix) Special needs of residents in relation to feeding who may have additional medical conditions including stroke, dementia, physical limitations, or mental illness; and
 - (x) Abuse and neglect including the definitions of such terms and the responsibility to report suspected abuse or neglect as required by Neb. Rev. Stat. §§ 28-372 and 28-711.

004.03 COMPETENCY. Persons completing a paid dining assistant training course must demonstrate the minimum acceptable competency in performing tasks or duties connected with each content area listed in 172 NAC 105-004.02. Minimum competency must be determined by a registered nurse.

004.04 CURRICULUM CHANGES. Any changes to the approved curriculum or the licensed registered nurse administering the paid dining assistant course must be submitted in writing to the Department for prior approval.

004.05 DEPARTMENT REQUIRED COURSE ADMINISTRATION DOCUMENTATION. Course providers must submit to the Department within 30 days of completion the following information for each individual who has successfully completed the paid dining assistant

course and competency evaluation. This information must include the following about the individual:

- (A) Name;
- (B) Address;
- (C) Date of birth; and
- (D) Date of course completion and competency evaluation.

004.06 COURSE ATTENDANCE RECORDS. Course providers must maintain, for a minimum of 2 years, course attendance records for each paid dining assistant course taught that include the following:

- (A) Name and title of the instructor of each course topic;
- (B) Names of individuals completing the course; and
- (C) Dates and hours completed in each course topic.

005. PAID DINING ASSISTANT REGISTRY. The Department will maintain a registry of persons who successfully complete an approved paid dining assistant course and competency evaluation. The registry will include the following about the individual:

- (A) Name;
- (B) Address;
- (C) Date of birth; and
- (D) Date of course completion and competency evaluation.

006. NURSING HOME REQUIREMENTS. Each nursing home must maintain the following:

- (A) A listing of all paid dining assistants employed at the facility and the number of hours worked; and
- (B) Verification of successful completion of an approved paid dining assistant training course and competency evaluation for each individual paid dining assistant.

006.01 POLICIES AND PROCEDURES. Facilities utilizing paid dining assistants must have policies and procedures that address how supervision of paid dining assistants will occur and how paid dining assistants will be identified as single-task workers for the purposes of this chapter.