

F728

(Rev. 229; Issued: 04-25-25; Effective: 04-25-25; Implementation: 04-28-25)

§483.35(e) Requirement for facility hiring and use of nurse aides-

§483.35(e)(1) General rule.

A facility must not use any individual working in the facility as a nurse aide for more than 4 months, on a full-time basis, unless—

- (i) That individual is competent to provide nursing and nursing related services; and**
- (ii) (A) That individual has completed a training and competency evaluation program, or a competency evaluation program approved by the State as meeting the requirements of §483.151 through §483.154; or**
 - (B) That individual has been deemed or determined competent as provided in §483.150(a) and (b).**

§483.35(e)(2) Non-permanent employees.

A facility must not use on a temporary, per diem, leased, or any basis other than a permanent employee any individual who does not meet the requirements in paragraphs (e)(1)(i) and (ii) of this section.

§483.35(e)(3) Minimum Competency

A facility must not use any individual who has worked less than 4 months as a nurse aide in that facility unless the individual—

- (i) Is a full-time employee in a State-approved training and competency evaluation program;**
- (ii) Has demonstrated competence through satisfactory participation in a State-approved nurse aide training and competency evaluation program or competency evaluation program; or**
- (iii) Has been deemed or determined competent as provided in §483.150(a) and (b).**

DEFINITIONS

A “**permanent employee**” is defined as any employee the facility expects to continue working on an ongoing basis.