

Due to the COVID19 pandemic, and questions and concerns related to the CMS memo regarding waivers for Nurse Aide staff and the State of Nebraska's waivers I am sharing this information with all of our facilities in conjunction with Dan Taylor, RN, DHHS Nurse Consultant for NA and MA programs.

Per CMS on page 10 of the COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers document <https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>, "Training and Certification of Nurse Aides. CMS is waiving the requirements at 42 CFR 483.35(d) (with the exception of 42 CFR 483.35(d)(1)(i), which require that a SNF and NF may not employ anyone for longer than four months unless they met the training and certification requirements under § 483.35(d). CMS is waiving these requirements to assist in potential staffing shortages seen with the COVID-19 pandemic. To ensure the health and safety of nursing home residents, CMS is not waiving 42 CFR § 483.35(d)(1)(i), which requires facilities to not use any individual working as a nurse aide for more than four months, on a full-time basis, unless that individual is competent to provide nursing and nursing-related services. We further note that we are not waiving § 483.35(c), which requires facilities to ensure that nurse 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 plan of care."

- CMS relaxed the regulation stating a nurse aide (NA) may not work in a nursing home for more than 4 months without completing a State approved nurse aide training program and being placed on the nurse aide registry.
- CMS did NOT relax the regulations requiring nurse aides (NA) must be competent to perform the nurse aide (NA) duties to meet the resident's needs.
- Governor Ricketts, through his Executive Order (EO 20-12) suspended the Nebraska Statute stating nurse aide (NA) may not work more than 120 days without completing a State approved nurse aide training course and being placed on the nurse aide (NA) registry.

Effective immediately, facilities may train temporary **Nurse Aides (NA)**. Temporary Nurse Aides (NA) do not have to be people employed in a different capacity in your facility. They can be new employees. Temporary Nurse Aides (NA) must be trained and demonstrate competency of any nurse aide duties assigned to them. This training may be completed by a licensed healthcare provider (RN, LPN, PT, OT, etc.) working within the scope of his/her license, but the competency must be assessed by a RN. The training can be done in-house, and the curriculum does not need to be approved by the State. There is no minimum or maximum number of hours required for the training. Training documentation, including a sign-off on each competency demonstrated, should be maintained by the facility. Temporary Nurse Aides (NA) may be trained to provide assistance with only one nurse aide (NA) duties such as: feeding a resident, bed making, etc. or may be trained and competency tested in all nurse aide (NA) duties. The facility must determine the needs of their residents and how to best utilize Temporary Nurse Aides (NA).

Facilities may now train **non-40 hour Medication Aides (MA)**. Under the same State Executive Order mentioned above, for this period of time Nursing Facilities and Assisted Living Facilities do not have to have 40-hour MAs in order for MAs to administer medications to residents. The MA still must be trained as a MA and be on the registry, however the MA is not required to meet the MA 40-hour training program requirements and pass the MA 40-hour exam, during this pandemic. The MA must demonstrate competency in the core competencies, complete a MA

application, pay the \$18 fee, and submit the MA application with the required fee to DHHS, Licensure Unit, in order to be placed on the MA Registry.

Attached is information from TMF Quality Innovation Network in case you need resources to help train or competency your temporary Nurse Aides.

If you have any further questions about this, please reach out to either of the following:

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