



Missouri Department of Health and Senior Services

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Director



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April 7, 2020

IMPORTANT INFORMATION REGARDING STATE AND FEDERAL WAIVER IMPLEMENTATION FOR THE NURSE ASSISTANT TRAINING PROGRAM

Background:

On March 30, 2020, the Centers for Medicare and Medicaid Services issued a blanket 1135 waiver related to the training and certification of nurse aides. Specifically, 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.

On April 3, 2020, Department of Health and Senior Services Director, Dr. Randall W Williams, MD, FACOG, signed an Executive Order to temporarily waive or suspend certain statutory requirements and administrative rules pertaining to the Nurse Aide Training Program. The complete order may be viewed on the Departments website: www.health.mo.gov

Effective April 3, 2020 and until May 15, 2020, unless otherwise modified by the Department, the following regulations have been modified and guidance is being provided on how DHSS- Health Education Unit will implement the nurse aide registry waivers.

When submitting documentation to the Health Education Unit, please indicate on the bottom of the Appendix A-B form "waiver due to COVID-19" when requesting to utilize these waivers for certification. Additionally, HEU has included the option to check a box for "COVID-19" when ordering test packets to alert HEU staff to check the Appendix A-B.

Questions regarding waivers and the nurse aide certification process should be directed to CNAREgistry@health.mo.gov

www.health.mo.gov

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Specific regulations waived and implementation guidance

Regulation 19 CSR 30-84.010(4) shall be waived to the extent necessary to allow seventy-five (75) hours of classroom training to be completed via webinar or other online instructional platform. **HEU note: Instructors are responsible for the review of the webinar and online content to ensure it meets the educational needs of students.**

Regulation 19 CSR 30-84.010(4) shall be waived to the extent necessary to allow students who have been unable to perform 100 hours of supervised on-the-job training (clinical practice), to take the skills portion of the examination if they have a minimum of sixteen (16) hours of clinical practice. **HEU note: Instructors must submit the actual number of on-the-job training hours each student has completed in the space provided on the Certified Nurse Assistant Competency Score Sheet (Appendix A-B).**

Regulation 19 CSR 30-84.010(3) and 19 CSR 30-84.010(5)(B)2. shall be waived to the extent that the provisions require an approved qualified instructor to complete orientation. This waiver shall allow any registered nurse to complete orientation. **HEU note: The full name and license number of the Registered Nurse who provided the orientation shall be provided at the bottom of Appendix A-B form.**

Regulation 19 CSR 30-84.010(7)(C) shall be waived to the extent necessary to allow classroom training via webinar or other online instructional platform. **HEU note: Instructors are responsible for the review of the webinar and online content to ensure it meets the educational needs of students.**

Regulation 19 CSR 30-84.010(7)(C) shall be waived to the extent necessary to allow homes that have received a federal waiver to be a training site without state approval to be able to continue to operate for the duration of the federal waiver.

Regulation 19 CSR 30-84.010(7)(D) shall be waived to the extent necessary to temporarily suspend the requirement of on-site training agency inspections during the declared emergency period.

Regulation 19 CSR 30-84.010(8) shall be waived to the extent necessary to allow instructor/student ratio to exceed one to fifteen (1:15) ratio. **HEU note: Instructors shall indicate at the bottom of Appendix A-B if the class size exceeds 15 students.**

Regulation 19 CSR 30-84.010(9)(C)2 shall be waived to the extent the provisions require the examiner to not be employed by the operator whose students are being examined. Under this waiver, any approved examiner may conduct the exam. **HEU note: The full name of the examiner shall be provided on the Appendix A-B form.**

Regulation 19 CSR 30-84.010(10)(C)1 shall be waived to the extent the provisions require the instructor to select a long term care resident to participate in the testing process after obtaining approval from the resident. Under this waiver, this testing process can occur in a lab setting rather than with a long term care resident. **HEU note: Simulations may be completed utilizing actors or mannequins.**

Regulation 19 CSR 30-84.010(10)(C)5 shall be waived to the extent the provisions allow a person to retake the examination twice within ninety (90) days. Under this waiver, a student may retake the examination twice within one hundred eighty (180) days.

Regulation 19 CSR 30-84.010(10)(C)6 shall be waived to the extent the provisions require a person permitted to challenge the final examination may only fail the final examination once. Under this waiver, a person may challenge the final examination twice before having to reenroll and complete the basic course.

Regulation 19 CSR 30-84.010(11)(B)4 shall be waived to the extent the provisions require a nurse assistant to perform nurse services for monetary compensation for at least one (1) day in a twenty-four (24) consecutive month time period in order to keep his/her certificate valid. This waiver allows nurse assistants to provide proof of nursing services after the twenty-four (24) month consecutive period has passed. DHSS will tack on the amount of time the COVID-19 response was ongoing plus two (2) months.

Section 198.082.1 and 4, RSMo, shall be waived to the extent the provisions require certified nursing assistants to complete the approved nurse aide training program within four (4) months. This waiver extends the deadline to complete the approved nurse aide training program until ninety (90) days after the declared state of emergency has concluded.