

Dear Long-Term Care Colleagues,

The purpose of this communication is to update you on the recent termination of the federal certified nurse aide training waiver. On April 7, 2022, the Centers for Medicare and Medicaid Services (CMS) issued QSO-22-15-NH & NLTC & LTC that indicated several COVID-19 flexibilities provided to long-term care facilities during the pandemic through the COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers would be ending within thirty or sixty days. Specifically, CMS stated in this bulletin that on June 6, 2022, its waiver of the requirements at 42 CFR 483.35(d) (with the exception of 42 CFR 483.35(d)(1)(i)), which provide that a Skilled Nursing Facility (SNF) and Nursing Facility (NF) may not employ anyone for longer than four months unless they meet the training and certification requirements under § 483.35(d) would end. With the ending of this waiver, SNFs and NFs have until October 6, 2022 to come back into compliance with the federal requirements.

On May 6, 2022, the Department of Public Health filed state-specific waiver requests with CMS to extend the deadline for long-term care facilities in Massachusetts to come into compliance with the nurse aide training and certification requirements until April 2023. CMS responded to the Department on May 31, 2022 to deny the request for the extension and clarified that the October 6, 2022 date for compliance stands.

Understanding that there may be an influx of candidates in need of nurse aide testing, the Department has been working closely with Prometric, the state's vendor for administering the nurse aide test, to increase the number of available testing sites and dates. As a result of the termination of the federal waiver and subsequent determination by CMS, the Department recommends that long-term care facilities take the following steps:

- Review the Nurse Aide Testing Requirements and On-Site Observation and Work Credit for Nurse Aide Training memorandum materials shared on May 10, 2022 and determine whether any nurse aides may receive work credit for hours worked at your facility;
  - Submit [\*On-site Observation and Work Credit Attestation Form\*](#) for CNA candidates who have completed the 75 hours of on-site observation and work credit. Attestation forms must be submitted by the nursing home, they will not be accepted directly from CNA candidates.
  - Coordinate additional training with an approved training program for nurse aides with partial credit. Attestation forms for partial credit must be submitted directly to the training program by the nursing home, they will not be accepted directly from CNA candidates.
- Encourage all eligible nurse aides in training to register with Prometric to take the nurse aide exam. Facilities should offer assistance to nurse aides looking to register for the nurse aide exam, including assistance with completing the application and offering nurse aides in training a flexible schedule to accommodate testing dates.

Thank you,

The Department of Public Health

