



Subject: Temporary Nurse Aide Testing Waiver Ending

Dear Nursing Home Operator,

In April of 2020, the Centers for Medicare and Medicaid Services (CMS) posted blanket waivers which allowed facilities to use nurse aides who are not yet listed on the Ohio Nurse Aide Registry beyond four months if the facility found the nurse aide minimally competent to care for their residents. This allowed the use of temporary nurse aides in Ohio's skilled nursing facilities during significant staffing shortages created by COVID-19.

In response to the April 2020 CMS waiver, the Ohio Department of Health (ODH) posted the Temporary Nurse Aide Testing Waiver. This waiver allowed nurse aides who worked a minimum of 75 hours in a long-term care facility (including on-site observation) and worked as a nurse aide under a COVID-19 pandemic waiver issued by the Federal Centers for Medicare and Medicaid Services during the COVID-19 public health emergency may take the Ohio State Tested Nursing Assistant (STNA) exam to become an STNA.

On April 7, 2022, CMS released Quality Safety and Oversight (QSO) memo 22-15-NH-NLTC-LSC. This memo announced the end to emergency blanket waiver of training and certification of nurse aides for SNF/NFs, effective June 6, 2022.

Per the Temporary Nurse Aide Testing Waiver, posted on September 21, 2021, the opportunity for temporary nurse aide testing will end four months past the posting of the end of the CMS waiver. Therefore, temporary nurse aides testing under the emergency blanket waiver will end on October 6, 2022.

Beginning June 7, 2022, any temporary nurse aide who was hired prior to June 7, 2022, and has not completed the 75 hours required by 42 CFR §483.152 (a) and (b) will be required to complete nurse aide training either through training in the LTC facility or via a State Approved Nurse Aide Training Competency Evaluation Program (NATCEP) and take the state test within four months. Any individual hired after June 7, 2022 will be required to complete training through a State Approved NATCEP and complete the state test within four months. This was the process prior to COVID-19 and the STNA waiver provided by the Centers for Medicare and Medicaid.

Based on the Quality Safety and Oversight Memo-22-15-NH & NLTC & LSC Revised 08/29/2022. After October 6th, 2022, if capacity issues exist, facilities should inform their state officials. Dependent on the capacity issues at testing centers, a facility or the state will request the waiver. Individual long-term care (LTC) facilities will be required to request from CMS a waiver to allow temporary nurse aides to test after the October 6, 2022, date. The documentation must include information demonstrating that the aide(s) have attempted to become certified (e.g., enrollment in training or testing), but the NATCEP entity cannot accommodate the applicant(s) at this time.

- Documentation should include the date(s) and contact(s) that the communication occurred between.
- Documentation can be in the form of email, letters, or documentation of a phone call.
- Documentation must show timely contacts to state officials.

- Facilities should include the estimated date by which their aides will get certified.

Regional and Statewide waivers will be requested, if needed, based on widespread barriers by the State and will include documentation to support the requests and include a plan to remedy the situation. These requests will be based upon the communication we receive from facilities and from the testing centers.

CMS will only grant these waivers while the declaration of a COVID-19 public health emergency is still in effect. If the PHE ends during or before the granted period of waiver for a facility or a state or a county, the waiver also ends. Facilities should use the following portal to submit a waiver request:

https://cmsqualitysupport.servicenowservices.com/cms_1135

If you have any questions, please contact the NATCEP Unit at (614)752-8285.