

**DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION**

BOARD OF NURSING
AUTHORITY FOR GUIDANCE

May 5, 2021
DATE OF POLICY

21-002
POLICY NO.

BOARD POLICY STATEMENT

**ONE-TIME ACCEPTANCE OF ONSITE TRAINING
OF NURSE AIDES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

In light of the current public health emergency, the Board of Nursing (Board) has adopted the following policy and offered this guidance related to the training and licensing of certified nurse aides (CNA) in the District. This policy shall be in effect during the COVID-19 public health emergency (PHE) and four (4) months from the date the PHE is lifted in accordance with the Mayor's order.

Due to the social distancing and limited interpersonal interaction measures necessary to mitigate the spread of COVID-19, several requirements related to the training and licensing of CNAs became impossible to achieve. The public's need for health care service providers CNAs has continued. In the face of clinical training and testing challenges, due to COVID-19 restrictions, the Board has resolved upon the changes discussed below to facilitate compliance and to ensure that the public interest is served and public health promoted.

CNA Training Curriculum and One-Time Acceptance of Onsite Training

Section 9605.2(a) of Title 17 of the District of Columbia Municipal Regulations (DCMR) provides that an application for certification as a CNA must complete a Board-approved CNA or bridge to CNA training program. Currently, the curriculum approved by the Board requires a total of 125 hours of training, 65 of which must be in classroom setting, 20 in a lab setting, and 40 in a clinical setting. Due to the COVID-19 restrictions, some facilities adopted the American Health Care Association and National Center for Assisted Living Temporary Nurse Aide, which consisted of eight-hour online training for nurse aides prior to hiring them in the facilities. Accordingly, the Board has voted during its earlier meetings as well as most recently on January 6, 2021 to permit the substitution of as many of the required 40 clinical hours as justified by the challenges or difficulties existing in each training program by virtual simulation or clinical laboratory hours.

Further, the Center for Medicare and Medicaid Services (CMS) provided a blanket waiver of the federal requirements including specifically the four (4) months' limitation on the use of nurse aides who have not been certified and deemed competent by a state authority. CMS clarifies in

its memorandum to State Survey Agency Directors dated April 4, 2021 (“Memo”) that the time worked by nurse aides during the PHE may be counted toward the fulfillment of the 75 hours of training required pursuant to 42 CFR § 483.152(a) and (b). Additionally, the Memo also advises states to evaluate their approved Nurse Aide Training and Competency Evaluation Programs (NATCEP) to accept the onsite training hours toward meeting the NATCEP requirement as well. Finally, CMS makes clear that states are required to ensure that all the required areas of training per 42 CFR § 483.152(b) are addressed and any gaps in onsite training that are identified are fulfilled through supplemental training.

Accordingly, based on CMS’s guidance and the Board’s own authority, it has determined the following:

1. CMS’s waiver of 42 CFR § 483.35(d) (allowing the use of uncertified nurse aides for not more than four (4) months) has been adopted and, also following CMS guideline, the four (4)-month limitation shall be reinstated and allowed to run on the date after the PHE has been declared ended by the Mayor. Based on this action, nurse aides who have been working without certification in a District facility may continue to do so for four (4) months beyond the end of the PHE in the District but will be required to meet the certification requirement by the end of that period.
2. Nurse aides’ onsite training during the PHE may count toward the full training requirement of 125 hours in the District pursuant to 17 DCMR § 9605.2(a) provided that the employing facility utilize the District’s skills assessment and clinical evaluation tools (“Assessment Tools”) to ensure that the nurse aides are competent in all the required areas of training in accordance with 42 CMR § 152(a) and (b).
3. At any time during the PHE or the four (4) months following its ending, the facility may submit the Assessment Tools to support a nurse aide’s application to sit for the National Nurse Aide Assessment Program (NNAAP) required pursuant to 17 DCMR § 9605.1(a).
4. A nurse aide who does not pass the NNAAP shall be required to complete the full Board-approved training program currently in use by the Board before being permitted to sit again for the NNAAP.

All inquiries pertaining to the practice of home health aides and certified nursing assistants may be directed to the Board’s Executive Director, Ms. Tonoah Hampton, at 202-724-8818 or tonoah.hampton@dc.gov.