



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

July XX, 2021

Re: DAL NH-21-18 Temporary Nurse Aide
to Certified Nurse Aide

Dear Nursing Home Administrator:

In response to the 2019 Novel Coronavirus (COVID-19) federal Public Health Emergency (PHE) and under its authority at Section 1135 of the Social Security Act, the Centers for Medicare and Medicaid Services (CMS) enacted a series of temporary emergency blanket waivers, effective March 1, 2020, which were intended to provide nursing homes with the flexibility to respond to the COVID-19 pandemic. A full description of Section 1135 blanket waivers is available at: <https://www.cms.gov/files/document/covid-19-emergency-declaration-waivers.pdf>.

In particular, CMS temporarily waived federal requirements at 42 CFR §483.35(d) (except 42 CFR §483.35(d)(1)(i)), regarding the training and certification of nurse aides to assist with potential staffing challenges during the PHE. This regulation requires that a Skilled Nursing Facility (SNF) and Nursing Facility (NF) (collectively, “nursing homes”) may not employ anyone for longer than four months unless they meet the training and certification requirements under 42 CFR §483.35(d). The waiver thereby allowed nursing homes to hire non-certified staff to assist in resident care for longer than four months.

These staff, Temporary Nurse Aides (TNAs), have performed essential work throughout the PHE, but will be required to become Certified Nurse Aides (CNAs) within four months after the Section 1135 waiver ends to continue their nursing home employment, pursuant to CMS guidance QSO-21-17-NH, available at: <https://www.cms.gov/files/document/qso-21-17-nh.pdf>. This guidance further advised that states may modify their Nurse Aide Training and Competency Evaluation Programs (NATCEPs) to allow some of the time worked by TNAs during the PHE to count towards the 75-hour training requirement for CNAs, as set forth in 42 CFR §483.152.

In accordance with CMS QSO-21-17-NH, the New York State Department of Health has developed a temporary training program for TNAs to become CNAs, which can be provided by nursing homes up through four months after the end of the Section 1135 waiver. Again, this temporary training program cannot be offered beyond four months following the end of the Section 1135 waiver. The curricula attached is the product of discussions with provider groups, including experienced Registered Nurse (RN) nurse aide trainers. The curricula of the TNA to CNA Training Program delineates timeframes and topics of instruction which total 24 hours of classroom and 16 hours of lab instruction for a total of 40 hours. Thirty-five (35) additional hours will be credited for each TNA in recognition of their “on the job training” and employment providing resident care between March 1, 2020 through the end of the federal PHE.

Training eligibility: TNAs are eligible for the TNA to CNA training program if they have performed a minimum of 30 days or 150 hours of employment as a TNA. If ineligible or otherwise unable to participate in the TNA to CNA training program, a TNA may still obtain certification as a nurse aide. However, they will need to do so by completing an approved full Nurse Aide Training Program of 100 hours or more.

Any facility with interest in training TNA staff to become a CNA will need to complete and submit the attached letter. A training code specific for the facility's TNA to CNA training program will then be provided in a letter from DOH to be used for the Prometric application for the CNA exams. If on-line training is proposed, additional information will be required and subject to approval by the Department. Inquiries about on-line requirements or additional questions should be directed to NATP.DOH@health.ny.gov.

Please see attached TNA to CNA Flowchart, Department's approved Curricula, and Clinical Checklist. Thank you for your attention to this matter.

Sincerely,

Sheila McGarvey, Director
Division of Nursing Homes and ICF/IID
Surveillance
Center for Health Care Provider Services
and Oversight

Attachments

TNA to CNA flow chart

Curricula with checklist

Facility notification letter to submit to NATP.DOH@health.ny.gov