



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Health Service Regulation

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director

April 26, 2021

To: Nursing Home Administrators

From: Jana Busick, Chief
Health Care Personnel Education and Credentialing Section

Subject: Temporary Nurse Aide I Training Equivalency Application Due to COVID-19

During the COVID-19 pandemic, the Division of Health Service Regulation (DHSR) exercised its delegated authority and waived certain regulatory requirements regarding nurse aides to help facilities recruit nurse aides in order to have the necessary nurse aide staffing levels. DHSR's waiver is consistent with the waiver by the Centers for Medicare and Medicaid Services (CMS) of the requirements at 42 CFR §483.35(d), (except for 42 CFR §483.35(d)(1)(i)), which require that a facility may not employ anyone for longer than four months unless they met the training and certification requirements. Consistent with the DHSR and CMS waivers, individuals working as a nurse aide for more than four months, on a full-time basis, are not required to meet certain regulatory training and certification requirements, although they must be competent in the skills and techniques necessary to care for residents' needs.

DHSR understands the desire of an employer to retain the nurse aides employed pursuant to the above described waivers. DHSR is pleased to announce that on a temporary basis, a new pathway is being created for many of the individuals who have worked as nurse aides during the COVID-19 pandemic to document their training and experience, take the state-approved Nurse Aide I competency examination, and be listed on the Nurse Aide I Registry after successfully completing the competency examination. DHSR will provide the opportunity for temporary nurse aides to take the state-approved Nurse Aide I competency examination if they meet all criteria listed below.

1. The Temporary Nurse Aide received training that meets federal requirements outlined in [42 CFR §483.152](#).
2. A Registered Nurse with an unencumbered license to practice in North Carolina deemed the Temporary Nurse Aide competent to perform all skills and steps outlined in [42 CFR §483.152](#), the [Nurse Aide I Candidate Handbook](#) and in the Temporary Nurse Aide I Training Equivalency Application Due to COVID-19.
3. The Temporary Nurse Aide does not have a pending or substantiated finding of abuse, neglect, exploitation, or misappropriation of resident or patient property recorded on the North Carolina Health Care Personnel Registry for unlicensed health care personnel.
4. The Temporary Nurse Aide does not have a pending or substantiated finding of abuse, neglect, exploitation, or misappropriation of resident or patient property recorded on any State registry of nurse aides.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
HEALTH CARE PERSONNEL EDUCATION AND CREDENTIALING SECTION

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5. The North Carolina licensed nursing home is not prohibited from operating a Nurse Aide Training and Competency Evaluation Program (NATCEP/CEP) per Sections 1819(f)(2)(B)(iii)(I) and 1919(f)(2)(B)(iii)(I) of the Social Security Act:
 - operating under a waiver for coverage by licensed nurses;
 - subject to an extended survey or partial extended survey;
 - assessed a Civil Money Penalty (CMP) of at least \$10,483 as adjusted by 45 CFR 102; or,
 - subject to imposition of a denial of payment, temporary manager, or termination.
6. The individual worked, for monetary compensation, as a Temporary Nurse Aide performing nursing or nursing-related tasks delegated and supervised by a Registered Nurse on or after April 2, 2020 and not to exceed 30 days after the termination of DHSR's current waiver.

DHSR will accept the Temporary Nurse Aide I Training Equivalency Application Due to COVID-19 during the period of its Waiver for Temporary Nurse Aide Services dated April 27, 2020 or thirty (30) days thereafter.

The DHSR Health Care Personnel Education and Credentialing Section will strive to process the application and provide a response to the Temporary Nurse Aide within 5 business days.

The Temporary Nurse Aide I Training Equivalency Application Due to COVID-19 can be found on the DHSR Health Care Personnel Education and Credentialing Section [website](#).

DHSR is pleased to offer this opportunity to the temporary nurse aides that have cared for residents in nursing homes during the COVID-19 pandemic. We believe that it, along with implementing nurse aide reciprocity in North Carolina which has resulted in over 2,000 nurse aides being added to the Nurse Aide I Registry, will further support the needs of the health care community across the state as well as address the nurse aide shortage in long-term care facilities.

Thank you for your partnership and continued dedication.

cc: Mark Payne, DHSR Director
Emery Milliken, DSHR Deputy Director
Jammie Johnson, DHSR Branch Manager
Becky Wertz, DHSR Section Chief
Adam Scholar, North Carolina Health Care Facilities Association
Tom Akins, LeadingAge North Carolina
Joyce Winstead, North Carolina Board of Nursing