



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

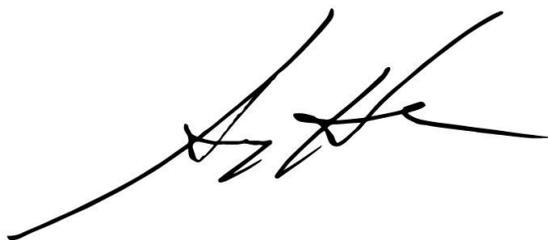
MBON Communication: CMS Blanket Waivers for Skilled Nursing Facilities (SNF) and Nursing Facilities (NF)

The Centers for Medicare and Medicaid Services (CMS) has issued several blanket waivers of federal regulations governing skilled nursing facilities (SNF) and nursing facilities (NF). These blanket waivers are in place for the duration of the federal COVID-19 emergency declaration and federal COVID-19 public health emergency declaration. As relevant to nurse aide training and certification (*i.e.*, Geriatric Nursing Assistant (GNA) training and certification) in Maryland, the CMS blanket waivers include the following:

- *Training and Certification of Nurse Aides. CMS is waiving the requirements at 42 CFR 483.35(d) (with the exception of 42 CFR 483.35(d)(1)(i)), which require that a SNF and NF may not employ anyone for longer than four months unless they met the training and certification requirements under § 483.35(d). CMS is waiving these requirements to assist in potential staffing shortages seen with the COVID-19 pandemic. To ensure the health and safety of nursing home residents, CMS is not waiving 42 CFR § 483.35(d)(1)(i), which requires facilities to not use any individual working as a nurse aide for more than four months, on a full-time basis, unless that individual is competent to provide nursing and nursing related services. We further note that we are not waiving § 483.35(c), which requires facilities to ensure that nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.*

The Maryland Board of Nursing (the “Board”) has recognized and given full effect to the above CMS blanket waivers and will continue to do so until CMS terminates the waivers. Once the waivers are terminated, in accordance with the preexisting standards under 42 C.F.R. § 483.35(d)(1), all individuals that are not already fully trained and certified as GNAs in Maryland, and who wish to continue working in the capacity of a GNA, must enroll in and complete a Board-approved GNA training program, pass the GNA-CE exam, and become certified as a GNA within 120 days.

Despite the CMS blanket waivers, the Board strongly encourages all individuals who are currently working as temporary nurse aides in SNFs and NFs not to delay and to enroll in and complete a Board-approved GNA training program, to take the GNA-CE exam, and to become certified as a GNA as soon as possible.

A handwritten signature in black ink, appearing to read "G. Hicks", with a horizontal line above it.

Gary Hicks, MS, RN, CEN, CNE
President
Maryland Board of Nursing

A handwritten signature in blue ink, appearing to read "Karen E.B. Evans", with a horizontal line above it.

Karen E.B. Evans, MSN, RN-BC, SD-CLTC, CLC
Executive Director
Maryland Board of Nursing