



Long-Term Care Regulatory Provider Letter

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| Number: PL 2021-19 |
| Title: Certification Process for Nurse Aides Training and Working Under a Waiver |
| Provider Types: Nursing Facility (NF) |
| Date Issued: May 19, 2021 |

1.0 Subject and Purpose

This letter describes the process a person who has completed nurse aide tasks under the waiver during the COVID-19 public health emergency can follow to complete a Nurse Aide Training and Competency Evaluation Program (NATCEP) and be added to the nurse aide registry.

Under the Centers for Medicare and Medicaid Services (CMS) waiver and the suspension of nurse aide rules, nursing facilities have employed and trained numerous staff who are not certified nurse aides to complete nurse aide tasks. Once this waiver is no longer available, either through termination of the emergency declaration or through other means, the staff completing these tasks will no longer be able to do so, unless the staff become certified nurse aides (CNA).

In order to ensure continued staffing at nursing facilities, HHSC has developed a plan to allow staff who, during the declared public health emergency, completed work training and gained experience in all subject areas required for a NATCEP to count this training and experience towards nurse aide certification. Each nurse aide candidate is still required to successfully complete both the written/oral and skills examinations prior to being certified and placed on the nurse aide registry.

2.0 Policy Details & Provider Responsibilities

Work training and experience at any licensed nursing facility in Texas can qualify under the emergency rules as long as it was acquired during the COVID-19 public health emergency and under the supervision of a registered nurse who meets all the qualifications described below.

Further, facilities without a NATCEP that seek to have an employed individual certified as a nurse aide still must work with an approved NATCEP to approve the individual for the certification examinations. A NATCEP that agrees to prepare an individual for the certification examinations under the emergency rules must accept the documentation of the employed individual's work training and experience in lieu of the equivalent requirements of formal program training. The NATCEP must also follow all existing processes related to criminal background checks and approval for the certification examinations.

A nurse aide must be certified within four months following the end of the COVID-19 public health emergency determination issued by the United States Secretary of Health and Human Services.

2.1 Qualifications of Instructor

The qualifications of the instructor are defined in 42 CFR [§483.152\(a\)\(5\)](#), which include that the instructor be a registered nurse with two years of experience, one of which must be in the provision of long-term care facility services. The instructor must also have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides, and he or she cannot be a director of nursing.

2.2 LTCR Form 3767

The nursing facility must complete LTCR Form 3767 and include the following information:

- Nurse aide information, including the dates of training/work experience with the total number of hours obtained;
- Qualified instructor information regarding the nurse responsible for training and supervising the individual;
- An attestation by the nurse that he or she meets the qualifications to be a NATCEP instructor;

- A list of training requirements completed by the individual either through formal training or through work experience;
- An attestation by the nurse that the individual was trained on each requirement either through formal training or through work experience;
- An attestation that the duration of the work training and work experience fulfills the minimum number of hours of required training; and
- The signature of the instructor.

A nursing facility without a NATCEP must submit a completed LTCR Form 3767 to the NATCEP that has agreed to work with the facility. A facility with a NATCEP must retain the completed LTCR Form 3767 as part of the employee's record.

2.3 NATCEP

To approve individuals to sit for the nurse aide certification examinations under the current waiver, the NATCEP will use the Prometric process, which uses a unique temporary training program code for each participating facility the NATCEP partners with. The NATCEP program director will upload candidates under the unique code – separate and distinct from students eligible under their current training program code – in order to distinguish individuals tested under this waiver. Participating facilities will provide the unique codes to the partner NATCEP. Prometric will associate the NATCEP and nursing facility in its systems to facilitate the uploads.

If a NATCEP has questions about this process, it should contact Prometric at oateam@prometric.com or Cindy Patterson, TXCNA Sr. Nurse Aide Evaluator, directly at cindy.patterson@prometric.com. Prometric is the entity that proctors the nurse aide certification examinations in Texas. See section 5.0 of this PL for questions about this PL or general nurse aide policy and rules.

3.0 Background/History

Ordinarily a nursing facility cannot employ a person to perform nurse aide tasks for more than four months if that person is not a CNA (a person who

has completed classroom and clinical training and passed a nurse aide certification examination).

Because of the COVID-19 pandemic, CMS waived the four-month requirement, and the Office of the Governor approved a suspension of the corresponding state regulations.

On April 9, 2020, HHSC issued a provider letter ([PL 2020-26](#)) related to the governor's approval to suspend these provisions. The letter permitted a nursing facility to hire a nurse aide who is not certified to complete nurse aide tasks for longer than four months. The suspension was intended to provide flexibility in staffing during the pandemic.

4.0 Resources

1. LTCR Form 3767
2. Prometric's [Candidate Resources](#)
3. [HHSC Nurse Aide Transition from Temporary Status Emergency Rules \(PDF\)](#)

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules and Training Section by email at LTCRPolicy@hhs.texas.gov or call (512) 438-3161.

LTCR Form 3767, Nurse Aide Work Training and Work Experience

Nurse Aide Information:

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|------------------------|----------------|-------------------------|
| Name: | Date of Birth: | Social Security Number: |
| Training Dates: | | |
| Work Experience Dates: | | |
| Total Number of Hours: | | |

Qualified Instructor (nurse responsible for training and supervising the individual):

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| Name: | RN License: | |
| Nursing Facility (NF) Name: | NF License Number: | NF Facility ID: |

Training Requirements (minimum requirements found in 42 CFR §483.152(b)):

- Check each topic on which the individual was trained.

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| General Topics | |
| | Communication and interpersonal skills; |
| | Infection control; |
| | Safety/emergency procedures, including the Heimlich maneuver; |
| | Promoting residents' independence |
| | Respecting residents' rights |
| Basic Nursing Skills | |
| | Taking and recording vital signs |
| | Measuring and recording height and weight |
| | Caring for the residents' environment |
| | Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor |
| | Caring for residents when death is imminent |
| Personal Care Skills | |
| | Bathing |
| | Grooming, including mouth care |
| | Dressing |
| | Toileting |
| | Assisting with eating and hydration |
| | Proper feeding techniques |
| | Skin care |
| | Transfers, positioning, and turning |
| Mental Health and Social Service Needs | |
| | Modifying aide's behavior in response to residents' behavior |
| | Awareness of developmental tasks associated with the aging process |
| | How to respond to resident behavior |
| | Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity |
| | Using the resident's family as a source of emotional support |
| Care of Cognitively Impaired Residents | |
| | Techniques for addressing the unique needs and behaviors of individual with dementia (Alzheimer's and others) |
| | Communicating with cognitively impaired residents |
| | Understanding the behavior of cognitively impaired residents |
| | Appropriate responses to the behavior of cognitively impaired residents |
| | Methods of reducing the effects of cognitive impairments |
| Basic Restorative Services | |
| | Training the resident in self-care according to the resident's abilities |
| | Use of assistive devices in transferring, ambulation, eating, and dressing |
| | Maintenance of range of motion |
| | Proper turning and positioning in bed and chair |

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| | Bowel and bladder training |
| | Care and use of prosthetic and orthotic devices |
| Residents' Rights | |
| | Providing privacy and maintenance of confidentiality |
| | Promoting the residents' right to make personal choices to accommodate their needs |
| | Giving assistance in resolving grievances and disputes |
| | Providing needed assistance in getting to and participating in resident and family groups and other activities |
| | Maintaining care and security of residents' personal possessions |
| | Promoting the resident's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff |
| | Avoiding the need for restraints in accordance with current professional standards |

As the nurse instructor, I attest to the following:

- I meet the qualifications of a nurse instructor. The qualifications of the instructor are defined in 42 CFR §483.152(a)(5), which include that the instructor be a registered nurse with two years of experience, one of which must be in the provision of long-term care facility services. The instructor must also have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides, and he or she cannot be a director of nursing.
- The duration of work training/experience that this individual obtained is at least 100 hours. If this is not the case, the total hours noted on this form is accurate.
- The work training/experience documented on this form was obtained at a licensed nursing facility during the COVID-19 public health emergency.

Nurse Instructor Signature

Date

Country, Territory or Nation: _____ State or Province: _____ County of: _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the whose name is subscribed to the ownership transfer affidavit and who being duly sworn by me, state that the above and forgoing information supplied in this instrument is complete, true and correct.

(Notary Seal)

Subscribed and sworn before me, _____, a Notary Public for this state (or province) on the _____ day of _____, 20____.

Signature – Notary Public