

## MDS Alert

### Reader Questions: Note the Continuation of This Useful Waiver

**Question:** With a change in administration, are the waivers enacted during the public health emergency (PHE), particularly concerning training exemptions for nurse aides, still in place?

New Mexico Subscriber

**Answer:** As of publication, there has been no word from Centers for Medicare & Medicaid Services (CMS) that it is changing the waivers issued earlier in the pandemic to help promote flexibility in the provision of care.

**Background:** On Dec. 1, 2020, CMS issued an updated document on COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers. In the document, CMS says it is waiving various aspects of the certification for nurse aide training, including the requirements at 42 CFR 483.35(d) (with the exception of 42 CFR 483.35(d)(1) (i)) of the Standards and Certification Requirements For States And Long-Term Care Facilities, regulations under the Centers for Medicare & Medicaid Services (CMS) and Department of Health and Human Services (HHS).



The waived requirements include temporarily being able to hire staff who do not meet the training and certification requirements; the hired staff who lack this training cannot work longer than four months.

According to the document, the blanket waivers are in effect retroactively through March 1, 2020, and will remain in effect as long as the emergency declaration is in place.

The Department of Health and Human Services recently extended the PHE through April 20, 2021.

Find the full explanation of COVID-19-related blanket waivers from CMS here  
[www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf](http://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf).