



Division of Provider Services & Quality Assurance
P.O. Box 8059, Slot S409, Little Rock, AR 72203-8059

MEMORANDUM

TO: Long-Term Care Facilities and NATP Vendors

FROM: Martina Smith, Director, Division for Provider Services and Quality Assurance

DATE: May 28, 2021

RE: Nursing Assistant Training Program during the COVID-19 Outbreak

Effective May 30, 2021, the Governor's public health emergency declaration will expire; thus, any state rules suspended during this time will be reinstated. The following rules from the Arkansas Long Term Care Facility Nursing Assistant Training Program manual will be reinstated as follows:

- Per Section IV(B)(5) of the training program manual, the 24:1 Classroom Ratio regulation has been reestablished. The ratio of trainees to instructors in the classroom must not exceed 24 trainees to one instructor and the ratio for skills training must not exceed 12 trainees to one instructor. Training programs that are in progress with more than 24 students and/or virtually must notify DPSQA of the number of students currently in the class by June 11, 2021. They must also inform DPSQA when the session will end in order to receive authorization to allow the current class to complete the session as currently constructed.
- Per Section IV(B)(4) of the training program manual, the rule requiring that clinical skills training must include at least 16 hours of supervised practical training in a facility performing tasks on an individual under the direct supervision of the instructor has been reestablished.

The training program manual also contains a rule that "A facility must not use any individual working in the facility as a nursing assistant for more than four (4) months (120 calendar days) unless that individual has successfully completed a training program and competency evaluation. In March of 2020, The Department also suspended the aforementioned requirement. On April 8, 2021, CMS issued a blanket waiver related to the COVID-19 Emergency Declaration. Specifically, CMS waived the requirements at 42 CFR 483.35(d) which require that a skilled nursing facility and nursing facility may not employ anyone for longer than four months unless they met the training and certification requirements. CMS waived these requirements to assist in potential staffing shortages due to the pandemic. Due to the federal waiver, and until such time that the waiver ends, DPSQA will not enforce this state rule. Thus, a skilled nursing facility and nursing facility may employ nurse aides without completion of a training program and competency evaluation for longer than four months, as long as they meet all other requirements.

Note: CMS did not waive 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. Further, CMS did not waive § 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.

Vendors and providers are to ensure CNAs have a place in their geographic location to complete their training requirements. Testing will be made available at multiple sites geographically dispersed throughout the State. The schedule of times, locations, and registration requirements will be announced in a timely manner by the Department or designated testing agent.

Rules for the NATP program can be found at [Rules for the Arkansas Long Term Care Facility NATP](#). To submit forms or if you have questions concerning the NATP program or CNA related activities, please email at natpcertification@dhs.arkansas.gov.