

## REVISED 10/7/2021 - Attestation for Temporary Nurse Aide Certification per PA Act 138 of 2020 and Guidance from Federal Centers for Medicare and Medicaid Services

**This is a new, revised attestation form that must be completed and submitted by each temporary nurse aide<sup>1</sup> (TNA) and the facility in which they have been working in order to take advantage of the opportunity to become a Nurse Aide.** TNAs who meet the eligibility requirements and their hiring entities must jointly submit this attestation form within four (4) months of the end of the COVID-19 federal public health emergency declaration. Such submission will demonstrate individuals' eligibility to sit for the state nurse aide examination and become a Nurse Aide.

The earlier form from April 2021 is void. Even if a TNA submitted the earlier form, they must still complete and submit this new form to take advantage of this revised pathway. Please read the instructions below before completing the attestation form which appears at the end of the document.

DO NOT resubmit the previous form.

### INSTRUCTIONS

[Pursuant to Act 138 of 2020](#) and guidance from the federal Centers for Medicare and Medicaid Services (CMS), the Pennsylvania Department of Education (PDE) is authorized to deem an individual serving as a temporary nurse aide as satisfying the requirement of completing a nurse aide training and competency evaluation program if the individual meets certain minimum eligibility requirements.

Those requirements include at a minimum the completion of:

1. An 8-hour online training and online examination program, such as the program offered by the American Health Care Association and the National Center for Assisted Living, or a comparable program, as referenced in the April 19, 2020, Pennsylvania Department of Health (PA DOH) guidance;<sup>2</sup> and
2. A minimum of 80 hours of temporary nurse aide or supervised practical nurse aide training, or on-the-job training or regular in-service nurse aide education during the declared COVID-19 emergency under the supervision of a licensed or registered nurse in all areas of required nurse aide training as provided for in 42 CFR 483.152(a)(1-4) (relating to general requirements of a nurse aide training program), 42 CFR 483.152(a)(5) (relating to requirements for instructors who train nurse aides), and 42 CFR 483.152(b) (relating to requirements for the curriculum of a nurse aide training program); and
3. Establishment of the individual's competency to perform the duties of a nurse aide by successfully passing the state nurse aide exam. The other two options in Act 138 (the apprenticeship certification and the facility assessment) to be placed on the registry without taking the exam do not comply with CMS regulations and will not be accepted by PDE as a means to satisfy the requirement of completing a nurse aide training and competency evaluation program.

Federal CMS regulations (42 CFR 483.152) require specific curriculum and training requirements for nurse aide training programs. As a result, the Commonwealth is requiring TNAs to meet the training requirements in Act 138 as well as the training requirements in the CMS regulations. Similarly, as stated above, the

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<sup>1</sup> Under Act 138 of 2020, a temporary nurse aide is a "nurse aide who has been hired under the processes authorized according to Federal and State waivers provided under the Federal and State emergency declarations related to COVID-19."

<sup>2</sup> The April 19, 2020 PA DOH guidance entitled "Staffing Resources for Nursing Care Facilities During the COVID-19 Pandemic Frequently Asked Questions" can be accessed at: <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Guidance/Staffing-Resources.aspx>.

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Commonwealth is not implementing two of the three competency establishment methods in Act 138 (the apprenticeship certification and the facility assessment) because those two methods do not comply with CMS regulations. Instead, CMS regulations require successful passage of the state nurse aide exam as the only method to establish competency to be enrolled on the state nurse aide registry.

This attestation form provides assurance to Pennsylvania nursing facility residents, patients, and employers of nurse aides that the named individual seeking nurse aide registry status is: (1) competent in skills and knowledge to perform all of the nurse aide duties as outlined by the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203, 101 Stat. 1330) (OBRA of 1987), its corresponding regulations, 42 CFR Part 483, and the Nurse Aide Resident Abuse Prevention Training Act (NARAPTA), commonly known as PA Act 14 of 1997, 63 P.S. §§ 671-680; and (2) is in compliance with the NARAPTA criminal history record information and the prohibitive offense list, 63 P.S. §§ 674-675.

TNAs meeting the eligibility requirements and the hiring entity must jointly submit this attestation form within four (4) months of the expiration date of the COVID-19 federal public health emergency declaration to demonstrate the individual's eligibility to sit for the state nurse aide examination. This route to enrollment on the PA Nurse Aide Registry is limited to individuals who completed the 8-hour online training and related online assessment referenced by PA DOH and a minimum of 80 hours of temporary nurse aide training or 80 hours of regular in-service nurse aide education during the declared Federal COVID-19 emergency. Once the COVID-19 federal public health emergency declaration expires, the CMS nurse aide waiver (related to the requirements in 42 CFR 483.35(d)) will also expire. As a result, TNAs who have not completed this process and passed the test at the time of the federal public health emergency declaration's expiration will be subject to the four (4) month timeline referenced in 42 CFR 483.35(d).

Once the employer and individual have attested and declared that the requisite eligibility requirements have been met, and the individual has successfully passed the state nurse aide examination, the individual shall be deemed to have satisfied the requirement of completing a nurse aide training and competency evaluation program and shall have their name enrolled on the PA Nurse Aide Registry.

### **NEXT STEPS**

Complete the form below and upload it to your account on the Credentia365 website. Once the form is uploaded, PDE will review it to make sure it is complete. If the form is complete, the TNA will receive an email from Credentia with instructions on how to schedule to test. Incomplete forms will be denied/returned and the TNA will receive an email from Credentia indicating that the form will have to be corrected and uploaded a second time into the Credentia system in order to be reviewed by PDE.

Instructions for completing and submitting the attestation form as well as a list of frequently asked questions (FAQ) are available on the [Credentia365 website](#) and [PDE website](#).



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- (2) Include at least the subjects specified in paragraph (b) of this section;
- (3) Include at least 16 hours of supervised practical training. Supervised practical training means training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse;
- (4) Ensure that -
  - (i) Students do not perform any services for which they have not trained and been found proficient by the instructor; and
  - (ii) Students who are providing services to residents are under the general supervision of a licensed nurse or a registered nurse;

**42 CFR 483.152(a)(5) (relating to requirements for instructors who train nurse aides)**

- (a)(5) Meet the following requirements for instructors who train nurse aides;
  - (i) The training of nurse aides must be performed by or under the general supervision of a registered nurse who possesses a minimum of 2 years of nursing experience, at least 1 year of which must be in the provision of long term care facility services;
  - (ii) Instructors must have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides;
  - (iii) In a facility-based program, the training of nurse aides may be performed under the general supervision of the director of nursing for the facility who is prohibited from performing the actual training; and
  - (iv) Other personnel from the health professions may supplement the instructor, including, but not limited to, registered nurses, licensed practical/vocational nurses, pharmacists, dietitians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech/language/hearing therapists, and resident rights experts. Supplemental personnel must have at least 1 year of experience in their fields;

**42 CFR 483.152(b) (relating to requirements for the curriculum of a nurse aide training program)**

- (b) The curriculum of the nurse aide training program must include -
  - (1) At least a total of 16 hours of training in the following areas prior to any direct contact with a resident:
    - (i) Communication and interpersonal skills;
    - (ii) Infection control;
    - (iii) Safety/emergency procedures, including the Heimlich maneuver;
    - (iv) Promoting residents' independence; and
    - (v) Respecting residents' rights.
  - (2) Basic nursing skills;
    - (i) Taking and recording vital signs;
    - (ii) Measuring and recording height and weight;
    - (iii) Caring for the residents' environment;
    - (iv) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and
    - (v) Caring for residents when death is imminent.
  - (3) Personal care skills, including, but not limited to -
    - (i) Bathing;
    - (ii) Grooming, including mouth care;
    - (iii) Dressing;
    - (iv) Toileting;
    - (v) Assisting with eating and hydration;
    - (vi) Proper feeding techniques;



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**I/We declare, as the above-named individual seeking to be enrolled on the registry and the appropriate hiring entity administrator(s) and staff member(s), under penalty of perjury under the law of the Commonwealth of Pennsylvania, that the foregoing is true and correct.**

17. Signed on the \_\_\_\_\_ (date) day of \_\_\_\_\_ (month), 2022, at \_\_\_\_\_ (city, county, or other location, and state), \_\_\_\_\_ (country).
18. Entity Administrator (printed name)
19. Entity Administrator (signature & date)
20. Director of Nursing (printed name)
21. Director of Nursing (signature & date)
22. Director of Nursing License Number
23. Supervisor RN of TNA (printed name)
24. Supervisor RN of TNA (signature & date)
25. Supervisor RN of TNA License Number
26. Temporary Nurse Aide seeking to be enrolled on the registry (printed name)
27. Temporary Nurse Aide seeking to be enrolled on the registry (signature & date)

Do not mail, email or fax this form to PDE. It must be uploaded to the Credentia365 portal.

**Ensure that all items on this form are complete and all boxes checked where you are verifying the TNA meets the listed requirements before uploading it to the Credentia365 system as incomplete forms cannot be processed and will be denied/returned. In these instances, TNAs will have to resubmit a corrected form.**