



## COMMONWEALTH of VIRGINIA

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State Health Commissioner

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### WAIVER OF 12VAC5-371-210(G): CERTIFIED NURSE AIDE REGISTRATION

On March 12, 2020, Governor Ralph Northam declared a state of emergency due to novel coronavirus (COVID-19). In the declaration, Executive Order 51, the Governor directed state agencies to render appropriate assistance to prepare for and mitigate the effects of the coronavirus (COVID-19) outbreak. In doing so, he ordered authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation.

On March 17, 2020, Pearson Vue announced that it was temporarily closing its U.S.- and Canada-based test centers starting Tuesday, March 17. Pearson Vue is the only vendor that the Virginia Board of Nursing has contracted with to administer, score, and report the results the National Nurse Aide Assessment Program (NNAAP) Examination, and its test center closures include the Virginia NNAAP regional testing sites.

On March 26, 2020, pursuant to section 1135(b) of the Social Security Act, the U.S. Centers for Medicare and Medicaid Services issued a waiver to 42 C.F.R. § 483.35(d), which prohibited skilled nursing facilities and nursing facilities from employing anyone for longer than four (4) months as a nurse aide unless the employee met the training and certification requirements of 42 C.F.R. § 483.35(d). This waiver is intended "to assist in potential staffing shortage seen with the COVID-19 pandemic."

**Requirement:** Subsection G of 12VAC5-371-210 states, "Any person employed to perform the duties of a nurse aide on a permanent full-time, part-time, hourly, or contractual basis must be registered as a certified nurse aide within 120 days of employment."

**Waiver:** Notwithstanding 12VAC5-371-210(G), a person employed to perform the duties of a nurse aide on a permanent full-time, part-time, hourly, or contractual basis must be registered as a certified nurse aide within 60 days of the expiration or rescission of Executive Order 51, as it may be amended.

Questions regarding this document or the information contained within should be addressed to the Director of the Office of Licensure and Certification, Robert A. K. Payne, JD, by email at [Robert.Payne@vdh.virginia.gov](mailto:Robert.Payne@vdh.virginia.gov) or by phone at (804) 367-2102.

A handwritten signature in black ink, appearing to read "M. Norman Oliver MD".

M. Norman Oliver, MD, MA  
State Health Commissioner