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Public Health**



GAVIN NEWSOM
Governor

July 5, 2022

AFL 20-35.8

TO: All Facilities

SUBJECT: Suspension of Professional Certification Requirements for Certified Nurse Assistants (CNAs)
(This AFL supersedes AFL 20-35.7)

AUTHORITY: Proclamation of a State of Emergency (PDF)
Executive Orders N-39-20 (PDF), N-08-21 (PDF), N-12-21 (PDF), N-21-21 (PDF), N-04-22 (PDF), and N-11-22 (PDF)

All Facilities Letter (AFL) Summary

- This AFL notifies all facilities of a temporary waiver of specified statutory and regulatory requirements for CNAs due to the state of emergency related to the COVID-19 outbreak.
- In accordance with Executive Order N-11-22 (PDF), issued June 17, 2022, this AFL revision informs all facilities and applicants that the temporary waivers of specified regulatory requirements for initial certification, renewal, and expired certification have been extended until the end of the declared COVID-19 emergency.

Background

Pursuant to the Governor's Executive Order N-39-20 (PDF) related to the COVID-19 state of emergency, the Director of the California Department of Public Health (CDPH) may waive any of the professional certification requirements and amend scopes of practice of Chapter 2 of Division 2 of the Health and Safety Code (HSC) and accompanying regulations with respect to CNAs. CDPH is temporarily waiving specified CNA requirements and suspending regulatory enforcement contained in this AFL.

Due to ongoing circulation of more transmissible variants of the SARS-CoV-2 virus and the continuing incidence of COVID-19 in California, and in compliance with Executive Order N-11-22 (PDF), the specified temporary waivers for initial certification, renewal and expired certification have been extended until the end of the declared COVID-19 emergency.

Initial Certification

1. **HSC section 1337.5(b)(2)-(3) and Title 22 California Code of Regulations (CCR) section 71835(j):** A nurse assistant enrolled in an approved certification training program may continue to be employed for more than 3 months after the start date of employment. A nurse assistant may delay completion of the training program and competency testing but is encouraged to complete the program as training programs resume. A nurse assistant who has not completed the training program shall only render services at the competency level confirmed by the training program on a competency checklist to be shared with the facility.

For nurse assistants working in certified SNFs that were hired under this waiver on or before June 6, 2022 will have until October 6, 2022, to complete their nurse aide training program and become certified.

Renewal

2. **HSC sections 1263(c), 1337.1(e)(2), 1337.6 and Title 22 CCR section 71839:** All CNAs in an active status are encouraged to renew following normal timelines. A CNA seeking certificate renewal may complete any of the 48 required hours of in-service or continuing education units at any time during the 2-year recertification period and may complete all the required 48 hours through online or distance learning formats.

Expired Certification

3. **HSC section 1337.6 and Title 22 CCR section 71839:** A CNA whose certification expired no earlier than March 30, 2018, or whose certification will expire during the state of emergency, and who remains in an "employable during state of emergency" status may work as a CNA without renewal. All facilities must check CDPH's online verification page to verify employment eligibility. Only those CNAs with a status of "active" or "employable during state of emergency" may be employed. A CNA who remains in an "employable during state of emergency" status will be allowed to complete in-service or continuing education units and count them towards renewal of the certification. Any of the 48 hours of in-service and continuing education may be completed through online or distance learning formats.

Program Flexibility Requests

All temporary waivers of specified statutory and regulatory requirements for CNAs due to the state of emergency related to the COVID-19 outbreak have been extended until the end of the declared COVID-19 emergency. Requests for regulatory waivers not specified in this AFL or requests to extend a program flexibility after the June 30, 2022 expiration date must be submitted to Healthcare Workforce Branch, CNA Review/eLearning & Licensing Section via email at TPRU@cdph.ca.gov using the CDPH 5000A (PDF). All program flexibility requests are reviewed by CDPH on a case-by-case basis.

If you have any questions about this AFL, please contact the Healthcare Workforce Branch, CNA Review/eLearning & Licensing Section via email at cna@cdph.ca.gov. Please include reference to AFL 20-35.8: Suspension of Professional Certification Requirements for CNAs in the subject line of the email.

Any future AFLs related to temporary emergency waivers of statutory requirements for CNAs, NATPs, or competency examinations may be found on CDPH's All Facilities Letters webpage.

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Deputy Director

Resources:

- Proclamation of a State of Emergency (PDF)
- Executive Order N-39-20 (PDF)
- Executive Order N-08-21 (PDF)
- Executive Order N-12-21 (PDF)
- Executive Order N-21-21 (PDF)
- Executive Order N-04-22 (PDF)
- Executive Order N-11-22 (PDF)
- CDPH form 5000A (PDF)

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