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In Senior Care and Services*

TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Jim Rosapepe

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: March 3, 2022

RE: **SUPPORT** – Senate Bill 840 – *COVID-19 Response Act of 2022*

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities and other home and community-based services, we **support** Senate Bill 840.

Among other provisions, Senate Bill 840 contains a provision on page 12 regarding the use of temporary nursing assistants employed in nursing homes. At the beginning of the COVID-19 pandemic, the federal Centers for Medicare & Medicaid Services (CMS) issued multiple waivers of federal regulations to alleviate staffing shortages. The CMS [QSO-21-17-NH](#) memorandum, revised on May 10, 2021, states:

To help nursing homes address staffing shortages during the pandemic, CMS provided a blanket waiver for the nurse aide training and certification requirements at 42 CFR §483.35(d) (except for requirements that the individual employed as a nurse aide be competent to provide nursing and nursing related services at 42 CFR §483.35(d)(1)(i)), specifically to permit nurse aides to work for longer than four months without having completed their training. This waiver allows facilities to employ individuals beyond four months, in a nurse aide role even though they might have not completed a state approved Nurse Aide Training and Competency Evaluation Programs (NATCEP). The individual could continue to work as long as the nursing home ensured that the nurse aide could demonstrate competency in skills and techniques needed to care for residents. CMS is not ending the current nurse aide waiver. However, we are clarifying how federal regulations can be applied to nurse aides working under the blanket waiver, and help enable these individuals to become certified nurse aides (CNAs).

At this time, it is estimated that approximately 2,000 individuals are practicing under the designation of temporary nursing assistants. These individuals have worked tirelessly throughout this pandemic to provide care to residents of nursing homes under the close supervision of licensed individuals. We strongly believe that these individuals should be provided “credit” for the work that they have performed

over the last two years and that a process should be implemented to allow these hours to be applied to satisfy required training hours to be fully certified. As you know, Maryland faces a workforce shortage, especially in the areas of direct care. In particular, nursing homes have struggled to recruit and maintain staff. Maryland must “think outside the box” and implement innovative approaches to bolster the workforce. We strongly believe that developing a program to assist these individuals in becoming certified at a faster pace is beneficial to the industry and the residents cared for by them.

For more information call:

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