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Services Agency
**California Department of
Public Health**



GAVIN NEWSOM
Governor

April 5, 2020

AFL 20-35

TO: All Facilities

SUBJECT: Suspension of Professional Certification Requirements for Certified Nurse Assistants (CNAs)

AUTHORITY: Proclamation of a State of Emergency (PDF) and Executive Orders N-27-20 (PDF) and N-39-20 (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.

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 of the following provisions:

Initial Certification

1. **HSC section 1337.5(b)(2)-(3) and Title 22 of the California Code of Regulations (CCR) section 71835(j):** A nurse assistant enrolled in an approved certification training program may continue to be employed throughout the declared emergency for more than 3 months after the start date of employment. A nurse assistant may delay completion of the training program and competency testing until after the end of the declared emergency 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.

2. **Title 22 CCR section 71835 (f):**

Due to the current state of emergency, a nurse assistant enrolled in an approved certification training program or competency evaluation program may provide patient care prior to having a test for tuberculosis infection. The nurse assistant shall complete the test for tuberculosis infection as soon as practicable but no later than 30 days after the expiration of the state of emergency.

Renewal

3. **HSC sections 1263(c), 1337.1(e)(2), 1337.6 and 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 of the required 48 hours through online or distance learning formats.

Expired Certification

4. **HSC section 1337.6 and Title 22 California Code of Regulations (CCR) section 71839:** A CNA whose certification expired within the previous 2 years, or whose certification will expire during the state of emergency, may work as a CNA for the duration of the declared emergency 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" or who have a copy of their certificate that has been expired within the previous 2 years may be employed.

Reciprocity

5. **HSC section 1337.2(d)-(e):** A licensed vocational nurse (LVN) or registered nurse (RN) seeking certification and possessing a valid license issued by another state or foreign country, whether active or expired within the last 2 years, may begin working as a CNA immediately upon submission of an application for certification to CDPH.

Criminal Record Clearance

6. **HSC sections 1337(b), 1337.2, 1337.6(a)(3), and 1338.5:** Due to the current inability to obtain Live Scan services, nurse assistants seeking initial certification or applicants seeking certification through reciprocity or equivalency, will not be required to submit proof of Live Scan completion until as soon as practicable but no later than 30 days after the expiration of the state of emergency.

Report of Change

7. **HSC section 1337.6(j):** A CNA must notify CDPH of a change of address as soon as practicable, but no later than 30 days after the expiration of the state of emergency.

As a result of this temporary waiver, facilities do not need to submit individual program flexibility requests to employ nurse assistants or CNAs using the waivers specified above. Requests for waivers not specified in this AFL shall be submitted using the CDPH 5000A (PDF).

CDPH understands the importance of ensuring the health and safety of all Californians and maintaining vital access to health care services. CDPH encourages facilities to implement contingency plans to address staff absenteeism and the rapid influx of residents. CDPH will continue to promote quality healthcare and provide technical assistance and support compliance with core health and safety requirements, pursuant to Executive Order N-27-20 (PDF). CDPH is taking this unprecedented action due to the significant challenges California's health care system is facing as a result of the COVID-19 outbreak.

This waiver is valid until the end of the declared emergency.

CDPH will continue to investigate and conduct enforcement activities for allegations of the most serious violations impacting health and safety, pursuant to Executive Order N-27-20 (PDF).

If you have any questions about this AFL, please contact the Professional Certification Branch, Aide and Technician Certification Section via email at cna@cdph.ca.gov. Please include reference to AFL 20-35: 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 2020 webpage.

Sincerely,

Original signed by Heidi W. Steinecker

Heidi W. Steinecker
Deputy Director

Resources:

- Proclamation of a State of Emergency (PDF)
- Executive Order N-27-20 (PDF)
- Executive Order N-39-20 (PDF)
- CDPH form 5000A (PDF)

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