

TO: Temporary Nurse Aides and Health Care Facilities
FROM: Bridget Weidner, ^{PW}Director, Division of Health Facilities
DATE: September 20, 2021
SUBJECT: Temporary Nurse Aide Registration

In October of 2020, the North Dakota Department of Health, along with the Attorney General's Office, reviewed our state's options related to emergency activation of temporary nurse aides per North Dakota Administrative Code (NDAC) Chapter 33-43-01. It was determined that individuals in North Dakota could take an 8-hour training course and a temporary registration as a nurse aide would be granted.

On April 30, 2021, Governor Burgum declared emergency conditions no longer existed in North Dakota.

In June of 2021, Dr. Wehbi, the North Dakota State Health Officer, issued a new waiver stating we would no longer grant temporary nurse aide registration and all current temporary registrations would expire on October 31, 2021.

Due to the increase of COVID-19 cases in our state and the staffing shortage occurring in health care facilities, Dr. Wehbi has issued a waiver of requirements of NDAC 33-43-01-11.3 allowing temporary nurse aides, effective immediately. This waiver will:

- Extend all registrations currently held by temporary nurse aides to December 31, 2021.
- Allow individuals seeking a temporary nurse aide registration to apply for registration after completing an 8-hour training course.
- Allow current temporary nurse aides to reapply for temporary nurse aide registration.
- Waive the \$25 application fee for temporary nurse aides.

All temporary nurse aides must be registered with the Nurse Aide Registry. The temporary nurse aide will be required to have the employing facility sign an attestation statement attesting to the competency of the temporary nurse aide. The attestation will be part of the temporary nurse aide application process on the Nurse Aide Registry. If the temporary nurse aide leaves a facility and employs with another facility, the temporary nurse aide will need to update their registration information and the new facility will be required to sign an attestation statement.

This waiver will expire four months after the Centers for Medicare and Medicaid (CMS) removes the existing waiver at 42 CFR 483.35(d) (except for 42 CFR 483.35(d)(1)(i) and (c)), which requires that a long-term care facility not employ anyone for longer than four months unless they meet the training and certification requirements; or December 31, 2022, whichever occurs first.

Please contact the Nurse Aide Registry at 701-328-2353 or naregistry@nd.gov if you have any questions.

Thank you.