

State of California—Health and Human Services Agency
California Department of Public Health

AFL 20-40

April 14, 2020

TO:

All Facilities
Nurse Assistant Training Programs

SUBJECT:

Suspension of Specified Regulatory Requirements for Nurse Assistant Training Programs (NATPs)

AUTHORITY: [Proclamation of a State of Emergency](#) (PDF) and Executive Order [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 NATPs and nursing facilities 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 certified nurse assistants (CNAs). CDPH is temporarily waiving specified statutory requirements and suspending regulatory enforcement for NATPs and nursing facilities that provide instruction and training to nurse assistants (NAs) seeking certification as CNAs.

CDPH is waiving the following statutes and regulations applicable to NATP as described below:

Theory and Clinical Training

1. **[HSC section 1337.1\(b\)\(1\)](#) and Title 22 of the California Code of Regulations (CCR) [section 71835\(k\)](#)**: A NATP may provide the 60 required hours of classroom training through an online or distance learning format and may begin providing online or distance learning training immediately upon electronic submission of notification to CDPH.

2. **Title 22 CCR section 71835(g) and (k):** A nursing facility may conduct clinical training at any time of the day or night and on any day of the week and may implement an alternate schedule immediately upon electronic submission of notification to CDPH.

Staff Recruitment

3. **Title 22 CCR section 71829(a):** A nursing facility whose Director of Staff Development (DSD) has terminated employment may use a licensed nurse that meets the DSD qualifications to serve in this role without showing evidence to CDPH of recruitment efforts to replace the DSD for the duration of the declared emergency.

In-Service Training

4. **Title 22 CCR section 71847(h):** A nursing facility whose in-service training is due for review and approval by CDPH is encouraged to submit timely but may delay submission of a renewal request until as soon as practicable but no later than 90 days after the end of the declared emergency.
5. **22 CCR section 71847(b):** A nursing facility may provide annual in-service training through an online or distance learning format and may begin providing online or distance learning training immediately upon electronic submission of notification to CDPH.

Continuing Education Training

6. **Title 22 CCR section 71845(b):** An online or classroom-based continuing education provider whose continuing education training agreement is due for review and approval by CDPH is encouraged to submit timely but may delay submission of a renewal request until as soon as practicable but no later than 90 days after the end of the declared emergency.
7. **Title 22 CCR section 71845(a) and (g):** A continuing education provider approved by CDPH to provide continuing education courses may provide the training through an online or distance learning format and may begin online or distance learning instruction immediately upon electronic submission of notification to CDPH.

Orientation

8. **Title 22 CCR section 71833(a):** A nursing facility may provide a portion of the required orientation program activities through an online or distance learning format and may begin providing online or distance learning orientation activities immediately upon electronic submission of notification to CDPH.

As a result of this temporary waiver, NATPs and nursing facilities do not need to submit individual program flexibility requests for the waivers specified above. However, NATPs and nursing facilities are still required to submit notification to CDPH of changes to core curriculum, training hours, program staff, or contracted services. Notification shall be submitted to the Professional Certification Branch, Training Program Review Unit (TPRU) via email at TPRU@cdph.ca.gov.

NATPs and nursing facilities may also apply for waivers of other requirements not specified above, such as alternative ways to conduct clinical training such as simulation or laboratory return demonstration. Requests for specific emergency waivers must be submitted to the Medical and Health Coordination Center via email at CHCQDutyOfficer@cdph.ca.gov 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](#). 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, Training Program Review Unit via email at TPRU@cdph.ca.gov.

Sincerely,

Original signed by Heidi W. Steinecker

Heidi W. Steinecker
Deputy Director