

For SNFs/NFs– Requesting Waiver for Training & Certification of Nurse Aides 42 CFR §483.35(d)

According to [QSO-22-15-NH & NLTC & LSC](#) CMS will review waiver requests in the following manner:

Individual Facility Waivers: When there are localized barriers to training/testing in a state or county not otherwise covered by a waiver, facilities may request a waiver by providing documentation of the barriers. The documentation must include information demonstrating that the aide(s) have attempted to become certified (e.g., enrollment in training or testing), but the NATCEP entity cannot accommodate the applicant(s) at this time.

- Documentation should include the date(s) and contact(s) that the communication occurred between.
- Documentation can be in the form of email, letters, or documentation of a phone call.
- Documentation must show timely contacts to state officials.
- Facilities should include the estimated date by which their aides will get certified.

Waivers are time-limited, and CMS expects state agencies to actively work towards resolution of barriers to certification. CMS may require that state agencies provide progress reports on the submitted action plan to maintain the waiver.

A facility cannot attain or retain a waiver longer than the declaration of a PHE. CMS will grant these waivers for a timeframe that is as short as possible, and CMS will only grant these waivers while the declaration of a COVID-19 public health emergency is still in effect. If the PHE ends during or before the granted period of waiver for a facility or a state or a county, the waiver also ends.

Facilities should use the following portal to submit a waiver request:

https://cmsqualitysupport.servicenowservices.com/cms_1135

There is a [training video](#) on completion of a CMS 1135 Waiver/Flexibility Request and Inquiry Form

Helpful Tips:

- Under section 3: Request #1 -Regulation related to this request-You can enter: Training and Certification of Nurse Aides for SNF/NFs - 42 CFR §483.35(d)
 - Under section 3: Request #1-Describe your 1135 Waiver/Flexibility Report: You can enter that you are requesting a waiver of the Training and Certification of Nurse Aides for SNF/NFs requirements at 42 CFR §483.35(d) due to the inability to meet the requirements because of _____ (lack of available training or testing, other). Include all required documentation to support the need for the waiver. See specific requirements under **Individual Facility Waiver**.