



# Oregon

Kate Brown, Governor

## Oregon Department of Human Services

*Safety, Oversight and Quality*

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### NF-22-038 – Provider Alert

Date: July 8th, 2022

To: Nursing Facilities

From: ODHS Office of Aging and People with Disabilities - Safety, Oversight and Quality Unit (SOQ)

Subject: Post-Emergency Authorization Staffing



To help nursing facilities address staffing shortages during the pandemic, the Centers for Medicare and Medicaid Services (CMS) enacted a temporary emergency blanket waiver for the nurse aide (NA) training and certification requirement at 42 CFR §483.35(d), specifically permitting nurse aides to work longer than four months without having completed their training. Per [QSO-22-15-NH](#) issued on April 7, 2022, this temporary waiver ended 60 days post the issuance, or on June 6, 2022. NA staff hired prior to June 6, 2022, must become certified by October 6, 2022, or they can no longer work at the facility without passing the CNA1 certification. NA staff hired after June 6, 2022, will have four-months from the date of hire to become certified or they can no longer work at the facility without passing the CNA1 certification.

In addition, to help ensure the safety of Oregonians and ease the staffing burden on facilities, the Oregon State Board of Nursing has implemented the following exceptions to allow additional time for staff to become licensed or certified:

### Nurses

RNs and LPNs without Oregon licensure may work an additional 90 days if:

- They were issued an Emergency Authorization (EA) that expired July 1, 2022.
- They were hired or contracted without an EA.
- Their employer (per ORS 678.034) has submitted a [90-day RN/LPN license exception request](#).
- They have submitted an Oregon license endorsement application [via our online licensing system](#).

- Their name appears on the [list of approved license exemptions per ORS 678.031](#). The 90-days starts the date their name appears on this list.

## Nursing Assistants

CNAs without Oregon certification may work for an additional 120 days from the date of their most recent contract date or the date of their direct hire if:

- They were issued an Emergency Authorization (EA) that expired July 1, 2022.
- They completed an OBRA-approved training course.
- They work in licensed nursing facilities.
- Their employer has submitted [a 120-day CNA exception request to the OSBN](#).
- They have submitted an Oregon CNA endorsement application [via the OSBN online licensing system](#).
- Their name appears on this [list of CNAs able to work an additional 120 days](#). The 120-days starts the date of their most recent contract date or the date of their direct hire.

**If the CNA has graduated or is endorsing their license into Oregon and does not have an Oregon certification, the requirement of OAR 851-062-0020 (1), 120-day exemption applies, and you do not need to request a special exemption. The above is only for those who have EAs because they could have been in your facility under an EA longer than 120 days.**

*OSBN will allow a 10-day grace period after the expiration date for the exemptions to be requested. Facilities will need to get their request in no later than 8am on Monday July 11<sup>th</sup>, 2022. Requests for extension of applicants with EAs and who have submitted an endorsement application will not be approved if submitted after this date.*

This information can also be found at Oregon State Board of Nursing's website at <https://www.oregon.gov/osbn/Pages/Post-EA-Staffing-Options.aspx>

If you have questions, please contact your licensing team:  
[NF.licensing@dhsosha.state.or.us](mailto:NF.licensing@dhsosha.state.or.us)

ODHS website: [www.oregon.gov/DHS/](http://www.oregon.gov/DHS/)

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***ePOC Practice Tip:***

Facility Administration - ASPEN Web: e POC (electronic Plan of Correction) is the centralized worksite for completing all steps in CMS & State survey POC processing including:

- Receiving and reviewing Statements of Deficiencies (SODs),
- Formulating POCs,
- Submitting POCs and if desired,
- Attaching supporting Informal Dispute Resolution request & documents.

Register and maintain an active ePOC account to efficiently access your surveys, and at no cost to your facility. ePOC registration passwords are effective for 90 days and must be renewed timely to maintain an active ePOC account. As an active ePOC user, you will receive notifications of pending password expiration with renewal instructions. It may also be advantageous to have multiple ePOC registrants for your facility to ensure an active ePOC account is maintained at all times. For ePOC assistance and/or questions contact QTSO (<https://www.qtso.com>).