



COMMONWEALTH of VIRGINIA

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August 10, 2020

On March 12, 2020, Governor Ralph Northam declared a state of emergency due to novel coronavirus (COVID-19). In the declaration, [Executive Order 51](#), the Governor directed state agencies to render appropriate assistance to prepare for and mitigate the effects of the coronavirus (COVID-19) outbreak. In doing so, he ordered authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation.

Pursuant to the authority granted to the agency head by Executive Order 51 (2020), I hereby suspend the below **Nurse Aide Education Program** regulation:

- [18VAC90-26-20](#). **Establishing and Maintaining a Nurse Aide Education Program.**
 1. Demonstrate evidence of compliance with the following essential elements:
 - e. Skills training experience in a nursing facility that has not been subject to penalty or penalties as provided in 42 CFR 483.151(b)(2) (Medicare and Medicaid Programs: Nurse Aide Training and Competency Evaluation and Paid Feeding Assistants, revised October 1, 2013 edition) in the past two years. The foregoing shall not apply to a nursing facility that has received a waiver from the state survey agency in accordance with federal law.

Suspended for current and incoming nurse aide students through December 31, 2020. However, if this training occurs in a nursing facility, the facility shall not be subject to a penalty or penalties as provided in 42 CFR 483.151(b)(2). Acceptable alternate sites would include licensed hospitals, hospice facilities, assisted living facilities, rehabilitation centers, and dementia care units.

This waiver shall take effect on August 10, 2020, and shall remain in full force and in effect until December 31, 2020, **unless otherwise outlined above**, or unless sooner amended or rescinded by further executive order.

David E. Brown, D.C.
Director