

This is an emergency amendment to 8.312.2 NMAC, Section 21, effective 4/10/2020.

**8.312.2.21 NURSE AIDE TRAINING:**

~~[A NF must comply with nurse aide training requirements as a condition of MAD and MCO enrollment and participation; see 42 CFR Section 483 Subpart D.] Pursuant to the public health emergency declared by the governor of New Mexico in Executive Order 2020-004 on March 11, 2020, and any renewal and subsequent Executive Order, and the department of health and human services centers for medicaid and medicaid services COVID-19 Emergency Declaration Waiver of Subsection D of 42 C.F.R. 483.35, with the exception of Subparagraph (i) of Paragraph (1) of Subsection D of 42 C.F.R. 483.35, the New Mexico human services department does hereby waive enforcement of Paragraphs (1) and (2) of Subsection A of Section 8.321.2.21 NMSA 1978, along with Subsection A of Section 8.321.2.21 NMSA 1978. The NF will not be approved as a MAD or MCO provider if the NF has been out of compliance with federal requirement within the previous two calendar years.~~

**A. Requirements for nurse aide training:** ~~[A NF cannot employ individuals as nurse aides for more than four months unless they have completed a nurse aide training and competency evaluation program (NATCEP). The NATCEP program must have a minimum duration of 75 hours].~~ Waived.

(1) ~~[A nurse aide who has not performed nursing or nursing related services for monetary compensation for a period of 24 consecutive months since completion of a NATCEP must take either a new NATCEP or a new competency evaluation program (CEP).]~~ Waived.

(2) ~~[A NF must not use temporary nurse aides who have not completed a NATCEP or a CEP.]~~ Waived.

(3) A NF must ensure that students in the NATCEP programs do not perform any services for which they have not been trained and found proficient by instructors. A NF must ensure that all students in NATCEP programs are under the general supervision of licensed or registered nurses when they perform services for eligible recipient or member residents.

(4) A NF must furnish regular performance reviews and in-service education to ensure that individuals who serve as nurse aides are competent to perform nurse aide services.

**B. Other nurse aide requirements:** A NF must not employ individuals who have been convicted by the court of abuse or neglect of any NF residents or misappropriation of any NF residents' property.

**C. Nurse aide registry:** DOH maintains a registry of all nursing aides who have successfully completed, who have been considered to have completed a NATCEP or CEP program or who have had the NATCEP or CEP requirement waived by New Mexico.

[8.312.2.21 NMAC-Rp. 8.312.2.21 NMAC, 8/1/2014; A/E, 4/10/2020]