



**Notice of adoption of emergency regulation on emergency courtesy
certification and training program standards for certified nurse aide in the
regulations of the Alaska Board of Nursing**

Proposed Regulations - FAQ

September 2021

1. What is the purpose of the emergency regulations? What will this regulation do?

The Board of Nursing finds that an emergency exists under AS 44.62.250 and that an emergency regulation change is necessary to 12 AAC 44, dealing with emergency courtesy certification and training program standards for certified nurse aide, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The current surge of COVID-19 across Alaska has greatly increased the number of Alaskans becoming ill from the virus. Hospital capacity is at its highest since the beginning of the pandemic. Health care facilities are at max capacity and are struggling to retain staff. A recent survey of healthcare facilities across Alaska showed an immediate need for 55 CNAs with many more needed in the coming weeks. This critical healthcare worker shortage and the surge in cases across the state are what constitute this emergency.

12 AAC 44.806. Emergency courtesy certification. The proposed emergency courtesy certification will allow certification to successful CNA applicants that meet the following specific requirements of the emergency regulations during a public health emergency declared by the governor or commissioner of health and social services, or when the board has determined an urgent situation exists:

- An unencumbered certification from another state
- A completed application including professional fitness questions
- At the time of application under this section, the applicant is not under investigation in the state or other jurisdiction in which the applicant is certified; and
- A notary page or two federal or state forms of identification.

12 AAC 44.835. Training program standards. The proposed emergency regulation will align the Alaska's CNA training requirements with the federal requirements. Most notably it reduces the required training hours from 140 hours to 75 hours (federal minimum) during a public health

emergency declared by the governor or commissioner of health and social services, or when the board has determined an urgent situation exists.

2. What is the purpose of this regulation?

- The restrictive nature of the previous courtesy certification regulation could negatively impact the health of the public by decreasing healthcare worker availability during this public health emergency caused by the COVID-19 pandemic.
- Alaska has a significant CNA shortage due to the COVID-19 pandemic. Changing CNA training requirements to align with federal requirements will allow CNA students to complete their training more quickly while still meeting the federal standards. This will help quickly increase Alaska's CNA workforce during the current surge of COVID-19.

3. What positive consequences may this emergency regulation have?

- Allow healthy CNA staff to be available in Alaska during the surge.
- This will help quickly increase Alaska's CNA workforce during the current surge of COVID-19.

4. What negative consequences may this emergency regulation have?

- In regard to the training program requirements, there is some concern that CNAs will not be as well trained under this new emergency regulation. However, CNA students will still need to pass a national CNA exam before receiving their certification.

5. What are the costs to comply with the emergency regulations?

\$50 emergency courtesy certification application.

\$100 emergency courtesy certification.

6. When will the emergency regulations be effective?

The emergency regulations took effect on September 7, 2021 and will expire January 4, 2022 unless made permanent by the Board. The Board intends to make the emergency regulation permanent.

7. When will the emergency regulations be permanent?

After the public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the emergency regulation to be made permanent as proposed/publicly noticed, may amend and adopt them, choose to take no action and expire after the 120th day, or may withdraw the emergency regulations in part or in its whole. After Board action, the adopted permanent regulations goes to Department of Law (DOL) for final

review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for permanent filing.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.