

Temporary Permission for Program Flexibility for 3.5 and/or 2.4 Staffing Requirements

This form is to be used ONLY for program flexibility requests when hospitals temporarily need to comply with licensing requirements by using alternative concepts, methods, procedures, techniques, equipment, or personnel.

Hospitals are required to submit a program flexibility request to the California Department of Public Health (CDPH), Licensing & Certification (L&C) Program through their local district office (DO) for written approval. This form is a mechanism to expedite the request and approval process in emergency situations.

<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/DistrictOffices.aspx>

Facility Name Del Amo Gardens Care Center			Date of Request 07/03/2020	
License Number 910000039			Facility Phone 310-378-4233	Facility Fax Number 310-378-6801
Facility Address 22419 Kent Ave				
City Torrance	State CA	Zip Code 90505	E-mail Address [REDACTED]@delamogardens.com	
Contact Person Name [REDACTED]				

Approval Request

Complete one form for each request

- Tent use (High patient volume) Bed use
 Space conversion (other than tent use) Over bedding

Start Date: July 1, 2020
 End Date: September 30, 2020

Program Flex Request

What regulation are you requesting program flexibility for? CCR 22 §72329; §72329.2; H&S Code §1599.1 (3)

Justification for the Request

- A disease outbreak (verifiable through sources such as the local emergency medical service agency (LEMSA), local Public Health Officer, CDPH Division of Communicable Disease Control, the Centers for Disease Control and Prevention) is present in the community where the hospital is located or in a contiguous area(s) causing a rapid influx (surge) of patients to the hospital. Examples of this type of surge include: Increased cases of seasonal influenza, onset of a severe acute respiratory syndrome-type or other highly contagious virus requiring acute care, an epidemic/pandemic, a bioterrorism agent, or a declared public health emergency.
- An emergency resulting in the need for increased patient accommodations has occurred in the community where the hospital is located or in a contiguous area(s) causing a rapid influx (surge) of patients to the hospital. Examples of this type of surge include: A natural or human-caused disaster, a crime incident or transportation accident resulting in numerous mass casualties, an emergency causing the evacuation of patients or diversions from another hospital (LEMSA diversion has been implemented).

Justification for the Request

Other:

On March 04, 2020 Gov. Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19. Since the initial

Exhausting Available Alternatives

The hospital must exhaust available alternatives before requesting increased patient accommodations. Check all that apply:

- Rescheduling non-emergent surgeries and diagnostic procedures.
- Transferring patients to other beds or discharge as appropriate.
- Setting clinics for non-emergency cases (if possible).
- Requesting ambulance diversion from LEMSA, if appropriate.

Other: See below

Facility Name	License Number	Request Date
Del Amo Gardens Care Center	910000039	07/03/2020

Adequate Staff, Equipment and Space

The hospital must make arrangements for adequate staffing, equipment and space for increased patient accommodations. Check all that apply:

- A plan is in place for staff if the request is for use of alternate space.
- A plan is in place for equipment if the request is for use of alternate space.
- The proposed space for care of patients provides sufficient square footage to ensure access for safe care.

Other:

Additional Information

Provide a brief description of your conditions and explain the need for program flexibility. Provide a brief description of the alternative concepts, methods, procedures, techniques, equipment or personnel to be used, and the conditions under which this program flexibility will be utilized. Attach additional supporting documentation as needed.

CCR 22 §72329; §72329.2; H&S Code §1599.1(a)

Our facility is experiencing COVID-19 related issues that is directly impacting our staffing levels. (as described below)

Steps the facility has taken (and continues to take) include:

1. Implementing the facility's Staff Recall Policy and staffing contingency plans.
2. Asking nursing personnel to work extra hours or pick up extra shifts.
3. Working with staffing agencies to supplement facility staffing, while also working hard to limit staff who might be working at (and potentially transferring the disease from or to) other facilities.
4. Trying to limit staff who work at multiple facilities to contain exposure.

CCR 22 §72329; §72329.2; H&S Code §1599.1(a)

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4. Trying to limit staff who work at multiple facilities to contain exposure.
5. Restricting entry to the facility and access to the patients to only essential personnel and regular screening of essential personnel.
6. Utilizing non-CNA's/LN's to supplement the services provided by nursing personnel (Department heads helping with meals, staff from other departments answering call lights and assisting with services that do not require a CNA or Licensed Nurse, etc. . .).
7. Loss of CNA schools doing clinicals at the facility for prospective hires due to the pandemic.

[Redacted Signature]

Administrator

Signature of person requesting program flexibility

Title

[Redacted Name]

Printed name

Note: Approval for tent use, space conversion, bed use and over-bedding will be time limited and dependent on the facts presented that substantiate the emergency. Initial approval may be given verbally by the local L&C DO; however, a signed written approval must be distributed (faxed) to the hospital and filed in the hospital's facility folder.

For CDPH Use Only:

CDPH Licensing and Certification Approval:

Permission Granted from: 7/1/20 to 9/30/20

Permission Denied: Briefly describe why request was denied in comments / conditions below:

Comments / conditions: Program Flex approved for CCR § 72329 only

[Redacted Signature]

Supervisory Licens

8/9/20

CCR 22 §72329; §72329.2; H&S Code §1599.1(a)

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6. Utilizing non-CNA's/LN's to supplement the services provided by nursing personnel (Department heads helping with meals, staff from other departments answering call lights and assisting with services that do not require a CNA or Licensed Nurse, etc. . .).
7. Loss of CNA schools doing clinicals at the facility for prospective hires due to the pandemic.
8. Finding and sponsoring people to attend CNA certification courses to grow the pool of available CNA's in the coming months.
9. Supporting staff by providing food/snacks/meals/gift cards/care packages/thank you notes/etc. . . during the emergency.
10. Following the CDC Crisis Capacity Staffing Strategies for COVID-19.
11. Continue to comply with unusual occurrence reporting requirements specified in Title 22 of the California Code of Regulations section 72541.
12. Report any substantial staffing or supply shortages that jeopardize resident care or disrupt operations.
13. We will continue to provide necessary care in accordance with residents' needs and make all reasonable efforts to act in the best interest of residents.
14. Follow our disaster response plan.
15. Follow infection control guidelines from the Centers for Medicare and Medicaid Services (CMS) and the CDC related to COVID-19.

16. Comply with directives from our local public health department, to the extent that there is no conflict with Federal or state law or directives or CDPH AFLs.

This list is not exhaustive/all-inclusive. Additional information can be provided if requested. The waiver will only be relied on when necessary and at all times the facility will continue to work hard to ensure patients receive the appropriate level of care.



August 7, 2020

To whom it may concern:

Our goal is to not have to rely on a temporary staffing waiver, but given all that is going on during this pandemic, we would like to apply for a patient acuity waiver that waives the 2.4 C.N.A. hours. We are currently considered an "outbreak" facility and have a need to continuously monitor and observe our residents. We are able to staff Licensed Nurses more easily than C.N.A.s at this time. Please see the below answers providing further information on our situation.

- Describe the proposed staffing that is different from the minimum ratios of 2.4 and 3.5 nursing hours per patient day? (what is the staffing plan or how will you staff?)

We plan to staff with extra Licensed Nurses to help with assessments and observations of the residents due to COVID19. We are constantly monitoring our residents and need the extra support with the licensed nurses. Currently we are considered an "outbreak" facility due to having residents and staff testing positive during weekly testing. It has been difficult to hire C.N.A.'s and our goal is to maintain the 3.5 nursing hours, but it may be difficult to meet the 2.4 C.N.A. hours.

- Describe COVID related surge conditions in the facility

Currently we are experiencing an outbreak of COVID19 amongst residents and staff. We are following CDPH guidance on health care staff returning to work or asymptomatic who tested positive for COVID19. We have a separate COVID19 unit and have staffed the unit with dedicated staff. We are using a combination of 12 hour and 8 hour shifts to maintain coverage. Every week, the number of COVID19 residents in the unit may change due to public health guidelines of residents who have recovered being removed.

- Describe the increase in positive cases in the community

Currently, Los Angeles County is still seeing positive cases. In our area, the hospitals have seen an increase of COVID19 positive cases. Some other facilities in the area have also had outbreaks recently.

- Describe contact with CDPH or local health departments for staffing resources (include contact names/titles and specific activities and milestones in the effort and the dates these were completed)

Daily calls from Eugene Na, HFEN and others covering for him who provides information regarding staffing options if need be. On July 6, 2020, he emailed me a list



of 3 registries to contact (Career Staff Unlimited, Ro Health, Xpert Recruiters), but we currently have 4 registries that we are currently contracted with. We have not had a situation where we needed to contact the nursing registries just yet.

- Describe all mitigating strategies planned, in progress or completed. (such as efforts to attain additional staff)

We continue to hire new nursing staff and bring back staff who took a leave of absence. Current staff are also volunteering extra shifts and helping to fill in the gaps in schedules. We are contracted with 4 staffing agencies/registries should we see gaps that we cannot fill in.

- Describe transferring or discharging of patients that has or will occur, to address staffing shortages related to COVID-19. (include specific and verifiable information.)

There is a local facility designated as a COVID19 facility (The Earlwood). If need be, we can arrange for transferring residents to this facility upon public health's approval. Non-Covid-19 residents may be transferred to other local facilities if the facility is directed by public health. The facility has transfer agreements in place with local facilities.

- Describe the management of clinical layoffs, if any

There have been no clinical layoffs during this time.

- Describe the availability of required PPE

We continue to order PPE as needed from our main medical supplies distributors as well as nontraditional vendors (i.e. Amazon, online stores, etc.) and have at least 2 weeks supply for immediate use.

- Describe efforts to manage short- and long-term vacancies in staffing

To manage short term vacancies in staffing, staff are volunteering to work extra shifts and some days off. Staff are also open to working 12 hours shifts as needed. To manage long term vacancies in staffing, we are continuously trying to recruit and hire new staff. If needed, we can contact a staffing agency/registry for staff.

- Describe staffing agencies that have been contacted



We are contracted with U.N.I. Staffing, ClipBoard Health, Aerotek staffing and CareLinx staffing. We are in communication with these staffing agencies and if needed, we will contact them to fill in gaps in our schedules.

- Describe the specific COVID-19 related staff absenteeism

To date, we have had 12 nursing staff who tested positive for COVID19. Of these staff, 1 is still currently under quarantine. The 11 others are recovered and have returned to work per CDPH guidelines. Some COVID19 positive staff returned to work in the COVID unit. In the beginning of the COVID19 pandemic, we had some staff who decided not to work due to personal reasons. Furthermore, during the pandemic, we were advised by public health that staff should have one job to minimize the spread of COVID19. At that time, we had about 10% of our nursing staff choose their other job. Our current absenteeism has been manageable and minimal. We have been able to fill in call offs a majority of the time with staff working extra shifts or extra hours.

Thank you for your consideration regarding this temporary waiver application.

Should you have any further questions regarding the above, please contact Brent Wauke, Administrator at bwauke@delamogardens.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Wauke".

Brent Wauke
Administrator