

Temporary Permission for Program Flexibility and for Emergencies

When the Medical Health Coordination Center (MHCC) is activated, Providers and District Offices (DOs) will submit requests to CHCQDutyOfficer@cdph.ca.gov

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

Providers are required to submit a program flexibility request to the California Department of Public Health (CDPH), Center for Health Care Quality for approval. This form is a mechanism to expedite the request directly to the Medical Health Coordination Center (MHCC) for approval in emergency situations.

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

Facility Name

HAYWARD HEALTHCARE & WELLNESS C

Date of Request

June 30, 2020

License Number

020000039

Facility Phone

510-783-4811

Facility Fax Number

510-783-4062

Facility Address

1805 West Street

E-Mail Address

administrator@haywardhcc.com

City

Hayward

State

CA

Zip Code

94545

Contact Person's Name

Approval Request

Complete one form total per facility

- Staffing Other
- Tent use (High patient volume) Bed Use
- Space Conversion (other than tent use) Over bedding

Duration of Request

Start Date July 1, 2020

End Date September 30, 2020

Program Flex Request

What regulation are you requesting program flexibility for? Title 22 - 72329.1, 72329.2,

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).

Facility

HAYWARD HEALTHCARE

License Number

020000039

Request Date

June 30, 2020

Justification for the Request

Other:

We are experiencing challenges meeting 3.5/2.4 requirements (explained below)

Exhausting Available Alternatives

The provider 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

Adequate Staff, Equipment and Space

The provider 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 alternative 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 used. Attach additional supporting documentation as needed.

We are experiencing challenges meeting 3.5/2.4 requirements as the result of implementing CDC guidance advising work restrictions (including self-quarantine and active monitoring) for all staff presenting with unexplained fever or undiagnosed respiratory symptoms; or recent close contact with a confirmed case of COVID-19 (even if asymptomatic) until test results have been returned. We are working hard with contracted agency providers who are experiencing high industry demands. They are unable to meet our staffing requests and most are not taking on new contracts because they cannot provide necessary staff. We've asked staff to engage in double shifts, have recalled days off, and authorized all over-time necessary to meet patients needs; However, staff are already feeling fatigue effects. We need relief from these requirements so we can have the flexibility needed to take care of both our patients and staff accordingly. We are asking CDPH to waive the above referenced regulations and facility will staff at a minimum of 3.20.

To meet the current needs of our population; We will cease admits (if necessary), unless doing so creates a hardship for local acute care hospitals or healthcare partners, due to surging medical needs in the community. Facility administration will closely monitor staffing levels daily and make necessary decisions and adjustments in accordance with the best interests and needs of our patients. We will continue practices of automatically authorizing over-time, imposing mandatory double-shifts, and implementing day-off recalls as needed; DON and other designated staff will closely monitor resident changes daily to ensure all conditions are properly treated and transmission based precautions are implemented immediately when needed. Department Managers will communicate with residents frequently and bring any grievances or concerns forward to be addressed; We will utilize non-direct care staff to engage in supportive duties, such as answering call lights, passing out water or meal trays, providing 1:1 supervision, engaging in social companionship, and facilitating resident/family communication by alternate means; We will also authorize bed-making activities and meal assistance for low risk dependent diners (i.e. without swallowing precautions) for properly training individuals. We will notify residents/RPs of staffing plan/changes as needed.


 Signature of person requesting program flexibility

Administrator
 Title


 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 DO; however, a signed written approval must be distributed (faxed) to the facility and filed in the facility's folder.

For CDPH Use Only

Center for Health Care Quality Approval:

Permission Granted from: to

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

please see attachment for condition/recommendation

CHCQ Printed Name: 

CHCQ Staff Signature: _____

Date:


 L&C District Office Staff Signature

Title

Date

The program waiver is approved on the following conditions/recommendations:

- *Approve as per AFL 20-32.1, with the following conditions:*
 1. Approval is for waiver of only the following statutes:
 - Title 22 CCR statute 72329.2 (a)
 - HSC section 1276.65 (c)(1)(B) and (C)
 2. This waiver approval excludes sub-acute units (if any)
 3. The facility shall staff at required ratio whenever possible.
 4. The facility shall document and maintain records of all efforts to meet the required ratio if not met.
 5. The facility shall comply with all conditions as noted in AFL 20-32.1. (*see below)

***Conditions listed in AFL 20-32.1**

- *SNFs shall continue to comply with unusual occurrence reporting requirements specified in Title 22 of the California Code of Regulations section 72541.*
- *SNFs shall report any substantial staffing or supply shortages that jeopardize resident care or disrupt operations.*
- *SNFs shall continue to provide necessary care in accordance with residents' needs and make all reasonable efforts to act in the best interest of residents.*
- *SNFs shall not discriminate admits or readmits, nor transfer or discharge residents based on their status as a suspected or confirmed COVID-19 case.*
- *SNFs shall institute appropriate precautions to prevent the spread of infection to health care personnel and other residents as specified in [AFL 20-25.2](#).*
- *SNFs shall follow their disaster response plan.*
- *SNFs shall follow infection control guidelines from the Centers for Medicare and Medicaid Services (CMS) and the CDC related to COVID-19.*
- *SNFs shall comply with directives from their local public health department, to the extent that there is no conflict with federal or state law or directives or CDPH AFLs*
- *Staff at required ratio whenever possible*
- *Document all efforts to meet the required ratio if not met*