

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

Kaiser Foundation Hospital Fontana

Date of Request

October 7, 2020

License Number

240000159

Facility Phone

(909) 427-7700

Facility Fax Number

(909) 302-7751

Facility Address

9961 Sierra Ave

E-Mail Address

[REDACTED]

City

Fontana

State

CA

Zip Code

92335-6720

Contact Person's Name

[REDACTED]

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 10-09-2020

End Date 01-09-2021

Program Flex Request

What regulation are you requesting program flexibility for? 70217(a)(1)(9)(10)(11)

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

Kaiser Foundation Hospital

License Number

240000159

Request Date

October 7, 2020

Justification for the Request☒ Other:

Governor's proclamation of emergency dated 3-4-20 COVID-19 Pandemic (patient surge) .

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.

The facility is requesting a program flex for Intensive Care Unit (ICU), Step Down Unit (SDU), and Medical/Surgical/Telemetry (M/S/T) Staffing due to the inability to meet the nurse staffing ratios on a prolonged or sustained basis due to COVID-19 volume, current numbers are above normal staffing (patient surge). See attachment # 1 for current COVID-19 census. Waiver to include that patients will be staffed according to acuity and bed status regardless of location.

The hospital has made the following prompt efforts to obtain additional staff.

* An agreement was reached with the union for Per Diem and Part Time Nurses to schedule additional hours in the following departments ICU, SDU, and M/S/T.

* The facility has taken the following actions to obtain additional ICU,SDU, and MST staff (see attachment #2). A deficit still exists in the number of nurses needed due to a national shortage and increased volume of COVID-19 patients.

* The facility has also posted seasonal ICU, SDU, and M/S/T Registered Nurse positions to start in October 2020 (44 ICU, 26 M/S/T).

*Agreement reached with union for "Extra Shift Incentive" for hours worked in excess of their current schedule (this is in addition to applicable overtime and differential provisions)

- * \$ 150.00 for each additional 8 hour shift
- * \$ 200.00 for each additional 10 hour shift
- * \$ 250.00 for each additional 12 hour shift

The facility is proposing a "Team Nursing Model" for ICU, SDU, and MST (see attachments #3).



Signature of person requesting program flexibility

Chief Nurse Executive

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: 10/13/2020 to 01/13/2021


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

Comments / Conditions:

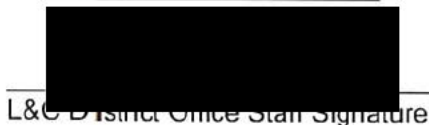
APPROVED for 70217(a)(1) ICU; (9) Step-Down Unit; (10) Telemetry; (11) Med-Surg nurse-patient ratio.

CONDITIONS: Facility will continue to actively look for additional staffing. Facility must resume mandatory staffing levels as soon as feasible. Please see next page for other conditions specified in AFL 20-26.3.

CHCQ Printed Name: 

CHCQ Staff Signature: 

Date: 



CDPH CHCQ L&C
San Bernardino District Office

Title

10/13/2020

Date

Reference: AFL 20-26.3

Staffing

Hospitals shall bring staffing levels into state ratio compliance within two weeks of this AFL issue date. Only those hospitals experiencing a COVID-19 related surge of patients or staffing shortages resulting from COVID-19 impacts including; increasing community spread, increasing need to meet demand for surge either by regional surge or incoming transfers, daycare or school closures, COVID-19 staffing absenteeism for multiple reasons, or an emergency such as a fire or public safety power shutoff, may request a waiver of minimum nurse-to-patient ratios. A hospital seeking a staffing waiver must submit a [CDPH form 5000A](#) (PDF) and provide supporting documentation to the CHCQ Duty Officer at CHCQDutyOfficer@cdph.ca.gov and copy the local district office. CHCQ is able to respond quickly to urgent requests from hospitals seeking a waiver 24/7 and should only mark urgent if needed approval within 8 hours. Pursuant to the [Proclamation of Emergency](#) (PDF), all staffing waivers will be posted on the CDPH website. Hospitals must resume mandatory staffing levels as soon as feasible during the waiver period to minimize the need for additional waivers. Temporary staffing waivers will only be approved for 90-days. A hospital may reapply for a waiver if the conditions necessitating the waiver still apply.

This statewide waiver is approved under the following conditions:

- Hospitals shall continue to comply with adverse event and unusual occurrence reporting requirements specified in HSC section 1279.1 and Title 22 California Code of Regulations section 70737(a).
- Hospitals shall report any substantial staffing or supply shortages that jeopardize patient care or disrupt operations.
- Hospitals shall continue to provide necessary care in accordance with patient needs and make all reasonable efforts to act in the best interest of patients.
- Hospitals shall follow their disaster response plan.
- Hospitals shall follow infection control guidelines from the Centers for Medicare and Medicaid Services (CMS) and the Centers for Disease Control and Prevention (CDC) related to COVID-19.
- Hospitals 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.



Rubie Morales HFES II
California Department of Public Health
CHCQ Licensing & Certification Unit
San Bernardino District Office