Temporary Permission for Program Flexibility for Minimum Staffing Ratios

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: Rialto Post Acute	Date of Request: june 29, 2020
License Number: 920000041	Facility Phone: 909-877-1361 / Facility Fax Number: 909-877-8912
Facility Address: 1471 S Riverside Ave.	E-mail Address: [redacted]
City: Rialto / State: CA / Zip Code: 92376	Contact Person Name: [redacted]

Approval Request
Complete one form for each request

- ☐ Tent use (High patient volume)
- ☐ Space conversion (other than tent use)
- ☐ Bed 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 - section 72329.1 and 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).

Justification for the Request

☐ Other:

Local school closures and restricting staff with respiratory symptoms has caused a shortage of qualified direct care staff to meet the minimum staffing ratios required, all other resources such as registry and staff recall have been exhausted.

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:

Facility Name	License Number	Request Date

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.

Due to the closures of our local school districts and the restriction on symptomatic staff to stay away from work we have a critical shortage of qualified direct care staff and we cannot remedy the situation through staff recall and other staffing solutions. We are asking that CDPH waive the requirement to meet 3.5/2.4 for the duration of this event or until we can maintain minimal staffing.
> Immediately stop new admissions-unless CDPH approves for hospital surge needs.
> IDT and the facility medical director will communicate daily on staffing issues.
> Communicate regularly with CDPH district office regarding staffing levels and follow guidance given by CDPH.
> DON and other assigned RN will assess residents every shift for any change of condition and implement their change of condition policy as needed.
> Social Service Director will communicate with residents frequently and bring any grievances or concerns to the IDT to address.
> Call in any available non direct care staff and assign them duties to assist in resident safety, dietary, hydration and activity needs.

> Continue to exhaust all measure to meet 3.5 and 2.4 staffing requirements.
> Notify residents and responsible party of staffing plan and changes as needed.
Current Situation of COVID-19:

Initial Testing - completed and residents/staff were negative.
Surveillance Testing - completed. 1 staff member started having symptoms and tested positive. Facility returned to Response Driven Testing.

Outbreak - 3 patients sent out to the acute hospital who tested positive. The third patient that was sent out was on 6/27/2020 and tested positive. Results were called in today from acute hospital. Currently in house, we have 8 PUI's and facility is struggling to staff specific to that isolation unit. DON is having issues staffing licensed nurses as well as CNAs. DON uses 12 hour shifts and double shifts to try to meet the 3.5 & 2.4 staffing requirements.

[redacted]

Signature of person requesting program flexibility

RN/DON

Title

[redacted]

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: 07/02/2020 to 10/02/2020

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

Comments / conditions: 72329.1 - CANNOT FLEX. Exclude this regulation from the waiver.
APPROVED for 72329.2(a) CONDITIONS: Minimum 3.2 DHPPD overall staffing. Subacute unit is excluded if present in the facility. 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 20-32.1.

[redacted]
CDPH CHCQ L&C
San Bernardino District Office