

## FAQ - Patient Needs Waiver and Workforce Shortage Waiver

Question	Response
What information will be available on the CDPH website?	The overview page for PNW and WSW located on the <a href="#">Centralized Program Flex Unit (CPFU) website</a> contains training videos and guides.
Is there a user guide?	Yes. The user guide is available on the <a href="#">CPFU website</a> .
What is the best internet browser to use when accessing the waiver application program?	Google Chrome, Internet Explorer, or Mozilla Firefox have been used successfully.
How can I confirm that CDPH received and accepted my facilities application?	You will receive an email confirmation from RSS. You may also log in to the RSS platform to view submitted applications at this link: <a href="#">Risk and Safety Solutions</a>
How does the facility submit additional information regarding the application?	Additional information must be submitted within the application period and can be uploaded to the RSS platform at this link: <a href="#">Risk and Safety Solutions</a>

<b>Question</b>	<b>Response</b>
<p>Our facility submitted an application, but we have not received any reply.</p>	<p>The RSS platform will send an email confirming receipt to your registered email address. You may also log in to the RSS platform to view the status of your submitted applications at this link: <a href="#">Risk and Safety Solutions</a></p> <p>Registered users can also access the RSS Portal to obtain the status of their facility's application.</p>

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<p>If multiple people are associated with one facility, can they see each's other application statuses (draft, evaluator review, etc.)?</p>	<p>The initiator of the application:</p> <ul style="list-style-type: none"> <li>• Logs into RSS.</li> <li>• Selects an application to be shared with other facility users.</li> <li>• Copy the URL from the browser to an email message and send it to the other facility users.</li> </ul> <p>The other facility users:</p> <ul style="list-style-type: none"> <li>• Click on the URL from the email.</li> <li>• Log in to RSS and view that application.</li> <li>• If the application is in DRAFT status, they can edit/add content to the application.</li> </ul> <p>After the application is finalized, the initiator can submit it. Once the application is submitted, it will be in EVALUATOR REVIEW status and facility users can no longer edit it.</p>
<p>I have created an RSS account with many different facilities. I can see the facilities but cannot see if anything has been submitted. What do I need to access to see if a waiver has been submitted?</p>	<ul style="list-style-type: none"> <li>• Log in to RSS.</li> <li>• At the home page, click "Workspace" on the left navigation.</li> <li>• A list of applications created / submitted by the person logging into the system will be shown, along with the status for each application as follows: <ul style="list-style-type: none"> <li>○ DRAFT: application has not been submitted.</li> <li>○ REVISION: additional information is required.</li> <li>○ EVALUATOR REVIEW and MANAGER REVIEW: in CDPH review.</li> <li>○ APPROVED/DENIED/or REVOKED: a decision has been made.</li> </ul> </li> </ul> <p>Users can also use the search bar at the top to filter by date range.</p>
<p>How do I know if my facility's application was accepted in the system?</p>	<p>The RSS platform will send an email confirmation to your registered email address from RSS. You may also log in to the RSS platform to view submitted applications at this link: <a href="#">Risk and Safety Solutions</a></p>

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Can more than one individual in a facility access the same application in RSS?	Yes, up to three persons can be granted access for each facility. Each individual needs to register to have access to RSS. Please contact CPFU at <a href="mailto:centralizedprogramflex@cdph.ca.gov">centralizedprogramflex@cdph.ca.gov</a> for assistance.
When will a decision be made on the waiver application?	The California Department of Public Health (CDPH) processes most applications in a date-received order and notifies facilities as decisions are made. The applicants receive the decision electronically through the RSS application. The final list of approved waivers is posted no later than July 30 at the <a href="#">CPFU website</a> .
Do facilities need to wait until July to hear a decision?	No, most applications are processed in a date-received order. When the decision is made, the facility is notified electronically through the RSS application. The final list of approved waivers is posted on the <a href="#">CPFU website</a> no later than July 30 of each year.
Can facilities apply for both a Patient Needs Waiver (PNW) and Workforce Shortage Waiver (WSW)?	Yes. However, only one waiver will be approved.
Where do I get information about the Patient Needs Waiver or Workforce Shortage Program?	<p>Please refer to <a href="#">Title 22 California Code of Regulations section 72329.2(b)</a> for information regarding applying for a PNW.</p> <p>Please refer to <a href="#">All Facilities Letter (AFL) 18-16</a> for more information regarding applying for a WSW.</p>
When can facilities submit applications for WSW and PNW? How are facilities notified?	The application period for the PNW and the WSW is from January 1 through April 1. CDPH publishes an All Facilities Letter (AFL) each year announcing the application period and providing relevant information. Please refer to the most-recent AFL for more information: <a href="#">AFL 22-06</a>

Question	Response
How can I determine if my facility applied for a PNW or WSW in prior years?	CDPH publishes the name of each facility that applied on or before April 30th of each year on its website. Access the <a href="#">CPFU website</a> then make your selection from the information on the left-hand side under resources for both PNW and WSW.
What is the difference between a PNW and WSW?	<p><b>Patient needs waiver:</b> A patient needs waiver will allow a facility to waive the 2.4 CNA requirement to address individual patient needs per Health and Safety Code section 1276.65(c)(2), as long as the skilled nursing facility continues to meet to the overall 3.5 direct hours requirement as required by state law.</p> <p><b>Workforce shortage waiver:</b> Health and Safety Code section 1276.65(l) requires the department to develop a waiver process for SNFs seeking a waiver of the 3.5 direct care service hours requirement and/or the 2.4 CNA hours requirement due to a workforce shortage.</p>
Are PNW and WSW programs for emergency waivers? Can I email a request?	<p>The WSW and the PNW are both year-long waivers for skilled nursing facilities and are not used to address an emergency need.</p> <p>Emergency Program flex requests can also be submitted through the RSS platform if the facility has been included in one of the phases already transitioned. For additional information regarding program flexes, see <a href="#">All Facilities Letter 22-01</a> or the <a href="#">CPFU website</a>.</p>

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<p>Does my facility need to post a pending or approved waiver application notice and notify residents prior to admission?</p>	<p>Yes, a facility must post an approved or pending waiver application even if it has an approved waiver for the current year. Facilities must notify potential residents prior to admission or prior to signing the admission agreement.</p> <p><b>For PNWs:</b></p> <ul style="list-style-type: none"> <li>• Title 22 California Code of Regulations section 73292.2(b)(5) requires that the facility post the letter of acknowledgement from CDPH confirming receipt of a waiver request, as a notice of a pending waiver application immediately adjacent to the facility's license.</li> <li>• Title 22 California Code of Regulations section 73292.2(b)(7) requires the facility to provide written notice of approved or pending waivers to all residents prior to execution of an admission agreement. The notice must be either a true copy of the approval letter or a letter from the Department acknowledging receipt of a waiver request.</li> </ul> <p><b>For WSWs:</b></p> <ul style="list-style-type: none"> <li>• AFL 18-16: (c) requires the facility to post a notice of a pending waiver application in a public location within the facility and shall notify potential residents of a pending waiver application prior to admission. An approved waiver shall be posted next to its license.</li> </ul>
<p>Will the start and end date change based on various COVID-19 factors?</p>	<p>No, the waiver is valid for the time period in the letter.</p>
<p>What disqualifies a facility from being eligible to apply for a PNW?</p>	<p>There are no disqualifying factors to apply for PNW</p>

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<p>On the PNW form, the last question regarding assessment of resident needs also expressly requires the provider to identify the “assessment tools” used, how the tools are used and the outcomes of the analyses. What specifically is being requested?</p>	<p>This requirement is found at Title 22 California Code of Regulations section 72329.2 (b)(1)(A)(iv). To satisfy this requirement, describe:</p> <ul style="list-style-type: none"> <li>• The daily method (tool) that individual and aggregate resident needs are determined. Include how the method is documented (a common method is an acuity assessment tool).</li> <li>• How the information is used as it pertains to assigning RN, LVN and CNA staff, and the outcomes or evaluation of effectiveness of the use of the method (tool) as it pertains to assigning RN, LVN and CNA staff and specifically the impact on meeting resident needs for quality of life and quality of care.</li> </ul>
<p>What disqualifies a facility from being eligible to apply for a WSW?</p>	<p><b>A facility will not be eligible to apply for a WSW if a facility that has been subject to any of the following actions by the Department in the preceding three years:</b></p> <ul style="list-style-type: none"> <li>• Issuance of two or more A citations if operated by the same owner at the time of waiver application; or</li> <li>• Issuance of one or more AA citations if operated by the same owner at the time of waiver application; or</li> <li>• Its license has been suspended or revoked if operated by the same owner at the time of waiver application.</li> <li>• It has been granted a WSW renewal for two consecutive years. (Note: a facility can apply, then renew, then renew in consecutive years for a total of three years. If previous waivers are not in consecutive years this does not apply).</li> </ul> <p>For more detailed information regarding the WSW, please see <a href="#">AFL 18-16</a>.</p>
<p>Is there a limit on the number of years a facility can have a WSW?</p>	<p>A facility may be approved for a WSW for three consecutive years. If the facility applies for a fourth year, they will be deemed ineligible.</p>

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Where does a facility find out if their county is a designated area determined by the department to have a staffing shortage of licensed nurses or certified nursing assistant (CNA)?	2.4 and 3.5 Preliminary County Shortage Areas are at this link: <a href="#">2.4-3.5 Shortage Areas</a>
How will workforce shortage areas be determined and what data sets (if any) will be used?	The Department performs a calculation to identify shortage counties and uses that information to determine whether a facility is located in a shortage county. The county shortage list is posted on the <a href="#">2.4-3.5 Shortage Areas</a> CDPH website.

Question	Response
<p>Can you please define employee turn-over rate?</p>	<p>For the annual period as requested in the application:</p> <ul style="list-style-type: none"> <li>• Calculate average number of nursing staff in that year.</li> <li>• Note the total number of nursing staff leaving in that year.</li> <li>• For that year, divide the nursing staff leaving by the average number of nursing staff.</li> <li>• Multiply that by 100 to get the percentage.</li> </ul> <p><b><u>EXAMPLE</u></b></p> <p>Total number of nursing staff separations in that year: <b>30</b></p> <p>Average number of nursing staff calculation example:</p> <ul style="list-style-type: none"> <li>• Number of nursing staff at the beginning of the year: 50</li> <li>• Number of nursing staff at the end of the year: 55</li> <li>• Average number of nursing staff in company for the year <math>(50+55)/2 = \mathbf{53}</math></li> </ul> <p>Turnover rate calculation example:</p> <ul style="list-style-type: none"> <li>• <math>30/53 = \mathbf{.57}</math></li> <li>• <math>.57 \times 100 = \mathbf{57\%}</math></li> </ul> <p>Employee turn-over rate= <b>57%</b></p>
<p>In the WSW application, should the total hours or the calculated DHPPD (direct hours per patient day) be entered as the average Direct Care Hours?</p>	<p>In the WSW application, the <b>Average Actual Daily Hours*</b> is referencing the average total hours for each nursing staff type. The RSS application will calculate the hours per patient day per day. DHPPD will be automatically calculated by the RSS platform.</p>