|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Nursing Facility/Skilled Nursing Facility** | | | | | | | |
| **OHCA/LAO 1135 Waiver Request** | | | **Item Addressed in CMS Blanket Waiver?** | **Item Required by ORC/OAC?** | | **Ohio’s Position** |
| **Item** | **Code/Reference** | **Short Description** |
| **Admission, Transfer and Discharge, Care Plans** | | | | | | | |
| **1** | General Transfer/Discharge | Allow homes to restrict admission of COVID-19 positive individuals | NO | 5160-3-02 | | See 4/6/20 Guidance for Discontinuing Transmission-Based Precautions |
| **2** | Require testing of hospital patients with respiratory symptoms prior to discharge to a home | NO | 5160-3-02 | |
| **3** | Test all hospital patients prior to discharge to a home | NO | 5160-3-02 | |
| **4** | 42 C.F.R. §483.15(c)(3)-(6) | Transfer/Discharges, notices and timing | YES | 3721.16 | | ODH guidance forthcoming |
| **5** | 42 C.F.R. §483.15(c)(9) | Room change (composite distinct part) | YES | 3701-61-08 | | ODH in process of waiving requirement |
| **6** | 42 C.F.R. §483.15(d) | Bed holds | NO | 3721.16(F);  5160-3-16.4 | | Ohio intends to request 1135; ODM emergency rule and ODH guidance forthcoming, if waived |
| **7** | 42 C.F.R. §483.15(e) | Resident return to the facility | NO | 3721.16(F) | | See 4/6/20 Guidance for Discontinuing Transmission-Based Precautions |
| **8** | 42 C.F.R. §483.21(c) | Discharges; planning, summaries, plans of care | YES | 3721.16(E) | | ODH guidance forthcoming |
| **9** | 42 C.F.R. §483.21(a) | Baseline care plan completed within 24 hours | NO | 3701-17-10(C) | | CMS has not waived |
| **10** | 42 C.F.R. §483.21(a) | Baseline care plan waived when resident moved due to COVID-19 | NO |  | | CMS has not waived |
| **11** | 42 C.F.R. §483.21(b) | Comprehensive Care plan; timing, meetings, and review | NO | 3701-17-10(D);  3701-17-14(A) | | CMS has not waived |
| **12** | 42 CFR §483.20 | MDS assessments and transmission | YES | 3701-17-10(D);  5160-3-43.1 | | CMS has issued a blanket waiver. ODM intends to seek emergency rules to implement. ODH in process of waiving requirement |
| **13** | 42 C.F.R. §483.100) | PASSR screenings of NF admissions | YES | 5122-21-03; 5160-3-14;  5160-3-15; 5160-3-15.1;  5160-3-15.2; LOC 5160-3-08 | | Ohio intends to request 1135; ODM proposing emergency rule |
|  | **Training and Qualifications** | | | | | | |
| **14** | 42 C.F.R. §483.35(c) | Competency of nurse aides | NO | 3721.28(B) | | CMS did not waive |
| **15** | 42 C.F.R. §483.35(d) | Using an individual as a nurse aide for more than 4 months without class/test | YES | 3721.28(B) | | ODH guidance forthcoming |
| **16** | 42 C.F.R. §483.152 | Online training of nurse aides | NO | -  3701-18-18(G) | | ODH in process of waiving requirement |
| **17** | 42 C.F.R. §483.154 | State testing of nurse aides | NO | 3721.30 | | CMS did not waive |
| **18** | 42 C.F.R. §483.95(g) | Nurse aide evaluations | NO | 3721.29(B);  3701-17-07.1(K)(2) | | CMS did not waive |
| **19** | 42 C.F.R. §483.95(g) | Mandatory staff training | NO | 3701-17-07.1(K)(3) | | CMS did not waive |
| **20** | 42 C.F.R. §483.60(h) and 42 C.F.R. §483.95(h) | Training of feeding assistants | NO | 3701-17-07.2(C) | | CMS did not waive |
| **21** | 42 C.F.R. §483.60(a)(2)(i) | Allow non-Certified Dietary Manager | NO | 3701-17-07(H) | | CMS did not waive |
| **22** | 42 C.F.R. §483.152 | Allow all homes to provide clinical training to STNAs | NO | 3721.31(A)(3);  3701-18-06(C) | |  |
| **23** | 42 C.F.R. §§483.35 and 482.23 | Allow STNAs, HHAs, and Hospice Aides to work across settings | NO | - | | CMS did not waive. ODM is exploring for HCBS settings. Do we need to discuss for Hospice? |
|  | **Staffing Requirements** | | | | | | |
| **24** | 42 C.F.R. §483.35(a) | Sufficient staffing | NO | 3721.04(D)(2)  3701-17-08(C); | | Ohio intends to request 1135 waiver of this requirement. ODH will issue guidance. |
| **25** | 42 C.F.R. §483.35(b) | RN present 8 hours a day, 7 days a week | NO | 3701-17-08(B)(1)(b) | | CMS did not waive. Ohio intends to request 1135 waiver of the RN vent weaning staffing requirement under the ODM vent rule (5160-3-18), if met instead by a Respiratory Therapist. |
| **26** | 42 C.F.R. §483.35(b) | RN to serve as DON | NO | 3701-17-08(B)(1) | | CMS did not waive |
| **27** | 42 C.F.R. §483.35(g) | Posting of staff | NO | 3701-17-08(B)(1)-(2), (D) | | CMS did not waive |
| **28** | 42 C.F.R. §483.70(q) | Submission of staffing data through the Payroll-Based Journal system | YES | - | |  |
|  | **Clinical** | | | | | | |
| **29** | 42 C.F.R. §483.30(b)-(c) | Allow physician timing of visits and telemedicine | YES | 3701-17-13(D)(1);  5160-3-19 | | CMS has issued a blanket waiver. ODM considering additional telehealth emergency rule; ODH in process of waiving requirement |
| **30** | 42 C.F.R. §483.45(c) | Monthly drug regimen review | NO | 3701-17-17(I) | | Ohio does not require on-site review |
| **31** | 42 C.F.R. §483.50 | Lab and other diagnostic services limited to essential | NO | 3701-17-14(E) | | CMS did not waive |
| **32** | 42 C.F.R. §483.55 | Dental services limited to essential | NO | 3701-17-14(E) | | CMS did not waive |
| **33** | 42 C.F.R. §483.65(a) | Allow physical therapy, speech-language pathology, and occupational therapy be provided remotely | NO | 3701-17-14(E) | | CMS did not waive. ODM telehealth emergency rule has already been promulgated |
| **34** | 42 C.F.R. §483.75(g)(2) | Only infection control QAA meetings/QAPI program | NO | 3701-17-06(C) | | CMS did not waive |
|  | **Unlicensed Setting and Physical Environment** | | | | | | |
| **35** | 42 C.F.R. §483.70(a) | State licensure required;  Facility exceed licensed bed capacity | YES | - | 3721.05, .06, .07 | See 4/6/20 Guidance for Isolation Facilities |
| **36** | 42 C.F.R. §483.90 | Physical environment, including space, equipment, and resident rooms | YES | - | 3701-17-21(A)-(C) | ODH in process of waiving requirement |
|  | **Resident Groups** | | | | | | |
| **37** | 42 C.F.R. §483.70(a) | In-person resident activities | YES | NO | - | No state action required |
| **38** | 42 C.F.R. §483.24(c) | Resident activities | NO | NO | 3701-17-09(A) | CMS waived only in-person activities |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **OHCA/LAO Waiver Request** | | **Covered by CMS Blanket Waiver?** | **Required by ORC/OAC?** | **Agency Comments** |
| **Code/Reference** | **Description** |
| LSC 19.7.5.7.1 | Soiled linen and trash receptacles – capacity increase from32 gallons to 96 | NO | - | ODH would implement any waivers as state survey agency |
| LSC 19.3.2.6(5) | Alcohol-based hand-rubs – higher aggregate quantities allowed; increase in size of containers | NO | - |
| NFPA 72 | 60-day hiatus on fire alarm system ITM | NO | - |
| LSC 9.7.5, 9.7.7, 9.7.8, and NFPA 25 | 60-day hiatus on automatic sprinkler, standpipe and hose, fire hydrant, and fire pump ITM | NO | - |
|  | 60-day hiatus for ITM of kitchen fire suppression systems, fire doors, fire and smoke dampers, portable fire extinguishers, emergency/standby generators, and elevators | NO | - |
|  | 90-day extension on all expiring NFPA 101A Fire Safety Evaluation System (FSES) based waivers | NO | - |
|  | 120-day extension on all active Time Limited Waivers | NO | - |