
Hospice Providers – Waiver Requests: Direct Nursing Services in Non-urbanized Areas

What is a Hospice waiver request?

In accordance with the Centers for Medicare/Medicaid Services (CMS) State Operations Manual (SOM), [Appendix M](#) at [42 CFR 418.66](#), a hospice agency may request an exemption from the requirement that a hospice provide nursing services directly, if the hospice is located in a non-urbanized area.

How do I request a waiver?

In accordance with the [42 CFR 418.66](#), [Appendix M](#), a hospice must submit a written request for a waiver. All required materials necessary for requesting a waiver may be found below.

What is included in the waiver request packet?

The waiver request packet includes what must be submitted and reviewed by the Bureau of Facility Standards (items #1 - #3) and resource information (item #4) as follows:

1. The location of the hospice's central office is in a non-urbanized area as determined by the Bureau of the Census.
2. There is evidence that a hospice was operational on or before January 1, 1983 including the following:
 - (i) Proof that the organization was established to provide hospice services on or before January 1, 1983.
 - (ii) Evidence that hospice-type services were furnished to patients on or before January 1, 1983.
 - (iii) Evidence that hospice care was a discrete activity rather than an aspect of another type of provider's patient care program on or before January 1, 1983.
3. By virtue of the following evidence that a hospice made a good faith effort to hire nurses:
 - (i) Copies of advertisements in local newspapers that demonstrate recruitment efforts.
 - (ii) Job descriptions for nurse employees.
 - (iii) Evidence that salary and benefits are competitive for the area.

(iv) Evidence of any other recruiting activities (for example, recruiting efforts at health fairs and contacts with nurses at other providers in the area).

4. CMS State Operations Manual (SOM), [Appendix M](#)

How do I complete the waiver request?

Return all necessary materials (items #1 - #3 above) to the Bureau of Facility Standards. Please ensure that all information is included and that all hand-printed reports are clearly printed and easily readable.

Where do I send my completed waiver request materials?

The waiver request materials can be submitted by mail and/or hand delivered. ***PLEASE KEEP A COPY FOR YOUR RECORDS.***

✚ If you are mailing the waiver request packet, mail to:

Department of Health and Welfare
Bureau of Facility Standards
P.O. BOX 83720
BOISE, ID 83720-0009

✚ If you are hand delivering the waiver request packet, deliver to:

Department of Health and Welfare
Bureau of Facility Standards
3232 Elder Street
Boise ID 83705

What happens after I submit my waiver request materials?

Bureau of Facility Standards staff will review the submitted materials. If the request is incomplete, or if there are questions, Bureau staff will contact the provider. The complete packet will be forward to CMS Region X staff for final review and decision-making. CMS will notify you of the results. Any waiver request is deemed to be granted unless it is denied within 60 days after it is received by CMS.

How long will the waiver request process take?

The length of the waiver request process varies depending on multiple factors such as whether or not the request is complete, whether or not additional information needs to be submitted, current work load and

availability of resources necessary to complete the request review, etc. Therefore, it is not possible for the Bureau of Facility Standards to establish specific timeframes.

How long will my waiver be in effect?

Once approved by CMS, an initial waiver will remain effective for 1 year from the date of the request. If a hospice wishes to receive a 1-year extension, it must submit a request to CMS before the expiration of the waiver period and certify that conditions under which it originally requested the waiver have not changed since the initial waiver was granted. To do so, please complete and submit updated waiver request information as specified in the [“What is included in the waiver request packet”](#) section above.

Additional information

For additional information please contact the Bureau of Facility Standards at (208) 334-6626 or email questions to fsb@dhw.idaho.gov.