
Rural Health Clinic – Waiver Request: Staffing Requirements

What is a Rural Health Clinic waiver request?

In accordance with the Centers for Medicare/Medicaid Services (CMS) State Operations Manual (SOM), [Chapter 2](#), § 2248, and SOM [Appendix G](#), a certified Rural Health Clinic (RHC) may request an exemption from staffing requirements found at [42 CFR Part 491.8](#). This occurs either when the RHC loses its nurse practitioner, physician assistant, or certified nurse midwife, or when it fails to meet the requirement that such disciplines furnish services 50 percent of the time that the clinic operates, as specified in SOM Appendix G.

When the RHC experiences a loss of staff, the RHC must comply with the staffing requirements within 90 days or be terminated from the program unless a waiver request is submitted by the facility and approved by the CMS Region X office before the end of the 90-day period.

How do I request a waiver?

In accordance with State Operations Manual (SOM), [Chapter 2](#), § 2248, the RHC 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 and #2) and resource materials (item #3) as follows:

1. *Request to Establish Eligibility* - [CMS form 29](#)
2. Documentation that the RHC has been unable, despite reasonable efforts, to hire a physician assistant, nurse practitioner, or certified nurse midwife in the previous 90-day period. Documentation should evidence ongoing activities throughout the 90 day time period. The following types of documentation would be acceptable:
 - Copies of letters sent to, and received from, potential hires

- Copies of reports of telephone contacts with potential hires, professional schools and organizations, recruiting services, etc.
- Information about trips to professional meetings, educational institutions, and health care facilities for recruiting purposes
- Copies of advertisements for recruiting hires
- Results of personal interviews with potential hires

3. CMS SOM, [Appendix G](#)

How do I complete the waiver request?

Return all necessary materials (items #1 and #2 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.

Please ensure all materials are submitted a minimum of 2 weeks prior to the end of the 90 day period.

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 the request was approved. If the RHC can not meet staffing requirements by the expiration date of the waiver, the RHC will be terminated from the Medicare program.

Additional information

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