



Oregon

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NF-22-037 – Provider Alert

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To: Nursing Facilities

From: ODHS Office of Aging and People with Disabilities - Safety, Oversight and Quality Unit (SOQ)

Subject: Nursing Facility Waiver Process



NATCEP/Federal Waivers

The Nurse Aide Training and Competency Evaluation Program (NATCEP) is the standardized training program nurse aides must complete to work in Skilled Nursing Facilities (SNF) and Nursing Facilities (NF) in the State of Oregon. The clinical portion of NA training takes part in a SNF/NF either in a facility-coordinated training curriculum or in partnership with a training program to host their clinical site portion of the training.

Facilities that have received certain survey citations, have been subject to extended surveys, civil money penalties over \$11,995 (subject to adjustments per [45 CFR 102](#)), or are operating under certain staffing waivers are prohibited from being a NATCEP clinical site as outlined in [42CFR483.151](#). Nursing facilities that lose their ability to be a NATCEP clinical site will be notified by CMS and the Oregon State Board of Nursing. Per S&C: 18-02-NH, facilities can submit a waiver request to be a clinical site. Some of these waivers must be approved by CMS, while others can be approved by the State Survey Agency (ODHS).

Details about the NATCEP prohibition appeal and waiver process can be found in the attached copies of [S&C: 18-02-NH](#) issued by CMS. The CMS Waiver form used by CMS Seattle Office is also attached to this provider alert. This form can be found on the Nursing Facility Licensing Unit website under [Forms](#). Also included with this alert are helpful hints on how to answer questions regarding the waiver request document.

Please note: Facilities requesting a waiver to an Oregon Administrative Rule that also involves waiving a federal requirement must also submit the federal CMS Waiver form. If you are unsure if you need to submit a request for a federal waiver, please contact your policy analysts within the Nursing Facility Licensing Unit.

All NATCEP waiver requests should be submitted to:
NFLicensing@dhsosha.state.or.us

State Waivers

Per OAR 411-085-0040 (Alternative Methods, Waivers) and OAR 411-087-0030 (Waivers for Physical Environment Requirements), facilities can request a waiver to the Oregon Administrative Rules.

While all nursing facilities are required to maintain compliance with the Department's rules, these requirements do not prohibit the use of alternative concepts, methods, procedures, techniques, equipment, facilities, personnel qualifications, or the conducting of pilot projects or research. Requests for waivers to the rules must include all of the following:

- Be submitted to the Department in writing;
- Identify the specific rule for which a waiver is requested;
- Describe the special circumstances relied upon to justify the waiver;
- Describe what alternatives were considered, if any, and why alternatives (including compliance with the Rule as written) were not selected;
- Demonstrate the proposed waiver is desirable to maintain or improve the quality of care for the residents, maintains or improves resident potential for self-direction and self-care, and is not going to jeopardize resident health and safety; and
- Identify the proposed duration of the waiver.

Facilities can submit a waiver request by submitting form APD 0467. A copy of the waiver request form is attached to this provider alert, and is posted on the Nursing Facility Licensing Unit website under [Forms](#). Facilities can also find all ODHS published forms on the [ODHS Forms Server](#). This specific form can be found by searching for form number APD 0467/SDS 0467.

All state waiver requests should be submitted to:
NFLicensing@dhsosha.state.or.us

If you have questions, please contact your licensing team:
NF.licensing@dhsosha.state.or.us

ODHS website: www.oregon.gov/DHS/

ePOC Practice Tip:

Facility Administration - ASPEN Web: e POC (electronic Plan of Correction) is the centralized worksite for completing all steps in CMS & State survey POC processing including:

- Receiving and reviewing Statements of Deficiencies (SODs),
- Formulating POCs,
- Submitting POCs and if desired,
- Attaching supporting Informal Dispute Resolution request & documents.

Register and maintain an active ePOC account to efficiently access your surveys, and at no cost to your facility. ePOC registration passwords are effective for 90 days and must be renewed timely to maintain an active ePOC account. As an active ePOC user, you will receive notifications of pending password expiration with renewal instructions. It may also be advantageous to have multiple ePOC registrants for your facility to ensure an active ePOC account is maintained at all times. For ePOC assistance and/or questions contact QTSO (<https://www.qtso.com>).