

71831 Program Flexibility

(a)

Although facilities, agencies and public educational institutions are required to comply with sections 71801 through 71853, these requirements shall not prohibit the use of alternate concepts, methods, procedures, techniques or personnel qualifications in the provision of nurse assistant training programs provided such exceptions are carried out without reduction in the quality of nurse assistant training, the quality of patient care in the facility or the ability of the certification training program to prepare nurse assistants for certification. Such exceptions may only be carried out with the prior written approval of the Department which shall provide for the terms and conditions under which the exception is granted. A written request and substantiating evidence supporting the request shall be submitted by the applicant or licensee to the Department.

(b)

Submission of a request for program flexibility must be made in the format and on a form developed by the Department. Form DHS 5000, 5/92, is hereby incorporated by reference. Submission of the program flexibility request shall be deemed to occur on the date the request is received by the Department. This form can be obtained by writing to the Department at the address specified in Section 71833(b).

(c)

A request is considered complete when the facility, agency or public institution has fully described how it intends to meet the regulatory requirement in an alternate manner.

(d)

The Department shall inform the facility, agency, or public institution within thirty (30) calendar days of receipt of a request for flexibility that the request is complete and accepted for consideration or that the request is deficient and what specific information or documentation is required to complete the request.

(e)

The Department shall within sixty (60) days of a completed request, notify the facility, agency or public institution in writing, of the Department's decision regarding the request.

(f)

The Department's time frames for processing a program flexibility request from the day a complete request is received are as follows: (1)

Minimum..... 30 days. (2) Median..... 45 days.

(3) Maximum..... 60 days.