

Waiver Request for Facility Building/Construction

	Health Standards Section (HSS)	
	Policy Number	
	Content	HSS policy on Waiver Request for Facility Building/Construction
	Effective Date	August 19, 2019
	Inquiries to	

I. PURPOSE

The procedures outlined in this policy are established to facilitate the submission and review of facility waiver requests for health care providers licensed and/or certified by Louisiana Department of Health/Health Standards Section (LDH/HSS).

II. APPLICABILITY

This policy applies to all health care programs licensed and/or certified by LDH/HSS.

III. EFFECTIVE DATE

The effective date of this policy is July 1, 2019.

IV. POLICY STATEMENT

A waiver (or variance) is written permission granted by the LDH Secretary or his/her designee (HSS) to a facility to operate with a specific variance of the existing standards when it is determined that the health and safety of the patients will not be jeopardized. The secretary of LDH may, within his/her sole discretion, grant waivers to building and construction guidelines when a requirement of the rules regarding plan review would impose a hardship, financial or otherwise, but would not adversely affect the health, safety, and welfare of any patient. Waivers are not transferable in an ownership change or geographic change of location, and are subject to review or revocation upon any change in circumstances related to the granted waiver. Waivers are granted only at the discretion of the department.

V. PROCEDURE

1. When a waiver request is received by the program desk, the requestor will be directed to the HSS Waiver Request for Facility Building/Construction webpage where the Waiver Request for Facility Building/Construction Form (HSS-ALL-50) is linked. An electronic and a non-electronic version of the form are available with instructions listed on the form. From the website the requestor will obtain the Waiver Request for Facility Building/Construction Form (HSS-ALL-50) and complete applicable portions. The requestor will email the completed form to the applicable program desk mailbox. The listing of program desk mailboxes information is included on the HSS webpage.

<http://www.ldh.la.gov/index.cfm/directory/detail/14452>

2. The program manager will review the Facility Waiver Request Form for completeness as applicable and forward the form to the appropriate HSS supervisor.

3. The completed waiver request is forwarded to LDH/HSS Assistant Deputy Secretary, HSS (or designee) for final review. The Assistant Deputy Secretary, HSS (or designee) will approve or deny the request.

4. Approved requests: Approved requests will be signed, dated and stamped with the LDH/HSS stamp of approval in the designated areas on the form. The approved form will be scanned and forwarded to the requestor and a copy attached in ACO.

5. Denied requests: If a request is denied, denial letter (HSS-ZE3B) will be generated and maintained in ACO as a part of the facility history. The letter will indicate the reasons the request is denied and program desk contact information included for further assistance. The letter will be emailed to the requestor.

VI. REFERENCES

LAC Title 48 Public Health – General

LAC Title 51 Public Health – Sanitary Code

Life Safety Code & Health Care Facilities Code Requirements

<https://www.doa.la.gov/Pages/osr/LAC-48.aspx>

<https://www.doa.la.gov/Pages/osr/lac/books.aspx>

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/LSC.html>

VII. REVISION HISTORY

Date	Revision
July 1, 2019	Policy created
	Policy revised