

PPS Regulatory Waiver Requests: Checklist

The Specific Regulatory section or subsection(s)	Specific Component of PPS Project Impacted	Why the Waiver is Needed and How the Waiver Will Result in Implementation of the Project and Reaching Better Patient Outcomes	Alternatives to the waiver	Impact of the Waiver on Patient Safety
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TIPS

- Be Complete! Address EACH section for EACH specific regulatory provision you would like waived.
- The Specific Regulatory Section or subsection(s)
 - Be **specific** and do NOT group together “like” regulations. The agency will want to understand what each discrete regulation does and how it impacts your project. The agency may have a different opinion as to which regulations are substantively similar.
 - Good example: 10 NYCRR § 405.9(f)(7), prohibiting hospitals from transferring, removing or discharging patients based on source of payment
 - Fair example: 10 NYCRR § 405.9 (But remember, you will need to justify waiver of the entire regulation and all its subparts)
 - Poor example: 10 NYCRR Part 405
 - Poor example: 14 NYCRR §§ 599.3(d), 599.4(r) & (ab), 599.5 and 599.12, require . . .
- The Specific Component of the PPS Project Impacted
 - Be **specific**!
 - Good example: 2.b.iii: Through this project [which is summarized in detail in the waiver request], our PPS will seek to reduce patient utilization of EDs for non-urgent services through the development of navigation teams to operate within EDs. These navigation teams will interview and assess patients to determine the full scope of patients' needs in order to transfer patients to appropriate community providers who can meet patients' primary care needs. Because 10 NYCRR § 405.9(f)(7), prohibits hospitals from transferring, removing or discharging patients based on source of payment, the regulation would impede the PPS's partners ability to execute on this project because . . .
 - Poor example: 2.b.iv and 3.g.i: Expansion of Hospice services (Two projects grouped together and not-specific)
 - If you have a regulation for which you are seeking waiver of for multiple projects, make sure that each project is defined in detail, as well as the particular element of the project that would be adversely impacted by the regulation.
- Why the Waiver is Needed and Alternatives to Waiver.
 - Waivers are not automatic. If your PPS project must have a significant number of waivers in order to execute in a timely fashion or at all, carefully consider your projects and the thoroughness of your waiver application.
- Impact on Patient Safety
 - Include any conditions that could be imposed to ensure that no such risk exists, which may include submission of policies and procedures designed to mitigate the risk to persons or providers affected by the waiver, training of appropriate staff on the policies and procedures, monitoring of implementation to ensure adherence to the policies and procedures; and evaluation of the effectiveness of the policies and procedures in mitigating risk.