

Attachment 1

**WAIVER AND APPEAL AUTHORITIES FOR DISAPPROVAL or LOSS OF
NATCEP/CEP PROGRAMS**

*Facilities may seek any of the following in pursuing review of their disapproval or loss of their
NATCEP/CEP program.*

Reason for Disapproval	Extended/Partial Extended Survey, CMP, Denial of Payment, Temporary Manager, Waiver of Licensed Nurse	CMP of no less than \$10,483 – due and payable	Extended/Partial Extended Survey Finding of SQC
Waivers Allowable	<p>NATCEP program, may be offered in (but not by) a SNF or NF if the State—</p> <ul style="list-style-type: none"> (i) determines that there is no other such program offered within a reasonable distance of the facility, (ii) assures, through an oversight effort, that an adequate environment exists for operating the program in the facility, and (iii) provides notice of such determination and assurances to the State long-term care ombudsman. 	<p>If the deficiency is not related to Quality of Care for residents – meaning direct hands-on care and treatment that a health care professional or direct care staff furnished to a resident</p>	
Appeal Rights			<p>Appeal of Level of Non-compliance - 42 CFR §§498.3(b)(14)(i)(ii), (b)(16)</p>
Who Determines	<p>State determines, does not require CMS approval.</p>	<p>State Recommends/CMS Regional Office Determines</p>	<p>SNF only and SNF/NF - Departmental Appeals Board (DAB) determines. NF only – State determines</p>
Authority	<p>Sections 1819(f)(2)(C) and 1919(f)(2)(C) of the Act</p>	<p>1819(f)(2)(B)(iii)(c), 42 CFR §483.151</p>	<p>42 CFR §§498.3(b)(14)(i)(ii),(16)</p>