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CALIFORNIA NURSING HOME WORKFORCE SHORTAGE

FATE received notification today (10/5/18) that 345 out of approximately 1230 nursing homes in California have applied for a workforce shortage waiver in order to not meet the new staffing ratios which became law effective July 1, 2018. FATE objected to such a waiver without success as the nursing home lobby group is powerful and California regulators tend to side with the industry and not the consumers.

Under the CA Health and Safety Code section 1276.65 (l), the department was required to develop a waiver process for skilled nursing facilities seeking a waiver due to workforce shortages. The new regulation was the result of California increasing direct care service hours from 3.2 to 3.5 per patient per day. FATE, although totally against the waiver program, participated with other advocacy groups in developing the process to create the waiver program and strongly urged the Department to not allow new admissions into facilities that were on the waiver program.

The industry convinced the regulators to do what they wanted and that did not include stopping new admissions when the facility was insufficiently staffed. Nursing homes that are approved for the waiver program may continue to operate up to three years without meeting the required staffing ratios based on the industry's excuse that there is a work shortage in their community. The Department has established guidelines to prove that there are workforce shortages; however, that process is questionable and without sufficient staffing, poor care and neglect is automatic. Stopping new admissions when facilities do not meet the required nursing hours clearly made sense to the advocates, but apparently not to the CA Department of Public Health, Licensing and Certification Department.

[CLICK HERE for list of facilities that have applied for the waiver program.](#) You may also contact FATE at (916) 481-8558 for the list.

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