(3) The hospital has in charge, on all
tours of duty not covered by a reg-
istered nurse, a licensed practical (vo-
cational) nurse.

(4) The hospital complies with all re-
quirements specified in paragraph (a)
of this section.

(d) Temporary waiver for technical per-
sonnel. CMS may waive technical per-
sonnel requirements, issued under sec-
tion 1861(e)(9) of the Act, contained in
the Conditions of Participation; Hos-
pitals (part 482 of this chapter). Such a
waiver must take into account the avail-
ability of technical personnel and the
educational opportunities for tech-
nical personnel in the area in which
the hospital is located. CMS may also
limit the scope of services furnished by
a hospital in conjunction with the
waiver in order not to adversely affect
the health and safety of the patients.
In addition, the hospital must also
comply with all requirements specified
in paragraph (a) of this section.

§ 488.56 Temporary waivers applicable
to skilled nursing facilities.

(a) Waiver of 7-day registered nurse re-
quirement. To the extent that §488.30 of
this chapter requires any skilled nurs-
ing facility to engage the services of a
registered nurse more than 40 hours a
week, the Secretary may waive such
requirement for such periods as he
determines appropriate, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
deems appropriate if, based upon docu-
mented findings of the State agency,
§ 488.61 Special procedures for approval and re-approval of organ transplant centers.

For the purposes of this subpart, the survey, certification, and enforcement procedures described at 42 CFR part 488, subpart A apply to transplant centers, including the periodic review of compliance and approval described at § 488.20.

(a) Initial approval procedures for transplant centers that are not Medicare-approved as of June 28, 2007. A transplant center, including a kidney transplant center, may submit a request to CMS for Medicare approval at any time.

(1) The request, signed by a person authorized to represent the center (for example, a chief executive officer), must include:

(i) The hospital’s Medicare provider I.D. number;

(ii) Name(s) of the designated primary transplant surgeon and primary transplant physician; and,

(iii) A statement from the OPTN that the center has complied with all data submission requirements.

(b) Determining compliance with minimal utilization rates: Time limitations—(1) Unconditional status. A facility which meets minimal utilization requirements will be assigned this status as long as it continues to meet these requirements.

(2) Conditional status. A conditional status may be granted to a facility for not more than four consecutive calendar years and will not be renewable (see § 405.2122(b) of this chapter). Its status may be examined each calendar year to ascertain its compliance with Subpart U.

(3) Exception status. Under unusual circumstances (see § 405.2122(b) of this chapter) the Secretary may grant a time-limited exception to a facility which is not in compliance with the minimal utilization rate(s) for either unconditional status or conditional status. This exception status may be granted, and may be renewed on an annual basis, under circumstances where rigid application of minimal utilization rate requirements would adversely affect the achievement of ESRD program objectives.

(c) New applicant. A facility which has not previously participated in the ESRD program must submit a plan detailing how it expects to meet the conditional minimal utilization rate status by the end of the second calendar year of its operation under the program and meet the unconditional minimal utilization rate status by the end of the fourth calendar year of its operation under the program.

(d) Notification. The Secretary will notify each facility and its network coordinating council of its initial and its subsequent minimal utilization rate classification.

(e) Failure to meet minimal utilization rate. A facility failing to meet standards for unconditional status or conditional status, or if applicable, for exception status, will be so notified at the time of such classification.