

Center for Medicaid and State Operations/Survey and Certification Group

**Ref: S&C-09-27**

**DATE:** March 13, 2009

**TO:** State Survey Agency Directors

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Updated Interim Guidance Regarding the Temporary Mid-Level Staffing Waiver for Rural Health Clinics (RHCs)

**Memorandum Summary**

- This memorandum provides updated guidance regarding the temporary mid-level staffing waiver for RHCs.
- This memo supersedes S&C-09-14 issued November 21, 2008.
- This update will reduce burdens on existing RHCs resulting from the 1998 policy.

We are updating the February 6, 1998 policy concerning temporary mid-level staffing waivers for RHCs to be consistent with both the June 27, 2008 proposed rule (73 FR 36696) and the regulations that were published December 24, 2003 (68 FR 74792). This memo supersedes S&C-09-14 issued November 21, 2008. This update will reduce burdens on existing RHCs resulting from the 1998 policy.

In accordance with section 1861(aa)(7)(B) of the Social Security Act (the Act), as amended by section 4205(c) of the Balanced Budget Act of 1997, applicants requesting participation in Medicare as an RHC must initially satisfy the requirements located at section 1861(aa)(2)(J) of the Act and have a mid-level practitioner on staff at least 50 percent of the time in order to receive RHC status. However, if after being certified, an RHC loses its mid-level practitioner and demonstrates its inability to recruit a replacement within the previous 90-day period, the facility may request a temporary staffing waiver. Only existing RHCs may request a waiver, and **eligibility to apply for such staffing waiver does not depend on what date the RHC was initially certified for participation in Medicare.**

If you have additional questions or concerns, please contact Shonte Carter at 410-786-3532 or via email at [shonte.carter@cms.hhs.gov](mailto:shonte.carter@cms.hhs.gov)

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**Effective Date:** Immediately. Please ensure that all appropriate staff are fully informed within 30 days of the date of this memorandum.

**Training:** This policy should be shared with all survey and certification staff, their managers and the State/RO training coordinator.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management