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ARNOLD SCHWARZENEGGER
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December 7, 2009

AFL 09-47

TO: Skilled Nursing Facilities

SUBJECT: Nursing Staff-to-Patient Ratios

AUTHORITY: Health and Safety Code (HSC) Section 1276.65

This All Facilities Letter (AFL) is being sent to clarify the existing nursing staff-to-patient ratios regulations for skilled nursing facilities (SNFs) licensed by the California Department of Public Health (CDPH) Licensing and Certification (L&C) Program.

Health and Safety Code (HSC) Section 1276.5 states that commencing January 1, 2000, the minimum number of actual nursing hours per patient required in a skilled nursing facility shall be 3.2 hours, except for special treatment program service unit distinct part.

HSC Section 1276.65 requires the development of staff-to-patient ratios for direct caregivers and licensed nurses to convert the existing requirements and ensure that no less care is given than 3.2 nursing hours per patient day of care.

On January 22, 2009, the Office of Administrative Law filed a Title 22 regulatory action with the Secretary of State adopting five sections: 72038, 72077, 72077.1, 72329 and 72329.1. These new sections define terms, create three 8-hour shifts for nurse-to-patient staffing, describes documentation and posting requirements, and specifies the procedure in order to obtain a waiver for established staffing per shift for SNFs.

Initial implementation of this section is contingent on an appropriation in the annual Budget Act or another statute, in accordance with HSC Section 1276.65(i). Since no appropriation was made and no additional statutes were enacted the regulations did not become operational. Therefore, the L&C Program staff will continue its current practice of determining a facility's compliance with the 3.2 hours of nursing services per patient day in accordance with existing L&C policies and procedures.

AFL 09-47
Page 2
December 7, 2009

If you have any questions about this AFL, please contact your respective L&C District Office.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

Kathleen Billingsley, R.N.
Deputy Director
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