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California Department of Public Health



EDMUND G. BROWN, JR.
Governor

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AFL 11-42

TO: All Skilled Nursing Facilities
All Intermediate Care Facilities

SUBJECT: Procedures for Modifying the Standard Admission Agreement

The California Department of Public Health (CDPH) has filed with the Office of Administrative Law (OAL) regulations regarding the Standard Admission Agreement (SAA) for skilled nursing and intermediate care facilities. After final review and approval, OAL will file the regulations with the Secretary of State. The regulations will become operative six months from the date of filing with the Secretary of State. More information about the regulatory filing and the SAA is available at:

<http://www.cdph.ca.gov/services/DPOPP/regs/Pages/DPH-05-022,StandardAdmissionAgreement.aspx>

CDPH is issuing this All Facilities Letter (AFL) in advance of the final regulations to allow facilities more time to become familiar with some requirements of the regulations. CDPH will issue a subsequent AFL when OAL files the regulations with the Secretary of State.

When the regulations are adopted, all skilled nursing and intermediate care facilities must use the SAA to contract with individuals who wish to become residents of those facilities. Except for spaces left blank for facilities to provide facility-specific information as part of the admission process, facilities may not modify the SAA except as discussed below.

If a facility is unable to use the SAA without modification, the facility must ask CDPH to direct the facility to modify the SAA using the following process:

1. The facility must submit the request to the appropriate Licensing and Certification (L&C) District Office.
2. The facility must submit each SAA modification request separately, but may submit multiple requests at one time.

3. For each modification request, the facility must identify some unique aspect of the facility's operation that makes it unable to comply with an SSA provision and explain the specific need for the modification. Alternatively, a facility may request a modification if using the SAA without the modification will create a new cause of action against the facility.
4. For each modification request, the facility must identify the location(s) in the SAA where modification is requested and supply specific language to be added or deleted at each location.
5. The facility must provide detailed information to support its belief that the SAA modifications are essential to the daily operations governing the care provided to nursing facility residents.

Facilities may submit requests for CDPH to direct modification of the SSA beginning on the date OAL files the regulations with the Secretary of State. CDPH will respond to requests within 60 days of receipt.

To ensure statewide consistency in granting modification requests, during the six months before the regulations become operative, L&C headquarters will review and approve or deny the requests. After the regulations become operative, L&C District Offices will review and approve or deny modification requests. However, because the legislative intent of the SAA requirement (Senate Bill 1081, Chapter 631, Statutes of 1997) was to promote uniformity and consistency, CDPH does not expect routinely to approve SAA modification requests.

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

Sincerely,

ORIGINAL SIGNED BY PAMELA DICKFOSS

Pamela Dickfoss
Acting Deputy Director
Center for Health Care Quality