



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN, JR.
Governor

November 30, 2012

AFL 12-53

TO: All Intermediate Care Facilities

SUBJECT: Exemption of Small-Capacity ICF/DD-Hs, ICF/DD-Ns, and ICF/DD-CNs from the California Retail Food Code

AUTHORITY: Health and Safety Code (HSC) Section 113789(c), as amended by AB 2297 (Chapter 725, Statutes of 2012); California Code of Regulations (CCR), Title 22, Section 76923.

This All Facilities Letter provides notice of the enactment of Assembly Bill (AB) 2297 (Chapter 725, Statutes 2012), which amends the California Retail Food Code (CRFC) by adding HSC Section 113789(c)(13).

Effective January 1, 2013, the following LTC facilities will be exempt from the CRFC:

- Intermediate Care Facilities/Developmentally Disabled--Habilitative (ICF/DD-Hs) that are licensed for six or fewer beds;
- Intermediate Care Facilities/Developmentally Disabled--Nursing (ICF/DD-Ns) that are licensed for six or fewer beds; and
- Intermediate Care Facilities/Developmentally Disabled--Continuous Nursing (ICF/DD-CNs), that are licensed for six or fewer beds.

Should an incident or outbreak of foodborne illness occur, exempted facilities must report that information to both the CDPH **and** the local health department **within 24 hours** of the illness or outbreak.

It should be noted that the passage of this legislation will not impact any aspect of the activities of the Licensing and Certification Division at any LTC facility.

The information in this All Facilities Letter is a summary of changes set forth by AB 2297. Facilities are responsible for following all applicable laws. Any failure of the California Department of Public Health to expressly notify facilities of statutory or regulatory requirements does not relieve facilities of the responsibility for following all laws and regulations. Facilities should refer to the full text of all applicable sections of

AFL 12-53
November 30, 2012
Page 2

the Health and Safety Code and Title 22 of the California Code of Regulations to ensure compliance.

If you have questions regarding any of the matters discussed in this All Facilities Letter, please contact your local district office.

Sincerely,

Original signed by Debby Rogers

Debby Rogers, RN, MS, FAEN
Deputy Director
Center for Health Care Quality