



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

December 27, 2013

AFL 13-36

TO: Skilled Nursing Facilities
Intermediate Care Facilities
Intermediate Care Facilities/Developmentally Disabled
Intermediate Care Facilities/Developmentally Disabled---Habilitative
Intermediate Care Facilities/Developmentally Disabled—Nursing
Intermediate Care Facilities/Developmentally Disabled—Continuous
Nursing
Congregate Living Health Facilities
Adult Day Health Care Centers
State Hospitals

SUBJECT: Absentee Notification Plans

AUTHORITY: Health and Safety Code (HSC) Sections 1279.8 and 1584.5.

This All Facilities Letter (AFL) provides notice of the enactment of Assembly Bill (AB) 620 (Chapter 674, Statutes 2013. Effective January 1, 2014, each of the facility types enumerated above are required to develop and comply with an “absentee notification plan” as part of the written plans and procedures that are required pursuant to federal or state law. The purpose of this requirement is to address issues that arise when a patient, resident, or participant is missing from the facility.

The absentee notification plan shall include, and be limited to, the following: a requirement that an administrator of the facility, or his or her designee, inform the patient’s authorized representative when that patient is missing from the facility and the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a patient is missing from the facility.

This requirement does not apply to state hospitals under the jurisdiction of the State Department of State Hospitals when the executive director of the state hospital, or his or her designee, determines that informing the patient’s authorized representative that a patient is missing will create a risk to the safety and security of the state hospital.

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Please note that 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 their responsibility for following all laws and regulations. Facilities should refer to the full text of all applicable sections of 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 AFL, please contact your local District Office.

Sincerely,

Original signed by Debby Rogers

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