



California
Department of
Health Services

SANDRA SHEWRY
Director

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



ARNOLD SCHWARZENEGGER
Governor

January 15, 2007

AFL 07-01

TO: SKILLED NURSING FACILITIES

SUBJECT: DATA COLLECTION PROCEDURE TO EVALUATE COMPLIANCE WITH
HSC 1276.5 AS MANDATED BY AB 1629

In compliance with Welfare and Institutions Code Section 14126.033 (Assembly Bill 1629, Frommer, Chapter 875, Statutes of 2004), the California Department of Health Services (CDHS) Licensing and Certification program (L&C) will continue the staffing data collection effort begun in June of 2006. Staffing data is being collected to assess the extent to which freestanding skilled nursing facilities (SNFs) comply with the 3.2 nursing hours per patient day staffing ratio mandated by Section 1276.5 of the California Health and Safety Code. To collect the necessary data, CDHS L&C sends staff into SNFs to audit payroll records on-site. The upcoming round of monitoring visits will cover fiscal year 2005-2006 (July 1, 2005 through June 30, 2006). Visits will be unannounced. CDHS L&C will, however, notify providers of the two to three week window during which they can expect a visit. Monitoring visits will last approximately one day, depending on the size of the facility.

AB 1629 specifically exempts from these visits the following nursing facilities:

- Those that are part of a continuing care retirement community
- Distinct parts (D/P SNFs) of a licensed general acute care hospital
- State of California or another public entity-owned

Facilities whose population is comprised entirely of residents receiving Special Treatment Program services will not be visited because the staffing requirements differ.

However, skilled nursing facilities in which only some residents receive Special Treatment Program services will be visited. Exempt facilities will not be visited. Multi-Level Retirement Communities and SNFs that take private-pay-only (non-Medi-Cal and non-Medicare) patients are **not** exempt.

AB 1629 requires CDHS L&C to report to the Legislature the number and percent of SNFs that complied with the minimum staffing requirement during FY 2005-2006. Therefore, during the visits, facilities will be required to make available to CDHS L&C

staff payroll records documenting nurse staffing hours, as well as patient census records, for the period of July 1, 2005 through June 30, 2006.

If that information is retained at a location other than your facility, please notify the CDHS L&C contact identified below where the payroll data may be obtained. Notification of offsite records storage must be provided within 30 days of receipt of this letter. L&C staff will review payroll data at your corporate headquarters or at the facility, whichever location is most convenient for you. This information should be readily available, as all employers are required to retain payroll information from at least the previous year at either the place of employment or at a central location within the State of California. This requirement can be found in §72533 226(a) of Title 22. The California Labor Code contains a similar requirement in §1174(d).

If CDHS L&C staff finds that a facility was not in compliance with the mandated 3.2 nursing hours per patient day for any of the days calculated, staff will issue the facility a deficiency at the end of the visit and the facility will be responsible for submitting a plan of correction to its local district office.

To report a records location other than a freestanding SNF, or for other inquiries, please contact:

Kamran Adili
Department of Health Services
Licensing and Certification
Research Section
P.O.Box 997413/ MS 3000
Sacramento, CA. 95899-7413
(916) 552-8646

We appreciate your cooperation with this process.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

Kathleen Billingsley, R. N.
Deputy Director