

AA Citations—Frequently Asked Questions

Q: What is an AA citation?

A: An AA citation is a violation that has been “determined to have been a direct proximate cause of death of a patient or resident of a long term care facility.” In any action to enforce an AA citation, the California Department of Public Health (CDPH) must prove that the 1) violation was a direct proximate cause of death, and 2) the death resulted from an occurrence of a nature that the regulation was designed to prevent (Health and Safety Code Section 1424(c)).

Q: Which facilities may receive an AA citation?

A: Any long term care facility may receive an AA citation. The two largest facility categories are skilled nursing facilities and intermediate care facilities for the mentally retarded, but also included are congregate health living facilities and pediatric day health respite care facilities.

Q: What is the process for issuing an AA citation?

A: Most frequently, an AA citation is based on an investigation of a complaint received by CDPH or a report from a facility about a potential violation. In some cases, the violation may be detected during a recertification or licensing survey. Once identified, staff conduct a thorough investigation using principals of documentation that include record reviews, direct observations and interviews. Once the investigation is completed and the findings written, the report is reviewed by the District Office manager. If the manager concurs that the violation warrants an AA citation, the findings are submitted to a medical consultant, the department’s Office of Legal Services and the Field Operations Branch Chief for review and approval. If all reviewers concur with the findings, then the District Office issues the citation to the facility.

Q: Can the facility appeal the citation?

A: Yes, the citation can either be appealed to the department for a Citation Review Conference or appealed directly to court. The outcome of the citation and collection of any fines assessed are not final until all appeals have been exhausted (Health and Safety Code Section 1428(b)).

Q: What is the fine for AA citations?

A: Health and Safety Code Section 1424.5 (a)(1) dictates that the minimum fine that can be assessed for an AA citation is \$25,000 and the maximum fine is \$100,000. Facilities that do not wish to contest the level of the citation or the amount of the fine

may, within 30 days of issuance of the citation, pay 65% of the assessed fine (Health and Safety Code Sections 1424.5(b)).

Q: What happens to the money collected from fines?

A. All money collected from assessed citations is deposited in the Health Facilities Citation Penalties Account. Funds in this account may be used by CDPH to support the activities of temporary managers appointed by the department or receivers appointed by the courts to manage troubled long-term care facilities. Funds deposited into this account also may be used for initiatives that directly improve the health care and services offered to residents (Health and Safety Code Section 1417.2).

Q: Does a facility risk losing its license if it receives a certain number of AA citations within a certain period of time?

A. Yes, for a second or subsequent AA citation within a 24-month period that has been sustained following a citation review conference, or where the licensee has chosen not to exercise its right to a citation review conference, CDPH shall begin action to suspend or revoke the facility's license (Health and Safety Code Section 1424.5(a)(1)).