



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 12, 2012

CCN: 55-G374

Ms. Patricia Flannery
Interim Administrator
Sonoma Developmental Center D/P ICF/DD
15000 Arnold Drive
Eldridge, CA 95431

Dear Administrator:

By notice dated July 20, 2012 we advised you of our determination **not to renew** the Medi-Cal provider agreement with Sonoma Developmental Center D/P ICF/DD and terminate the facility's participation as a Medicaid provider based on the findings of the annual recertification survey completed on July 3, 2012. That survey identified fifty-seven (57) deficiencies, four (4) instances of immediate jeopardy to resident health and safety, and six (6) violations of Federal Conditions of Participation. By letter dated August 3, 2012 you requested reconsideration.

A follow-up survey completed by the State Facilities Unit of the California Department of Health Licensing and Certification Program (CDPH-L&C) on December 12, 2012 found dozens more deficiencies, including immediate jeopardy, and continued non-compliance with federal Conditions of Participation. Monitoring were performed on November 30 and December 3, 2012 documented incidents of abuse constituting immediate jeopardy, as well as actual serious threats to the physical safety of female clients in certain units.

In addition to a comprehensive review of the findings from the above-referenced surveys and investigations, the CDPH-L&C, State Facilities Unit-Northern Region has just completed a revisit to Sonoma Developmental Center D/P ICF/DD. The enclosed statement of deficiencies (Form CMS-2567), incorporated by reference herein, describes these survey findings. In summary, the survey completed today found that the following Conditions of Participation remain unmet:

42 C.F.R. § 483.410 Governing Body and Management

42 C.F.R. § 483.420 Client Protections

42 C.F.R. § 483.440 Active Treatment Services

42 C.F.R. § 483.460 Health Care Services

42 C.F.R. § 483.470 Physical Environment

Administrator of Sonoma Developmental Center D/P ICF/DD

Page 2

December 12, 2012

Moreover, we have determined that violation of the Condition of Participation pertaining to **Physical Environment at 42 C.F.R. § 483.470** immediately jeopardizes and poses a continuing threat to client health and safety.

For all the above-stated reasons, and in accordance with Federal regulations at 42 C.F.R. § 442.117, we hereby affirm our determination of July 20, 2012. Thus, the Medi-Cal provider agreement with Sonoma Developmental Center D/P ICF/DD will **terminate effective January 4, 2013**. See 42 C.F.R. § 431.154(c).

Further, within ten (10) days of the date of this notice you are required to submit evidence indicating that the Immediate Jeopardy identified by the most recent survey (*i.e.*, **Physical Environment at 42 C.F.R. § 483.470**) has been abated. At a minimum this submission must describe the relevant corrective actions, specify the monitoring process established to prevent recurrence of the violations, and identify (by title or position) the individual(s) responsible for the corrective action and ongoing monitoring. **A plan for correction at some future date or evidence of mere progress toward correction will not be sufficient.** If we receive a timely and credible allegation of abatement, a revisit to Sonoma Developmental Center D/P ICF/DD will be scheduled prior to January 3, 2013 to verify your representations. Unless the revisit confirms that Immediate Jeopardy has been permanently abated – or if any other immediate jeopardy violations are identified at the time of the revisit -- Federal financial participation (FFP) will cease effective January 4, 2013 regardless of any pending appeal. If the revisit finds that immediate jeopardy has in fact been abated, the termination will take effect, as scheduled, but FFP may continue through the date of issuance of an administrative hearing decision upholding the termination or the 120th day after the effective date of termination, whichever is earlier. 42 C.F.R. § 442.40(d)(2).

If you disagree with this determination you have the right to request a full evidentiary hearing before an administrative law judge in accordance with Title 22, CCR, Division 3, §51048.6. See 42 C.F.R. § 431.153. Any such request for a hearing must be in writing, must be filed no later than fifteen (15) days after the date you receive this notice, must contain a statement identifying the specific issues in the determination with which you disagree, and the basis for your contention that the determination is incorrect. 22 CCR § 51048.6.

Any request should be sent to me at the following address:

Mr. John Dexter, Chief
California Department of Public Health
Licensing and Certification Program
Provider Certification Unit
MS 3100
P. O. Box 997377
Sacramento, CA 95899-7377

Be advised that because this determination is based, in part, on findings of immediate jeopardy to the health and safety of Medicaid/Medi-Cal recipients, absent an intervening hearing decision reversing the determination, **Federal financial participation will cease on the effective date of termination, i.e., January 4, 2013.**

If you have any questions, please feel free to contact Paul Romero Certification Specialist, of my staff at (916) 552-8678.

Sincerely,



for John Dexter, Chief
Provider Certification Unit

cc: See Next Page

Administrator of Sonoma Developmental Center D/P ICF/DD
Page 4
December 12, 2012

cc: California Department of Developmental Services, Licensee
1600 Ninth Street
Sacramento, CA 95814

Ms. Andrea Patten, HFES II
California Department of Public Health
Licensing and Certification Program
State Facilities Unit-Northern Region
MS 3506
2170 Northpoint Parkway
Santa Rosa, CA 95407

Ms. Diana Noffke, Chief
California Department of Public Health
Licensing and Certification Program
State Facilities Unit
MS 3506
2170 Northpoint Parkway
Santa Rosa, CA 95407

Department of Health Care Services
San Francisco Medi-Cal Field Office
MS 4511
575 Market Street, suite 400
P.O. Box 193704
San Francisco, CA 94119-3704

Department of Developmental Services
Health Facilities Program Section
1600 9th Street, Room 320, Mail Stop 3-9
Sacramento, CA 95814

California Department of Aging
State Long Term Care Ombudsman
1300 National Drive, Suite 200
Sacramento, CA 95834

Administrator of Sonoma Developmental Center D/P ICF/DD

Page 5

December 12, 2012

cc: Mr. Michael Egstad, Chief
Field Operations Branch-Region IV
California Department of Public Health
Licensing and Certification Program
MS 3001
1615 Capitol Avenue
Sacramento, CA 95899-7377

Ms Debby Rogers, RN, MS, FAEN
Deputy Director
California Department of Public Health
Center for Health Care Quality
MS 0512
1615 Capitol Avenue
P.O. Box 997377
Sacramento, CA 95899-7377

Mr. Scott Vivona
Chief of Field Operations
California Department of Public Health
Center for Health Care Quality
Licensing and Certification Program
MS 3001
1615 Capitol Avenue
P.O. Box 997377
Sacramento, CA 95899-7377

Ms. Carol Giltner Chief
Department of Health Care Services
Utilization Management Division
Operations Support Unit
MS 4506
1501 Capitol Avenue
P.O. Box 997419
Sacramento, CA 95899-7419

Administrator of Sonoma Developmental Center D/P ICF/DD
Page 6
December 12, 2012

cc: Mr. Lorenzo R. Sifuentes, Chief
Field Operations Support Branch
Utilization Management Division
Department of Health Care Services
MS 4505
1501 Capitol Avenue,
P.O. Box 997419
Sacramento, CA 95899-7419

Acting Chief
Inpatient Contract and Monitoring Section
Safety Net Financing Division
Department of Health Care Services
MS 4504
1501 Capitol Avenue
P.O. Box 997436
Sacramento, CA 95899-7436

Ms. Patricia Flannery
Deputy Director
California Developmental Centers Division
Department of Developmental Services
1600 Ninth Street, Room 360, MS 3-17
Sacramento, CA 95814

Ms. Glenda Penny, Chief
Health and Direct Care Services Section
Developmental Centers Division
California Department of Developmental Services
1600 Ninth Street, Room 340, MS 3-17
Sacramento, CA 95814

Ms. Julia Lowe
Assistant Deputy Director
Administrative Operations
Developmental Centers Division
California Department of Developmental Services
1600 Ninth Street, Room 340, MS 3-15
Sacramento, CA 95814

Administrator of Sonoma Developmental Center D/P ICF/DD
Page 7
December 12, 2012

cc: California Department of Developmental Services
Community Services Division
1600 9th Street, MS 2-13
P.O. Box 944202
Sacramento, CA 94244-2020

Mr. Shane Schilling
California Department of Developmental Services
Client Financial Services
1600 Ninth Street, Room 206
P.O. Box 944202
Sacramento, CA 94244-2020
1600 9th Street, Room 250
Sacramento, CA 95814