



California  
Department of  
Health Services

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Director

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



**ARNOLD SCHWARZENEGGER**  
Governor

September 20, 2005

AFL 05-36

To: General Acute Care Hospitals

Subject: Correction Notification on 22 CCR 70217: Enforcement of Licensed Nurse-to-Patient Ratio Regulations for General Acute Care Hospitals.

On August 16, 2005, All Facilities Letter #05-31 was sent to all licensed General Acute Care Hospitals to relate the current legal status of the Nurse-to-Patient Ratios in General Acute Care Hospitals Emergency Regulations and to emphasize that the nurse-to-patient ratios published in the California Code of Regulations in Register 2003 No. 39 on September 26, 2003, are in effect and are being enforced by the California Department of Health Services (CDHS). That letter is still correct.

In an attempt to make the regulations published September 26, 2003 (which are the regulations currently being enforced in compliance with the Court order) more easily accessible to all facilities, CDHS requested Barclays, the publisher of the California Code of Regulations, to print the September 26, 2003, version of the nurse-to-patient ratio regulations immediately following the now unenforceable emergency regulations. This “double print” of Section 70217 appears in Register 2005, No. 33, which was published on August 19, 2005. Unfortunately, due to an error, the second Section 70217 in that printing is the regulation as originally published in Register 96 No.48, which was originally published on November 26, 1996 rather than the correct regulations. In short, the correct current nurse-to-patient ratio requirements were not published as requested.

We have contacted both our Office of Administrative Law, which maintains Title 22 on its website, and Barclay’s, and correction procedures are in progress. The printing of the correct regulations, those originally published on September 26, 2003, will appear in Register 2005, No. 36, which will be published September 23, 2005, and which will be posted to <http://ccr.oal.ca.gov> and available for viewing on the following Wednesday, September 28, 2005.

Again, CDHS wishes to emphasize that the regulations that are in effect are dated September 26, 2003. If you need a copy of the regulations that are currently in effect, they continue to be available at <http://www.applications.dhs.ca.gov/regulations> (select “Select DHS Regulations”, then select R-01-04E from the drop down menu, click

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submit, select document no. 13, and download the regulations), or you may contact your local district office and a copy of the regulations will be provided to you.

We sincerely regret that there has been so much confusion with these regulations and we truly appreciate your continued cooperation.

Sincerely,

**Original Signed by Brenda Klutz**

Brenda G. Klutz  
Deputy Director