



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

March 6, 2006

AFL 05-39

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 soon begin sending staff into the field to collect data from all freestanding skilled nursing facilities (SNFs) in order to calculate compliance with the 3.2 nursing hours per patient day staffing ratio mandated by Section 1276.5 of the California Health and Safety Code. The monitoring visits will begin soon and continue through 2006, and they will be unannounced. CDHS L&C will, however, notify providers of the two to three week window when they can expect a visit. We expect the monitoring visits to 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

Exempt facilities will not be visited. Also, 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.

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 each patient day for the three years immediately preceding the implementation of the new law. 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 beginning July 1, 2002 through June 30, 2005. If that information is retained in a location other than your facility, please notify CDHS L&C where the payroll data may be obtained 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. The bulk of this information should be readily available, as all employers are required to

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retain payroll information for a minimum of three years either at the place of employment or at a central location within the State of California in accord with section 226(a) of the California Labor Code.

Staff will be equipped with a laptop computer and a portable printer. They will need to have access to either a live telephone line or a digital subscriber line (DSL) while in the facility or at your corporate headquarters in order to access the database, which is housed on the CDHS network. The number they will dial is a toll free number, so there will not be any charge to the facility.

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.

If you have any questions about these monitoring visits, you may contact Gina Henning of my staff at (916) 552-9370. We appreciate your cooperation with this process.

Sincerely,

Original Signed by Brenda Klutz

Brenda G. Klutz
Deputy Director