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Director

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



ARNOLD SCHWARZENEGGER
Governor

July 2, 2007

AFL 07-19

TO: **GENERAL ACUTE CARE HOSPITALS
ACUTE PSYCHIATRIC HOSPITALS
SPECIAL HOSPITALS**

SUBJECT: **HOSPITAL ADMINISTRATIVE PENALTY FOR IMMEDIATE JEOPARDY
(IJ) DEFICIENCIES (SENATE BILL 1312, ALQUIST, CHAPTER 895,
STATUTES OF 2006)**

This All Facilities Letter (AFL) serves as notification of the recent legislation that passed and went into effect on January 1, 2007.

Senate Bill 1312 was chaptered and, in part, revises the circumstances under which the California Department of Public Health (CDPH) (formerly California Department of Health Services) is authorized to assess civil penalties against general acute care hospitals, acute psychiatric hospitals, and special hospitals (hospitals) including increasing the maximum penalty amount, and applying the provisions to deficiencies constituting immediate jeopardy.

Health and Safety Code 1280.1 was added to the Health and Safety Code and reflects the following:

1280.1. (a) If a licensee of a health facility licensed under subdivision (a), (b), or (f) of Section 1250 receives a notice of deficiency constituting an immediate jeopardy to the health or safety of a patient and is required to submit a plan of correction, the department may assess the licensee an administrative penalty in an amount not to exceed twenty-five thousand dollars (\$25,000) per violation.

(b) If the licensee disputes a determination by the department regarding the alleged deficiency or the alleged failure to correct a deficiency, or regarding the reasonableness of the proposed deadline for correction or the amount of the penalty, the licensee may, within 10 days, request a hearing pursuant to Section 100171. Penalties shall be paid when appeals have been exhausted and the department's position has been upheld.

(c) For purposes of this section "immediate jeopardy" means a situation in which the licensee's noncompliance with one or more requirements of licensure has caused, or is likely to cause, serious injury or death to the patient.

- (d) This section shall apply only to incidents occurring on or after January 1, 2007.
- (e) No new regulations are required or authorized for implementation of this section.

CDPH expects the enactment of this new statute to lead to improvements in patient safety and healthcare quality for the residents of California. If you have questions regarding this requirement, please contact your local Licensing and Certification district office.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

Kathleen Billingsley, R.N.
Deputy Director