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Director

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



ARNOLD SCHWARZENEGGER
Governor

January 20, 2009

AFL 09-02

TO: General Acute Care Hospitals
Acute Psychiatric Hospitals
Special Hospitals

SUBJECT: Increased Administrative Penalties for Immediate Jeopardy Violations

AUTHORITY: Senate Bill (SB) 541 (Alquist, Chapter 605, Statutes of 2008)

This letter is being sent to notify you of new legislation, effective January 1, 2009, which has increased the amount of administrative penalties for licensing violations that meet the definition of Immediate Jeopardy (IJ).

Effective January 1, 2009, SB 541 increases the amount of the administrative penalties for licensing violations occurring on or after January 1, 2009, to up to fifty thousand dollars (\$50,000) for the first IJ administrative penalty, up to seventy-five thousand dollars (\$75,000) for the second subsequent IJ administrative penalty, and up to one hundred thousand dollars (\$100,000) for the third and every subsequent IJ violation. An administrative penalty issued after three years from the date of the last issued immediate jeopardy violation shall be considered a first administrative penalty so long as the facility has not received additional immediate jeopardy violations and is found by the department to be in substantial compliance with all state and federal licensing laws and regulations.

Additionally, the legislation establishes that the department shall have full discretion to consider all factors when determining the amount of an IJ administrative penalty.

SB 541 also increased the penalties set forth in Section 1280.3 of the Health and Safety Code. Those penalties will only become applicable upon the adoption of regulations by the California Department of Public Health (CDPH).

The information in this All Facilities Letter (AFL) is a brief summary of the administrative penalties for IJ violations contained in SB 541. Facilities are responsible for following all applicable laws. CDPH's failure to expressly notify facilities of legislative changes does

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not relieve facilities of their responsibility for following all laws and for being aware of all legislative changes. Facilities should refer to the full text of SB 541 to ensure compliance.

If you have specific questions regarding administrative penalties issued to a facility, please contact your respective district offices. For general questions pertaining to the information presented in this AFL, please contact Gina Henning at (916) 552-9370 or Gina.Henning@cdph.ca.gov.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

Kathleen Billingsley, R.N.
Deputy Director
Center for Health Care Quality