



MARK B HORTON, MD, MSPH
Director

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



ARNOLD SCHWARZENEGGER
Governor

June 29, 2010

AFL 10-19

TO: Skilled Nursing Facilities

SUBJECT: Policy Change for Imposition of Denial of Payment for New Admissions for Opportunity to Correct Enforcement Actions in Nursing Homes

The Centers for Medicare and Medicaid Services (CMS) is changing its policy and procedure for the imposition of statutory Denial of Payment for New Admissions (DPNA). A copy of the letter changing the policy is attached. The purpose of this policy change is to ensure that the requirements for statutory DPNA are met consistently.

CMS is authorizing states to issue a notice for statutory DPNA in their initial notice for enforcement actions when substantial noncompliance is found. The effective date for the statutory DPNA will be three months from the original date of the survey.

If you disagree with the determination of noncompliance and/or substandard quality of care, then you or your legal representative may request a hearing before an administrative law judge of the Department of Health and Human Services, Departmental Appeals Board. The procedures governing this process are set out in 42 Code of Federal Regulations Section 498.40, et. seq. You may appeal the finding of noncompliance that led to an enforcement action, but not the enforcement action or remedy itself. A written request for a hearing must be filed no later than 60 days from the date of receipt of the official notice letter.

This policy change will become effective on August 1, 2010.

If you have any questions, please contact your local district office.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

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

Attachment