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California Department of Public Health



ARNOLD SCHWARZENEGGER  
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August 3, 2010

AFL 10-20

**TO:** All Long Term Care Health Facilities

**SUBJECT:** Change of Transfer and Discharge Appeals and Refusal to Readmit Appeal Hearings to the Office of Administrative Hearing and Appeals

In July 2007, the Department of Health Services (DHS) was divided into two new departments: the California Department of Health Care Services (DHCS) and the California Department of Public Health (CDPH). Prior to this separation, Transfer/Discharge Appeals (TDA) and Refusal to Readmit (RTR) appeal hearings were heard within DHS which was the Medicaid Single State Agency designated for oversight of the Medicaid Program. After the separation of DHS, the Licensing and Certification (L&C) program was moved to the CDPH and the TDA and RTR appeal hearings were conducted by CDPH hearing officers.

Title 42 Code of Federal Regulations Section 431.205(a) assigns TDA and RTR hearings to the State Medicaid Agency. As a result of the reorganization of the department in 2007, DHCS became the single State Medicaid Agency and the State agency responsible for conducting these hearings.

The purpose of this All Facility Letter (AFL) is to inform all long term care health facilities that, effective March 1, 2010, TDA and RTR appeal hearings became the full responsibility of the Office of Administrative Hearings and Appeals (OAHA) within the DHCS.

A TDA/RTR appeal hearing is a matter between the resident and the facility. L&C will continue to investigate complaints involving involuntary transfer and discharge of residents and the refusal to readmit residents by the facility. In the course of its investigation, L&C will ask the resident if the resident wants to file a TDA or RTR appeal hearing. If the resident or the resident's authorized representative requests an appeal hearing, L&C staff will provide the OAHA main office with the following information.

- Name of the resident
- The resident's authorized representative, if any;
- Facility name and address, and

- Contact information for the resident and/or authorized representative.

In the event the facility learns that the resident desires an appeal, the facility must provide OAHA with the required information. All long term care health facilities will need to modify their current notification letters to delete reference to the L&C District Office as point of contact for appeals and instead include reference to OAHA.

The information may be submitted via email to [OAHAFax@dhcs.ca.gov](mailto:OAHAFax@dhcs.ca.gov), by fax to (916) 440-5105, or submitted via postal mail to the following address:

Department of Health Care Services  
Office of Administrative Hearings and Appeals  
TDA/RTR Unit  
1029 J Street, Suite 200  
Sacramento, California 95814

Any questions regarding the TDA and RTR appeal hearing process should be referred to the OAHA Unit including those involving TDA and RTR hearing requests, scheduling, conducting hearings and hearing decisions.

The contact information for the main OAHA office is:

Telephone: (916) 322-5603  
FAX: (916) 323-3377

If you have questions regarding this AFL, 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