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



EDMUND G. BROWN JR.
Governor

AFL REVISION NOTICE

Subject: Notice of Facility Closure and Elimination or Relocation of Supplemental Services; and Downgrades and Closures of Emergency Departments

Revision To: AFL 10-28

Revision Date: March 17, 2011

Attachment: AFL 11-24

This notice is to inform you that the California Department of Public Health has revised All Facilities Letter (AFL) 10-28 and has issued the attached AFL 11-24 which supersedes AFL 10-28.

The revised AFL informs General Acute Care Hospitals and Acute Psychiatric Hospitals about the types of documentation that surveyors will be verifying to ensure compliance with the requirements of Health & Safety Code (HSC) Section 1255.25.

The revised AFL also reminds General Acute Care Hospitals of the 1998 notice requirements contained in HSC Sections 1255.1 and 1255.2 related to downgrades or closures of emergency rooms.

Please review the AFL and contact your local District Office if you have further questions.



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AFL 11-24
(Supersedes AFL 10-28)

TO: General Acute Care Hospitals
Acute Psychiatric Hospitals

SUBJECT: Notice of Facility Closure and Elimination or Relocation of Supplemental Services; and Downgrades and Closures of Emergency Departments

AUTHORITY: Health & Safety Code Sections 1255.1, 1255.2, 1255.25

This letter is being sent to remind hospitals of notice requirements relating to the elimination or relocation of supplemental services and downgrades or closures of emergency rooms and of the need to document compliance for surveyor review.

This revised AFL also informs General Acute Care Hospitals and Acute Psychiatric Hospitals about the types of documentation that surveyors will be verifying to ensure compliance with the requirements of Health & Safety Code (HSC) Section 1255.25 as well as HSC Sections 1255.1 and 1255.2.

Recently Added Requirements

Legislation which became effective January 1, 2009, added HSC Section 1255.25 requiring general acute care hospitals and acute psychiatric hospitals (except county facilities covered by HSC Section 1442.5) to provide at least 30 days advance notice before closing the facility or eliminating or relocating supplemental services to a different campus.

Affected facilities are to comply with the law by: 1) Posting a notice at the facility entrance; 2) Notifying the California Department of Public Health (CDPH) and; 3) Notifying the Board of Supervisors of the county in which the health facility is located.

The statute requires the notice to include the following information:

- A description of the proposed closure, elimination, or relocation. The description shall be limited to publicly available data, including the number of beds

- eliminated, if any, the probable decrease in the number of personnel, and a summary of any service that is being eliminated, if applicable.
- A description of the three nearest available comparable services in the community. If the facility serves Medi-Cal or Medicare patients, it shall specify if the providers of the nearest available comparable services serve Medi-Cal or Medicare patients.
 - A telephone number and address for each of the following, where interested parties may offer comments:
 - The health facility.
 - The parent entity, if any, or contracted company, if any, that acts as the corporate administrator of the health facility.
 - The chief executive officer.

Emergency Room Downgrades or Closures

General acute care hospitals are also reminded of related notice requirements in HSC Sections 1255.1 and 1255.2 pertaining to the downgrades or closures of emergency rooms.

Hospitals providing emergency medical services shall notify their CDPH District Office as soon as possible but not later than 90 days prior to a planned reduction or elimination of the level of emergency medical services. Notice must also be provided to:

- The local government entity in charge of the provision of health services.
- Health care service plans or other entities contracted with the hospital
- The public in a manner that is likely to reach a significant number of residents of the community serviced by the facility through reasonable efforts that may include advertising, media coverage, and informing patients of the facility.

Hospitals are exempted from these notice requirements if CDPH:

- Determines the use of resources necessary to keep the emergency department open would substantially threaten the stability of the hospital as a whole.
- Cites the emergency department for unsafe staffing practices.

Surveyor verification of facility compliance

During any future on-site visits, hospitals that have closed, eliminated, or relocated a supplemental service to a different campus or have downgraded or closed emergency services should expect CDPH surveyors to verify facility compliance with the applicable notice requirements.

Please have the following readily available for surveyor review:

- Documentation of the required advance notice to CDPH advising of the facility closure or the elimination or relocation of a supplemental service to a different campus and the date of notification.
- Documentation of the required advance notice to the local county Board of Supervisors advising of the facility closure or the elimination or relocation of a supplemental service to a different campus and the date of notification.
- Documentation of the public postings notating the date of relocation, closure or elimination of the supplemental service.
- For emergency department downgrades or closures only:
 - Documentation of the notice to CDPH, the local government entity in charge of the provision of health services, and health care service plans or other entities contracted with the hospital to provide services to enrollees of the plan or other entity of the planned reduction or elimination of the level of emergency medical services.
 - Documentation of the public notice provided regarding the intended change.

Facilities are responsible for following all applicable laws. CDPH's failure to expressly notify facilities of legislative changes does not relieve facilities of their responsibility for following all laws and regulations. Facilities should refer to the full text of all applicable sections of the HSC and Title 22 of the California Code of Regulations.

If you have any questions, please contact your respective District Office. Thank you for your cooperation.

Sincerely,

Original Signed by Pamela Dickfoss

Pamela Dickfoss
Acting Deputy Director
Center for Health Care Quality