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*Director & State Health Officer*

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



EDMUND G. BROWN JR.  
*Governor*

## AFL REVISION NOTICE

Subject: Posting of Citations  
Revision To: AFL 09-45  
Revision Date: January 8, 2014  
Attachment: AFL 14-04

This notice is to inform you that the California Department of Public Health (CDPH) revised All Facilities Letter (AFL) 09-45 in the attached AFL 14-04.

The revised AFL clarifies the affected facility types and the impact on conflicting statute and regulation pertaining to posting of citations.

Please review AFL 14-04 and contact your local District Office if you have further questions.



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January 8, 2014

AFL 14-04  
(Supersedes AFL 09-45)

**TO:** Long-Term Health Care Facilities, as follows:

- Skilled Nursing Facilities (including Distinct Parts)
- Intermediate Care Facilities (including Distinct Parts)
- Intermediate Care Facilities/Developmentally Disabled
- Intermediate Care Facilities/Developmentally Disabled—Habilitative
- Intermediate Care Facilities/Developmentally Disabled—Nursing
- Intermediate Care Facilities/Developmentally Disabled—Continuous Nursing
- Congregate Living Health Facilities
- Nursing Facilities
- Pediatric Day Health and Respite Care Facility (including Distinct Parts)

**SUBJECT:** Posting of Citations

**AUTHORITY:** Health and Safety (HSC) Code Section 1429; Welfare and Institutions Code (WIC) Sections 4514, 5328 and 5328.15

This All Facility Letter (AFL) revises AFL 09-45 to clarify the posting requirements for citations. Pursuant to HSC Section 1429, all Long-Term Health Care Facilities (LTHCF), including Intermediate Care Facilities (ICFs) and Intermediate Care Facilities for the Developmentally Disabled (ICF-DDs), are subject to the posting requirements outlined in this AFL.

Effective January 1, 2010, HSC Section 1429 modified the posting requirements for class “AA” and class “A” citations in LTHCFs. These citations must be prominently posted for 120 days, without exception.

Title 22 California Code of Regulations (CCR) Sections 73723(a) and 76721(a), relating to ICFs and ICF-DDs respectively, previously authorized the removal of a posted citation once the violation was corrected to the satisfaction of the Department. Those subdivisions within the regulations have been superseded by HSC Section 1429, and are no longer effective. However, other provisions within those regulations remain valid.

HSC Section 1429 requires that the citation or a copy must be posted in a place or places in plain view of the patients or residents in the LTHCF, persons visiting those

patients or residents, and persons who inquire about placement in the facility. The citation must be posted in at least the following locations in the facility:

- An area accessible and visible to members of the public;
- An area used for employee breaks; and
- An area used by residents for communal functions, such as dining, resident council meetings, or activities.

The citation, along with a cover sheet, must be posted on a white or light-colored sheet of paper, at least 8½ by 11 inches in size that includes all of the following information:

- The full name of the facility, in a clear and easily readable font in at least 28-point type;
- The full address of the facility, in a clear and easily readable font in at least 20-point type; and
- Whether the citation is class “AA” or class “A.”

The facility may also choose to take the following actions:

- Post the plan of correction;
- Post a statement disputing the citation or a statement showing the appeal status, or both; or
- Remove and discontinue the posting required by this section if the citation is withdrawn or dismissed by the department.

All personal information pertaining to individuals that are mentally ill or developmentally disabled must be considered confidential, pursuant to WIC Sections 4514, 5328 and 5328.15. Before posting citation information, please ensure that personal information, if noted on the citation, of an individual or individuals is redacted. Personal information includes a diagnosis, the types of services provided to an individual and any information that identifies an individual, such as a name or a social security number. Please refer to WIC Sections 4514, 5328 and 5328.5 for the complete statutory requirements.

If you have any questions, please contact your local District Office.

Sincerely,

**Original signed by Debby Rogers**

Debby Rogers, RN, MS, FAEN  
Deputy Director  
Center for Health Care Quality