



Erica Pan, MD, MPH
State Public Health Officer & Director

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



Gavin Newsom
Governor

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AFL 25-24

TO: Skilled Nursing Facilities (SNFs)

SUBJECT: Bed-Hold Requirements for Returning Residents

AUTHORITY: Title 22 California Code of Regulations (CCR) section 72520
Title 42 Code of Federal Regulations (CFR) section 483.15(e)
State Operations Manual (SOM) Appendix PP section F627

All Facilities Letter (AFL) Summary

This AFL reminds skilled nursing facilities (SNFs) of federal and state laws on the bed-hold rights of residents when returning from therapeutic leave or hospitalization and that SNFs must notify residents of these rights regardless of payment source.

Background

A SNF must protect and promote the rights of every resident (Title 42 C.F.R. section 483.10 (a)(1).) Residents' rights include admission, transfer, and discharge protections, which can limit a facility's discretion to move a resident to a different bed involuntarily (Title 42 CFR section 483.15).

Resident Bed-Hold Rights

A "bed-hold" is the exercise of a resident's right to temporarily be transferred from the SNF and to be readmitted to the SNF and returned to the same bed, subject to certain conditions. Under Title 22 CCR section 72520(a), a SNF resident transferred to a general acute care hospital or on therapeutic leave must be afforded a seven-day bed-hold option that either the resident or the resident's representative may exercise. Similarly, Title 42 CFR section 483.15(e) requires SNFs to establish and implement a written policy that permits a resident to return to the facility after hospitalization or therapeutic leave, regardless of the resident's payment source.

Title 22 CCR section 72520(c) requires SNFs to provide written notice to a resident, or their representative, informing them of their right to exercise the seven-day bed-hold upon transfer from the SNF to a hospital. The written notice must include information that a resident who is not a Medicaid beneficiary will be liable for the cost of the bed-hold days and that any insurance may not cover this cost. Except as provided in Title 22 CCR section 51535.1, a resident who exercises the bed-hold option is liable to pay reasonable charges, not to exceed the resident's daily rate for

care during the bed-hold period (Title 22 CCR section 72520(a)(2)). A failure to meet the bed-hold requirements means the SNF must offer the resident the next available bed appropriate for their needs (Title 22 CCR section 72520(c)).

If a resident elects to exercise their right to a bed-hold, the resident or their representative must notify the SNF within 24 hours after being informed of their right to a bed-hold (Title 22 CCR section 72520(a)(1)).

Residents Returning within the Bed-Hold Period

If a resident exercises their right to a bed hold, the SNF may not transfer the resident's location (e.g., changing their room or bed number) within the SNF during the bed-hold period unless reassigning a resident's location is appropriate, and the SNF has met all other requirements specified in Title 22 CCR section 72520 and Title 42 CFR section 483.15.

Residents Returning after the Bed-Hold Period Expires

The SOM Appendix PP section F627 states that a resident returning to the facility from hospitalization or therapeutic leave after expiration of the seven day bed-hold period is allowed to return to their location if available, or immediately to the first available bed in a semi-private room provided if the resident:

- Requires the services provided by the facility, and
- Is eligible for Medicare/Medicaid services.

A resident who is a Medicaid beneficiary must be permitted to return to the first available bed even if the resident has an outstanding Medicaid balance.

Residents Returning to a Composite Distinct Part

If a resident is returning to a composite distinct part of the facility, Title 42 CFR section 483.15(e)(2) requires SNFs to allow the resident to return to an available bed in that particular location of the composite distinct part in which the resident previously lived or to the next available bed in that location.

Not Permitting Residents to Return

If the SNF denies a resident who has exercised their right to a bed-hold the right to return to their bed, the SNF must follow the requirements provided in Title 42 CFR section 483.15(c). For additional information related to discharge and transfer requirements, SNFs may refer to AFL 23-37. The resident must be permitted to return and resume residence in the facility while an appeal of the discharge is pending.

The information in this AFL is a brief summary of the laws and regulations governing the bed-hold rights of returning SNF residents. SNFs are responsible for complying with all applicable laws. Failure to comply may result in a deficiency, which can lead to a citation and/or civil action against the SNF licensee.

If you have questions, please contact your respective district office.

Sincerely,

Original signed by Mandi Posner

Mandi Posner

Deputy Director

Center for Health Care Quality, MS 0512 . P.O. Box 997377 . Sacramento, CA
95899-7377
(916) 324-6630 . (916) 324-4820 FAX
Department Website (cdph.ca.gov)



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