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Agency
**California Department of
Public Health**



Gavin Newsom
Governor

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AFL 26-20

TO: Hospice Agencies

SUBJECT: Compliance with Hospice Emergency Regulations

AUTHORITY: Health and Safety Code (HSC) sections 1753.1 and 1755
Title 22 California Code of Regulations (CCR) sections 74800, 74820, 74828, 74852, 74856, 74876,
and 74908

All Facilities Letter (AFL) Summary

- This AFL notifies hospice agencies of the new requirements for geographic service area (GSA), management personnel, and office space.
- Hospice agencies not compliant with the new requirements must submit an application for any reportable change to the California Department of Public Health (CDPH), Center for Health Care Quality (CHCQ), Centralized Applications Branch (CAB).

Background

To effectuate the legislative mandate under HSC section 1753.1, CDPH adopted emergency regulations to implement industry standards, improve patient care, and combat Medicare or Medi-Cal fraud within the hospice industry. Effective June 22, 2026, hospice providers must comply with Title 22 CCR Division 5, Chapter 6.5, Articles 1 through 5 (PDF). New requirements include, but are not limited to, the following:

- GSA
- Director of Patient Care Services (DPCS)
- Medical Director
- Administrator
- Office Space

Geographic Service Area

The GSA is the county or counties approved by CDPH in which the parent hospice, including all multiple locations, if any, is licensed to provide hospice services to patients (Title 22 CCR section 74800(a)(23)). As outlined in Title 22 CCR section 74820, hospice providers must:

- Guarantee that a licensed nurse appears in person 24 hours a day, seven days a week, to provide nursing services **within two hours** of receiving information that a patient has a medical need or a safety concern exists.
- Develop, implement, and maintain documented policies and procedures to ensure patients receive support until a licensed nurse arrives in person.
- Calculate the GSA in which personnel can arrive to provide services **within two hours** from the parent hospice's address as documented on the licensure application. Providers may refer to Title 22 CCR section 74820(d) to determine GSA. This may mean that a hospice will need to adjust their existing GSA and may need to submit an application to continue serving existing patients that live distances beyond the two-hour limit.
- Submit evidence of the calculations used to determine the GSA pursuant to Title 22 CCR section 74812(c)(32).
- Submit documentation indicating the counties currently included in the hospice's GSA.
- Not initiate, advertise, or provide hospices services in a GSA until receiving written approval from CDPH.

Providers seeking to serve multiple counties must provide calculations used to determine if there is an unmet need for hospice services for each county, using the calculations outlined in Title 22 CCR section 74820(f). Hospices must exclude counties that do not have evidence of an unmet need for hospice services from the approved GSA list.

Director of Patient Care Services

The DPCS is responsible for direction and supervision of patient care services. As outlined in Title 22 CCR section 74852, the DPCS must meet the following qualification requirements:

- Meet **one** of the following educational and work experience criteria:
 1. A registered nurse (RN) with a baccalaureate or higher degree in nursing or other health related field and a minimum of two years of full-time supervisory or managerial experience in a hospice or home health agency within the last five years, or
 2. A RN with a minimum of four years of full-time supervisory or managerial experience in a hospice or home health agency within the last five years.
- Not have any disciplinary action taken against them within the last seven years.
- Not have concurrent employment with another hospice; however, may be employed by two hospices, only if both are in the same rural area.

Medical Director

The Medical Director is the individual who is licensed as a physician and surgeon by the Medical Board of California or by the Osteopathic Medical Board of California who is responsible for the overall medical direction of the hospice (Title 22 CCR section 74800(a)(37)). Pursuant to Title 22 CCR section 74856, the Medical Director must meet the qualification requirements as follows:

- Meet **all** the following educational and work experience criteria:
 - Hold a current and valid license as a physician and surgeon issued by the Medical Board of California or by the Osteopathic Medical Board of California; and
 - Have a minimum of two years of full-time supervisory or managerial experience in a hospice, home health agency, or providing palliative care to patients within the last five years.
- Not have any disciplinary action taken against them within the last seven years.
- Not have concurrent employment with another hospice; however, may be employed by up to three hospices, only if all are in the same rural area.

The Medical Director may be employed by or under contract with the hospice on a full-time or part-time basis. A hospice may contract with either of the following:

- A self-employed physician

- A physician employed by a professional entity or physician's group; however, the contract must specify the physician appointed to be the Medical Director.

Administrator

The Administrator, appointed by the hospice governing board, must meet the following qualification requirements as outlined in Title 22 CCR section 74876:

- Meet all the following educational and work experience criteria:
 - Hold a baccalaureate degree or higher in a health-related field;
 - A minimum of two years of full-time supervisory or managerial experience in a hospice, home health agency, primary care clinic, or health facility within the last five years.
- Appoint a Designee, in writing, who meets the educational and work experience requirements to assume the responsibilities when the Administrator is unavailable.
- Appoint a Designee for DPCS who meets the educational and work experience requirements to assume the responsibilities when the DPCS is unavailable.
- Appoint a Designee for Medical Director who meets the educational and work experience requirements to assume the responsibilities when the Medical Director is unavailable.
- Be on the premises of the hospice or accessible by telecommunication during their scheduled work hours.
- Not have any disciplinary action taken against them within the last seven years.
- Not have concurrent employment with another hospice; however, may be employed by two hospices only if both are in the same rural area.

Hospice Office Space

Pursuant to Title 22 CCR section 74908, a hospice agency must have office space that is an established place of business and must be:

- An unshared space where the licensee has exclusive possession; and
- Located in a commercial building that is either owned by the licensee or leased or subleased exclusively by the licensee for a minimum of 12 consecutive months.

Submitting Report of Changes

Hospice providers not in compliance with the above requirements must submit all applicable information for the requested areas of compliance to CAB using the Licensure and Certification (HS 200) application (PDF). Hospice agencies are subject to the Report of Change fee schedule as outlined on the CDPH Report of Change Fee Schedule webpage.

Hospice agencies must submit the required documentation by mail to:

California Department of Public Health
Licensing and Certification Program
Centralized Applications Branch
P.O. Box 997377, MS 3207
Sacramento, CA 95899-7377

Pursuant to HSC section 1755, failure to report a change in owner, management personnel, service area, or location may result in application denial, license suspension, or license revocation.

The requirements outlined in this AFL are not all inclusive. Facilities are responsible for following all applicable laws. CDPH's failure to expressly notify facilities of statutory or regulatory requirements 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 CCR.

Questions

For questions concerning hospice agency applications, please email CAB at CABHospice@cdph.ca.gov.

For questions concerning the emergency regulations, please email the CHCQ Regulation Development Section at CHCQRegulations@cdph.ca.gov.

Sincerely,

Original signed by Mandi Posner

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