

§ 73518. Standard Admission Agreement.

(a) The licensee shall use the California Standard Admission Agreement for Skilled Nursing and Intermediate Care Facilities, form number CDPH 327 (05/11), which is incorporated by reference herein, as the sole contract of admission between residents and the licensee.

(b) Except to enter information specific to the facility or the resident in blank spaces provided in the Standard Admission Agreement form or its attachments, the licensee shall not alter the Standard Admission Agreement, unless directed to do so by the Department. A licensee wishing to receive direction from the Department that would enable the licensee to alter the Standard Admission Agreement shall submit a request to the Department. The request shall:

(1) Include the identity of the facility;

(2) Identify the specific language in the Standard Admission Agreement that the facility is unable to employ; and/or,

(3) Identify the specific location and language that is to be deleted, amended or appended to the form; and,

(4) Contain substantiating evidence identifying the reason that the use of the Standard Admission Agreement without the requested modification would not be possible because of some unique aspect of the facility's operation or would make it highly likely that the use of the language will create a new cause of action against the facility related to its compliance with existing statutory or regulatory requirements governing the care provided to nursing facility residents. The Department shall respond within 60 days of the receipt of the request.

(c) No resident or his or her legal representative shall be required to sign any other document at the time of, or as a condition of, admission to the licensee's facility, or as a condition of continued stay in the facility.

(d) The licensee shall not present any arbitration agreement to a prospective resident as a part of the Standard Admission Agreement. Any arbitration agreement shall be separate from the Standard Admission Agreement and shall contain the following advisory in a prominent place at the top of the proposed arbitration agreement, in bold-face font of not less than 12 point

type: “Residents shall not be required to sign this arbitration agreement as a condition of admission to this facility.”

Note: Authority cited: Sections 1275 and 131200, Health and Safety Code. Reference: Sections 1276, 1430, 1599.60, 1599.61, 1599.64, 1599.81, 123222.1, 131050, 131051 and 131052, Health and Safety Code; Parkside Special Care Center, Inc., et al. v. Sandra Shewry, Director of the Department of Health Services, et al., Superior Court of the State of California, County of San Diego, case number GIC: 860574; and Valley View Health Care Inc., et al. v. Ronald Chapman, M.D., Director of the California Department of Public Health, et al., (E.D. Cal. 2014) 992 F.Supp.2d 1016.

HISTORY

1. New section filed 7-6-2005; operative 1-2-2006 (Register 2005, No. 27).
2. Amendment of subsections (a)-(b), new subsections (b)(1)-(4) and last paragraph and amendment of Note filed 9-29-2011; operative 9-29-2011 pursuant to Government Code section 11343.4(c); section operative 3-29-2012 per agency amendment (Register 2011, No. 39).
3. Change without regulatory effect amending subsection (d) and Note filed 5-27-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 22).

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