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



**EDMUND G. BROWN JR.**  
*Governor*

July 12, 2007

AFL 07-12

**TO:** Skilled Nursing Facilities

**SUBJECT:** Residents Rights and Mandated Transfer and Discharge Procedures

Serious allegations have recently been brought to the attention of the California Department of Public Health (CDPH) Licensing and Certification Program (L&C) regarding facilities' non-compliance with current law related to long term care residents' rights, and mandated procedures and notifications surrounding the transfer and discharge of residents. Health and Safety Code Sections §1336, §1336.1, and §1336.2 address facilities' obligations when resident transfer or discharge is necessary, including steps that must be taken in advance of residents' transfer/discharge in order for the transfer/discharge to be safe and orderly and to minimize the potential for transfer trauma.

CDPH L&C is extremely concerned about these allegations. This memorandum serves as notification that L&C will continue to vigorously enforce the standards contained in state law that are designed to protect this vulnerable population. When a facility is determined to be non-compliant with the state law, appropriate enforcement actions will be taken.

The relevant statutes are attached for your reference.

Sincerely,

**Original Signed by Kathleen Billingsley, R.N.**

Kathleen Billingsley, R.N.  
Deputy Director

Health and Safety Code sections 1336-1336.4

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