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



EDMUND G. BROWN JR.
Governor

March 26, 2012

AFL 12-03

TO: All Home Health Agencies

SUBJECT: Program Flexibility for Home Health Agencies (HHA) Nursing Experience Requirements

AUTHORITY: California Code of Regulations (CCR) Title 22 Section 74689

This All Facilities Letter (AFL) is being issued to provide direction for requesting program flexibility for the nursing experience requirements for HHAs.

CCR Title 22 Sections 74707 (c) and (d) require that all registered nurses (RN) and licensed vocational nurses (LVN) have one year of professional nursing experience prior to providing nursing services through a HHA in a patient's place of residence.

CDPH remains focused on ensuring that the care of patients is not compromised. However, CDPH realizes that some HHAs may have difficulty recruiting nurses with the required one year of experience. Providers may be granted flexibility as authorized in CCR Title 22 Section 74689 (a) provided that patient safety and quality of care are not jeopardized. Facilities that request program flexibility must submit a written request and supporting documentation which demonstrates how the facility will meet the intent of the requirement through alternative means. The following link has been provided for your convenience to access the program flexibility request form:

(<https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/cdph5000.pdf>).

HHAs are able to request program flexibility for the nursing experience requirement in one of two ways:

1. Request a program flex for each individual RN or LVN (these requests should be submitted accordingly to the appropriate District Office: <https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/DistrictOffices.aspx>) or,
2. Request a program flex of the one-year experience requirement that is HHA specific, based on the new RN transition program. This is to allow all new graduates to work with the agency without an individual flex being required for each nurse (these requests should be submitted to Headquarters which will work closely with the District Office).

The agency-specific program flexibility requests should be submitted to the following Headquarters address:

California Department of Public Health
Licensing and Certification
P.O. Box 997377, MS 3000
Sacramento, California 95899-7377
Attn: Virginia Yamashiro, Branch Chief

To assist the Department in reviewing your individual or agency program flexibility request, L&C requests that the following be submitted:

- Documentation of previous nursing experience or home health new RN transition program (16 weeks)
- Documentation regarding the staff RN orientation provided by the HHA

- Documentation regarding the competency evaluations and training/skill assessments for the new nurse(s)
- Documentation regarding the monitoring plan of the new nurses in the HHA program
- Documentation regarding the quality assurance and assessment review conducted by the HHA

Any program flexibility approved for an agency will be valid for one year. HHAs that wish to renew their program flexibility must request approval annually.

Please contact your District Office for any additional information or questions.

Sincerely,

Original signed by Debby Rogers

Debby Rogers, RN, MS, FAEN

Deputy Director

Center for Health Care Quality

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