



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



October 23, 2018

AFL 18-46

**TO:** Skilled Nursing Facilities

**SUBJECT:** Announcement of 45-Day Public Comment Period for Skilled Nursing Facility Direct Care Hours Regulations

**AUTHORITY:** Health and Safety Code (HSC) section 1276.65 and Title 22 California Code of Regulations (CCR) section 72329.2

**All Facilities Letter (AFL) Summary**

This AFL informs skilled nursing facilities (SNFs) that the proposed skilled nursing facility direct care hours regulations are currently in the 45-day public comment period and the California Department of Public Health (CDPH) invites interested stakeholders to submit written comments on the proposed regulations.

CDPH adopted emergency regulations implementing new minimum staffing requirements for SNFs, as required by Senate Bill (SB) 97 (Chapter 52, Statutes of 2017). Pursuant to this legislation, the new minimum staffing requirements became effective July 1, 2018. Emergency regulations were necessary to comply with language in the legislation directing CDPH to adopt emergency regulations to implement the amendments made by SB 97. The regulations reiterate the minimum 3.5 direct care hours requirement with 2.4 hours provided by CNAs and explain the process for applying for a patient needs waiver.

In July 2018, CDPH solicited written comments and hosted two stakeholder forums regarding permanent adoption of the emergency regulations. CDPH seeks to promulgate the permanent regulations. The proposed regulations are now in the 45-day public comment period which ends on December 7, 2018. A public hearing will be held on December 7, 2018.

**Instructions for Submitting Written Comments**

CDPH invites interested stakeholders to submit written comments on the proposed regulations. You must submit written comments as follows:

1. By email to: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov). CDPH requests that email transmission of comments, particularly those with attachments, contain the regulation package identifier “**DPH-17-011P - SNF 3.5 Direct Care Hours**” in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 636-6220;
3. By United States Postal Service to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814; or
4. Hand-delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier (**DPH-17-011P - SNF 3.5 Direct Care Hours**), author’s name and mailing address.

**Notice of Proposed Rulemaking**

The Notice of Proposed Rulemaking is located on:

1. The California Regulatory Notice Register on the Office of Administrative Law (OAL) website
2. The Department's website

Sincerely,

**Original signed by Christopher Howard for**

Scott Vivona

Assistant Deputy Director

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