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**California Department of
Public Health**



GAVIN NEWSOM
Governor

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AFL 21-04

TO: General Acute Care Hospitals
Acute Psychiatric Hospitals

SUBJECT: AB 2037 - Updated Notice Timelines for Hospital Closure, Reduction or Elimination of Emergency Medical Service, and Relocation or Elimination of Supplemental Services

AUTHORITY: Health and Safety Code sections 1255.1 and 1255.25

All Facilities Letter (AFL) Summary

- This AFL notifies all general acute care hospitals and acute psychiatric hospitals (hospitals) of the requirements of Assembly Bill (AB) 2037 (Chapter 95, Statutes of 2020), which increases existing timeframes for hospitals to provide advance notice of impending hospital closure, closure or reduction of emergency medical services, or relocation or elimination of supplemental services.
- AB 2037 also specifies required public notice methods.

Effective January 1, 2021, AB 2037 (Chapter 95, Statutes of 2020) increases the timelines for the notices a hospital must provide to the California Department of Public Health (CDPH), the local government entity in charge of the provision of health services, all health care service plans or other entities under contract with the hospital to provide services to enrollees of the plan or other entity, and the public of planned reductions or eliminations of emergency medical services, hospital closures, or the relocation or elimination of supplemental services.

Hospitals must provide notice at least 180 days prior to a planned reduction or elimination of emergency medical services. A hospital is not subject to this requirement if CDPH determines that the use of resources to keep the emergency center open substantially threatens the stability of the hospital as a whole or cites the emergency center for unsafe staffing practices.

Hospitals must also provide notice at least 120 days prior to hospital closure and at least 90 days prior to relocation or elimination of a supplemental service of the hospital. The hospital must also post notice of the closure, elimination, or relocation at the entrance of all affected facilities. These reporting conditions do not apply to a facility forced to close or eliminate service as a result of a natural disaster or state of emergency that prevents the facility from operating at its full pre-emergency capacity.

All public notices must include all of the following information:

- A description of the proposed change, limited to publicly available data including the number of beds eliminated (if applicable), the probable decrease in the number of personnel, and a summary of any service that is being eliminated (if applicable)

- A description of the three nearest available comparable services in the community, with information regarding the providers' Medicare or Medi-Cal services if the hospital serves these patients
- A telephone number and address for the facility, the parent entity or contracted company that acts as the corporate administrator of the facility (if applicable), and the chief executive officer

Hospitals must provide the public notice of hospital closure, closure or reduction or emergency medical services, or relocation or elimination of supplemental services as indicated below:

- Written notice to the city council of the city in which the hospital is located
- A continuous notice posted in a conspicuous location on the home page of the hospital's internet website
- A notice published in a conspicuous location within a newspaper of general circulation serving the local geographical area in which the hospital is located, with the notice continuing for a minimum of 15 publication dates
- A continuous notice posted in a conspicuous location within the internet website of a newspaper of general circulation serving the local geographical area in which the hospital is located
- A notice posted at the entrance of every community clinic within the affected county in which the hospital is located that grants voluntary permission for posting

The information in this AFL is a brief summary of the provisions of AB 2037. 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 Health and Safety Code.

If you have any questions or concerns regarding this AFL, please contact your local district office.

Sincerely,

Original signed by Heidi W. Steinecker

Heidi W. Steinecker
Deputy Director

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