



TOMÁS J. ARAGÓN, M.D., Dr.P.H.
State Public Health Officer & Director

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



GAVIN NEWSOM
Governor

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AFL 21-07

TO: Skilled Nursing Facilities
General Acute Care Hospitals

SUBJECT: Maintain Efforts to Increase Staffing Levels

AUTHORITY: Proclamation of a State of Emergency (PDF) and
Executive Orders N-27-20 (PDF) and N-39-20 (PDF)

All Facilities Letter (AFL) Summary

This AFL notifies skilled nursing facilities (SNFs) and general acute care hospitals (GACHs) that have a temporary waiver of staffing requirements that they must maintain efforts to increase staffing levels and return to the required staffing levels.

Pursuant to the Governor's Executive Order N-39-20 (PDF) related to the Coronavirus Disease 2019 (COVID-19) state of emergency, the Director of the California Department of Public Health (CDPH) may waive any of the licensing and staffing requirements of Chapter 2 and Chapter 2.4 of Division 2 of the Health and Safety Code (HSC) and any accompanying regulations with respect to any hospital or health facility identified in HSC section 1250. CDPH is temporarily waiving specified SNF and GACH staffing requirements pursuant to the waivers provided in AFL-20-32.2 and AFL-20-26.4.

These temporary waivers are in place to assist facilities during this time as California is experiencing an unprecedented and exponential surge in COVID-19 cases, and staffing and other resources are becoming strained. However, the use of these temporary waivers should be the last resort. CDPH encourages facilities to implement contingency plans to address staff absenteeism and the rapid influx of residents and patients, which may include requesting additional staffing resources through the local Medical Health Operational Area Coordinator (MHOAC) as described in AFL-20-46.

During SNF mitigation and GACH surge response surveys CDPH will monitor SNFs and GACHs that have staffing waivers to ensure they maintain efforts to increase staffing levels and return to the required staffing levels. CDPH may revoke a staffing waiver for SNFs and GACHs unable to demonstrate diligent efforts to recruit and retain staff. CDPH will continue to investigate and conduct enforcement activities, pursuant to Executive Order N-27-20 (PDF).

If CDPH has any indication that SNFs or GACHs have not maintained efforts to increase staffing, CDPH will investigate and require SNFs and GACHs to provide documentation of their efforts. Additionally, CDPH may do unannounced audits to assess these efforts.

Staffing Assistance and Cost Sharing

Facilities seeking assistance to increase staffing levels by using a state staffing contract may participate at the state's discretion in the state cost-sharing program. Facilities will receive detailed cost sharing information for their staff deployment in their Memorandum of Understanding (MOU) when entering a staffing agreement. For additional information on requesting staffing resources, see AFL-20-46.

CDPH understands the importance of ensuring the health and safety of all Californians and maintaining vital access to health facilities. CDPH will continue to promote quality healthcare, provide technical assistance and support compliance with core health and safety requirements, pursuant to Executive Order N-27-20 (PDF). CDPH is taking this unprecedented action due to the significant challenges California's health care system is facing as a result of the COVID-19 outbreak.

If you have any questions about this AFL, please contact your local district office.

Sincerely,

Original signed by Heidi W. Steinecker

Heidi W. Steinecker
Deputy Director

Resources:

- Proclamation of a State of Emergency (PDF)
- Executive Order N-27-20 (PDF)
- Executive Order N-39-20 (PDF)
- AFL-20-46

Center for Health Care Quality, MS 0512 . P.O. Box 997377 . Sacramento, CA
95899-7377
(916) 324-6630 . (916) 324-4820 FAX
Department Website (cdph.ca.gov)



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