December 26, 2017

TO: Long-Term Care Facilities

SUBJECT: Assembly Bill (AB) 940: Notification to the long-term care ombudsman of facility initiated resident transfers and discharges

AUTHORITY: Health and Safety Code (HSC) section 1439.6

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All Facilities Letter (AFL) Summary

This AFL notifies long-term care (LTC) facilities of the chaptering of AB 940 that requires LTC facilities to notify the LTC Ombudsman of facility-initiated transfers or discharges.

Effective January 1, 2018, AB 940 requires a LTC facility to notify the local LTC Ombudsman at the same time notice is provided to the resident or the resident’s representatives when a facility-initiated transfer or discharge occurs. The facility must send notice to the local LTC Ombudsman for any transfer or discharge that is initiated by the facility, whether or not the resident agrees with the facility’s decision. The facility does not need to notify the LTC Ombudsman of transfers initiated by the resident.

The facility is required to provide a copy of the notice to the LTC Ombudsman as soon as practicable if a resident is subject to a facility-initiated transfer to a general acute care hospital on an emergency basis. Failure to timely send a copy of the notice to the local LTC Ombudsman will constitute a class B violation, which may result in a monetary penalty between $100-$2,000.

If you have any questions, please contact your respective Licensing and Certification district office (DO). DO contact information is located at:

District Office Contact

The California Department Public Health'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 HSC and the California Code of Regulations to ensure compliance.

Sincerely,

Original signed by Jean Iacino