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

SANDRA SHEWRY, MPH, MSW
Acting Director

GAVIN NEWSOM
Governor

November 20, 2020

Michael Connors
Patricia McGinnis
California Advocates for Nursing Home Reform
650 Harrison Street, 2nd Floor
San Francisco, California 94107

Re: Quality and Safety State Skilled Nursing Facility (SNF) Survey Model

Dear Michael Connors and Patricia McGinnis,

Thank you for your letter, dated October 5, 2020, outlining your comments and concerns regarding the Quality and Safety (Q&S) State SNF Survey Model. The California Department of Public Health (CDPH) is committed to protecting resident safety and ensuring quality of care for SNF residents. I appreciate your feedback on how CDPH can protect the health and safety of SNF residents.

You expressed concern that the Q&S State SNF Survey Model may divert the surveyor workforce from investigating complaints and other urgent priorities. CDPH is required to complete complaint and facility reported incident investigations, recertification surveys, and relicensing surveys and will continue to do so. In addition, at any time a surveyor identifies potential violations of federal and/or state regulations during a routine Q&S inspection, the surveyor will begin an investigation under existing dual (state and federal) enforcement processes as appropriate. We take our mission to keep SNF residents safe and we believe that a more frequent presence in facilities will help achieve that goal. As you know, due to inefficiencies in the past, CDPH grew a backlog of complaint and facility reported incident investigations. The frequency onsite of the Q&S Model is geared toward reducing this backlog while being onsite more frequent than CDPH has been in years past.

CDPH has shifted certain survey activities during the Coronavirus Disease 2019 (COVID-19) pandemic including placing routine licensing and certification surveys on hold. However, CDPH continues to conduct COVID-19 Mitigation, infection control, and complaint and facility reported incident investigations. Please note that the Q&S State SNF Survey Model will not be initiated until after the declared emergency has ended. When we transition to post-pandemic operations and phase out the COVID Mitigation surveys, we will be replacing the Mitigation Surveys with the Q&S Survey Model.

You expressed concern that changes to the surveyors' duty statement may result in a conflict of interest for surveyors that would compromise CDPH's ability to enforce federal and state standards. The surveyors' duties will continue to be a regulatory role and will not be consultative. We have a separate division in CDPH through our Healthcare Acquired Infection (HAI) that provides education and consultation instead. The surveyor's role in the Q&S State SNF Survey Model is to provide regulatory oversight through increased monitoring, including verifying compliance with federal and state regulatory requirements and ensuring implementation of any corrective action plan.

You recommended that CDPH consult with residents, the Legislature, and the public about the Q&S State SNF Survey Model. CDPH has been transparent and inclusive in this process, and will continue to welcome recommendations on how we can improve the proposed model that will go into place post-pandemic. The Q&S State SNF Survey Model is a pilot program that CDPH intends to frequently reevaluate and make adjustments as needed to improve resident health, safety and quality of care.

Your concerns and comments regarding the Q&S State SNF Survey Model are appreciated. Thank you for working with CDPH to protect the health and safety of residents.

Sincerely,

Heidi W. Steinecker
Deputy Director