

From: [DPH Sunshine](#)
To: [DPH Sunshine](#)
Subject: FW: Request #22-3845 – Derek Kerr
Date: Thursday, July 7, 2022 8:59:09 AM

From: Fanelli, Susan@CDPH <Susan.Fanelli@cdph.ca.gov>
Sent: Thursday, June 9, 2022 8:24 AM
To: Williams, Troy (DPH) <troy.williams@sfdph.org>; Bobba, Naveena (DPH) <naveena.bobba@sfdph.org>
Cc: Dunham, Cassie@CDPH <Cassie.Dunham@cdph.ca.gov>; Chamizo, Heather@CDPH <Heather.Chamizo@cdph.ca.gov>; Aragon, Tomas@CDPH <Tomas.Aragon@cdph.ca.gov>
Subject: FW: Laguna Honda Resident Rooms

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Good morning,

We received information back from CMS on the issue of residents per room, see below. CMS believes there is no way around the requirement of no more than 2 residents per room for anyone being certified after November 2016. We can plan to discuss with CMS on Monday's leadership call.

Thank you.

Susan

From: Arther, Rufus G. (CMS/CCSQ) <Rufus.Arther@cms.hhs.gov>
Sent: Tuesday, June 7, 2022 7:32:51 PM
To: Dunham, Cassie@CDPH <Cassie.Dunham@cdph.ca.gov>; Chamizo, Heather@CDPH <Heather.Chamizo@cdph.ca.gov>
Cc: Magill, Stephanie@HHS <Stephanie.Magill@cms.hhs.gov>; St Aubin, Françoise E. (CMS/CCSQ) <Francoise.StAubin@cms.hhs.gov>
Subject: Laguna Honda Resident Rooms

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Cassie,

Regarding the resident room occupancy question related to Laguna Honda...Unfortunately, there is no latitude with the application of the requirement at CFR 483.90, and there is no waiver available. This actually falls under Physical Environment (v. Life Safety). See below: **(e) Resident rooms.** Resident rooms must be designed and equipped for adequate nursing

care, comfort, and privacy of residents.

(1) Bedrooms must -

(i) Accommodate no more than four residents. For facilities that receive approval of construction or reconstruction [plans](#) by State and local authorities or are newly certified after November 28, 2016, bedrooms must accommodate no more than two residents.

(f) Bathroom facilities. Each resident room must be equipped with or located near toilet and bathing facilities. For facilities that receive approval of construction from State and local authorities or are newly certified after November 28, 2016, each resident room must have its own bathroom equipped with at least a commode and sink.

Also, I am starting jury service tomorrow, and will be out the remainder of the week. Stephanie Magill will be Acting on my behalf. I still will have access to emails periodically. Also, we are expecting a response from our OGC tomorrow morning regarding the appeal process and date...Stephanie will follow-up and let you know. Thanks

Rufus