


Date: May 18, 2022

To: Facilities, Design Professionals, Inspectors of Record and Contractors

From: Chris V. Tokas, S.E. 
Deputy Director, Facilities Development Division

Subject: Methods of Procedure

The California Department of Public Health (CDPH) Licensing and Certification is responsible for ensuring patient safety and quality care in all licensed health care facilities including hospitals and skilled nursing facilities among others. CDPH ensures that all licensed health care facilities maintain continuous compliance with the licensing requirements as provided for in Division 2 of the California Health and Safety Code and Title 22 of the California Code of Regulations. CDPH may approve the use of alternate concepts, methods, procedures, techniques, equipment, personnel qualifications, or temporary service shutdowns. CDPH may also allow spaces approved for specific uses at the time of licensure to be converted to other uses. These temporary approvals are commonly referred to as program flexes.

The Department of Health Care Access and Information (HCAI) Facilities Development Division (FDD) is a **building department** and does not have the regulatory responsibilities of CDPH. Therefore, unless actual construction is involved, the change to a use, service, system, etc. in an operating hospital is under the jurisdiction of CDPH and not FDD. FDD staff will not review and/or ask for Methods of Procedure (MOP) for situations or conditions that fall under CDPH's jurisdiction.

Actual construction work needed to accommodate shutdowns of systems, temporary uses, temporary services, etc., must be shown on the plans as part of the scope of a project or submitted as a "Temporary Permit" or "Amended Construction Document" (ACD) to be reviewed and permitted by FDD. If there is a situation where this has not happened and it should have been designed and shown on the plans, the project team will need to address and document how the facility will maintain operations during this conversion. If no construction is required, then the matter should be referred to CDPH.

It is ultimately the responsibility of the licensed facility to notify CDPH of any situations that do not comply with licensing requirements and request and obtain approval for program flexibility or temporary shutdown of services. Notifications should be communicated to the appropriate [CDPH CHCQ District Office](#). Requests for program flexibility may be submitted to CDPH in accordance with [AFL 22-01](#).