
EVALUATOR MANUAL TRANSMITTAL SHEET

<p><u>Distribution:</u></p> <p><input type="checkbox"/> All Child Care Evaluator Manual Holders</p> <p><input checked="" type="checkbox"/> All Residential Care Evaluator Manual Holders</p> <p><input type="checkbox"/> All Evaluator Manual Holders</p>	<p><u>Transmittal No</u> 12 APX-05</p> <hr/> <p><u>Date Issued</u> August 2012</p>
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Subject:

2011 Chaptered Legislation
Appendix A – Residential Care Facilities for the Elderly (RCFE)

Reason for Change:

This document transmits legislation chaptered in 2011 affecting Residential Care Facilities for the Elderly. Immediate Action Required-Interim instructions are provided. (Note: Additional chaptered legislation to follow.)

Statutes referenced in this document became operative on January 1, 2012 unless otherwise specified.

Filing Instructions:

REMOVE -
INSERT - SB 74 (Committee on Budget and Fiscal Review), Chapter 9, Statutes of 2011

Approved:

Original Signed by Thomas Stahl

Thomas Stahl, Chief
 Policy Development Bureau
 Community Care Licensing Division

 Date

Contact Person: Trish Nishio

Phone Number: (916) 654-2462

**SUMMARY AND IMPLEMENTATION PLANS
2011 CHAPTERED LEGISLATION**

**RESIDENTIAL CARE FACILITIES
FOR THE ELDERLY**

BILL NUMBER	SUBJECT	PAGE
	ACTION REQUIRED	
SB 74/Committee on Budget and Fiscal Review	Developmental Services	2

Unless otherwise noted, all new legislation becomes effective on January 1, 2012. When conducting inspections, LPAs should ensure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.

ACTION REQUIRED

Senate Bill 74 (Committee on Budget and Fiscal Review), Chapter 9, Statutes of 2011

Affects: All Community Care Facilities (CCF), Residential Care Facilities for the Chronically Ill (RCF-CI), Residential Care Facilities for the Elderly (RCFE) and all Child Care Facilities.

Subject: Developmental Services

Summary: Senate Bill 74 added Welfare and Institutions Code section 4648.14 to require the Department of Social Services to notify the California Department of Developmental Services of any administrative action initiated against a licensee serving consumers with a developmental disability. The bill defines administrative action to include, but not be limited to, the following:

- The issuance of a citation requiring corrective action for a health and safety violation.
- The temporary or other suspension or revocation of a license.
- The issuance of a temporary restraining order.

Implementation:

The Regional Offices are required to provide the above information to the Department of Developmental Services for all facilities licensed by the Community Care Licensing Division, caring for persons with developmental disabilities who are receiving services through a regional center (regional center consumers). Regional Offices are not required to provide information for facilities caring for persons with Developmental Disabilities who are not regional center consumers. Per the *Memorandum of Understanding between the California Department of Developmental Services and the California Department of Social Services for Implementation of a Coordinated System of Services to Regional Center Consumers Residing in Licensed Community Care Facilities*, the Department of Social Services already shares information on Temporary Suspension Orders with the Department of Developmental Services and this current process will continue in order to meet the mandates of this law.

The Department will submit copies of all required documentation to the Department of Developmental Services. This documentation is in addition to any required information that is sent to the Regional Centers as part of the *Memorandum of Understanding between the California Department of Developmental Services and the California Department of Social Services for Implementation of a Coordinated System of Services to Regional Center Consumers Residing in Licensed Community Care Facilities*.

Citations:

- The licensing program analyst will print and compile copies of all applicable LIC 809s and LIC 9099s for facilities that care for regional center consumers when there is any Type A or Type B violation cited against the licensee.
- The licensing program analyst will review all LIC 809s and LIC 9099s to ensure that no confidential information is listed. In the event that confidential information is listed on the LIC 809 or LIC 9099, the licensing program analyst must alert the licensing program manager immediately so that the documents can be amended to remove the confidential information before they are sent to the Department of Developmental Services.
- Each Regional Office will compile copies of these LIC 809s and LIC 9099s and submit them to the Department of Developmental Services either via mail or scan and emailed. Emailing these documents is permitted as long as the information is encrypted using a secured file.
- The licensing program analyst is not required to send a copy of the report or other documentation clearing the plan of correction.

Temporary Suspensions and Revocations:

- In the event that the Department is initiating a revocation of a license for a facility caring for regional center consumers, the Regional Office will send a copy of the accusation to the Department of Developmental Services upon service of the accusation to the licensee.
- In the event that a Temporary Suspension Order is issued to a licensee of a facility caring for regional center consumers, the Regional Office will send a copy of the Temporary Suspension Order to the Department of Developmental Services upon service of the order.
- In the event that a license is revoked for a facility caring for regional center consumers, the Regional Office will send a copy of the decision and order to the Department of Developmental Services upon service of the decision.

Temporary Restraining Orders:

- In the event that a temporary restraining order is issued against the licensee for a facility caring for regional center consumers, the Program Office will send a copy of the order to the Department of Developmental Services upon service of the order. Please contact the enforcement attorney if there are questions related to what information can be shared with the Department of Developmental Services.

All information can be mailed to the following address:

California Department of Developmental Services
Residential Services and Monitoring Branch
Attention: Shelton Dent, Manager
1600 9th Street, MS 3-9
Sacramento, CA 95814

All information can be emailed, using an encrypted secure file, to the following email address:

DSSSB74Reports@dds.ca.gov