

DAY CARE EVALUATOR MANUAL RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

		Number
		95 APX-02
Distribution	All Day Care Evaluator Manual Holders X All Residential Care Evaluator Manual Holders	Date Issued January 1995
Subject		

APX RCFE: 1994 Chaptered Legislation and Implementation
(Appendix Residential Care Facilities for the Elderly)

Approved



DENNIS WALKER, Chief

Type of Change

 Temporary Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1994 affecting Residential Care Facilities for the Elderly. The summaries are divided into three sections:

- I. Immediate Action Required - Interim instructions are provided and will be incorporated into the appropriate Evaluator Manual section as soon as possible.
- II. No Action Pending Regulations or further instructions.
- III. Information Only - No Action Required.

Additionally, an Index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 1995 unless otherwise indicated.

File this sheet and attachments in your Evaluator Manual in the front under "Temporary Changes" and annotate the following sections of regulations in the Evaluator Manual to reference back to this notice, or, file only this sheet under "Temporary Changes" and insert each attachment next to the corresponding EM page. (Do not remove existing EM pages.)

Remove

Insert the attached pages into Appendix A. Do not remove similar documents from previous years.

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SUMMARY OF 1994 CHAPTERED LEGISLATION
RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

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I. IMMEDIATE ACTION REQUIRED

There were no new RCFE statutes this year which require immediate implementation.

II. NO ACTION PENDING REGULATIONS OR FURTHER ACTIONS

AB 3628 (Karnette), Chapter 1265

Affects Facility Categories: RCFE's, CCF's, RCF-CI

Subject: Automated live-scan fingerprint process

SUMMARY:

This law amends Health and Safety Code Sections 1522 and 1569.17

Requires the Department of Justice (DOJ) to coordinate with DSS to establish and implement an automated live-scan processing system for fingerprints in two district offices by July 1, 1995, and to connect these live-scan processing units to the main system at DOJ by July 1, 1996. DSS is also authorized to charge a fee not to exceed \$5.00 or the actual cost of processing a set of live-scan fingerprints. The Los Angeles Residential East and Sacramento Residential district offices were selected for the live-scan project. A staff augmentation of one limited term AGPA and two half-time limited term OA-Typists positions will be established to plan, implement, operate and evaluate this project.

IMPLEMENTATION:

Development and implementation will be handled by COB in conjunction with DOJ, Information Technology Division staff and the LA Residential East and Sacramento Residential offices staff. No action is necessary from the district office staff at this time. Further information and instruction will be provided as available.

SB 1493 (Mello) Chapter 463

Affects Facility Category: RCFE

SUBJECT: Transfer-Dependent/Bedridden

SUMMARY:

Health and Safety Code Section 1569.72, as amended, maintains the definition of bedridden to mean either a resident who requires assistance in turning and

SB 1493 (Continued)

repositioning in bed and is unable to leave a building unassisted under emergency conditions or a resident who is unable to independently transfer to and from bed. Chapter 463 allows RCFE facilities to admit and retain transfer dependent residents if there are present in the facility appropriate and sufficient care staff, mechanical devices, and safety precautions.

IMPLEMENTATION:

The admission or retention of non-ambulatory residents who require assistance in turning and repositioning in bed continues to be prohibited when the bedridden condition is not temporary as defined in CCR Sections 87582(e) and (f).

Pending regulations to define sufficient care staff, mechanical devices, and safety precautions facilities may continue to admit or retain transfer dependent residents, provided that in all other respects they are appropriate for RCFE placement.

SB 1557 (Thompson) Chapter 966

Affects Facility Category: RCFE

SUBJECT: DNRs in RCFEs

SUMMARY:

Health and Safety Code 7185, commonly referred to as the Natural Death Act, allows adults to execute do-not-resuscitate (DNR) directives, to be honored in the event of a terminal or permanent unconscious condition. Chapter 966 provides legal immunity to emergency medical services personnel who respond to medical emergencies and to health care providers who are employed by RCFE facilities. There is no change in the current requirement that facility staff call 911 immediately in the event of a medical emergency.

IMPLEMENTATION:

DNR regulations for all residents of RCFEs will be included in the RCFE Hospice Regulation package, which is currently in progress. Until the DNR regulations are approved, RCFE facilities may keep a copy of a resident's DNR in the resident's file. In the event of a medical emergency, facility staff shall call 911 immediately, present the DNR to emergency medical personnel, and identify the resident as the one to whom the DNR refers.

SB 1558 (Mello) Chapter 1088

Affects Facility Category: RCFE

**SUBJECT: Continuation of License under Emergency
Conditions**

SUMMARY:

Section 1569.193 is amended to permit an adult relative or other nonrelated adult who has control of the property, to be designated in advance as the responsible party to continue operation of the facility when a licensee dies, provided the following conditions are met:

1. The licensee has filed a notarized written statement with the department designating the responsible party in the event of death, and the licensee has submitted the following information to the department:
 - (A) A notarized statement, signed by the designee acknowledging acceptance of designation as responsible party.
 - (B) A declaration signed by the designee under penalty of perjury regarding any prior criminal convictions.
2. The department receives notification of the death during the next normal workday and is informed of the designee's intent to continue operating the facility as a residential facility for the elderly.
3. The designee files an application for licensure within 20 working days of the date of death, shows evidence satisfactory to the department that he or she has the ability to operate the facility and provides evidence of the licensee's death.
4. If the designee decides not to apply for licensure, he or she shall notify the department of that decision within five working days of the licensee's death. In that event, the department shall assist the designee in the development and implementation of a relocation plan.
5. If the designee decides to apply for licensure, the department shall decide within 60 days after the application is submitted whether to issue a provisional license. The designee shall not be considered to be operating an unlicensed facility while the department decides whether to grant a provisional license.

SB 1558 (Continued)

IMPLEMENTATION:

For designees who are relatives: continue to follow current regulations Section 87714 Continuation of License Under Emergency Conditions.

For designees who are nonrelated: no action required pending regulations or further instructions.

SB 1984 (Bergeson), Chapter 1267

Affects Facility Categories: RCFE, CCF, CDC and FDCH

SUBJECT: Criminal History Information

SUMMARY:

This law amends Sections 1522, 1568.09, 1568.17, and 1596.871, and adds Sections 1551.1, 1568.0651, 1569.511, and 1596.8871 to, the Health and Safety Code, relating to care facilities.

This statute requires, for those persons who operate, are employed at, or otherwise in contact with, the clients of care facilities, the department to secure from appropriate law enforcement agency, a criminal record to determine whether any person has been convicted of a crime other than a minor traffic violation, or arrested for certain crimes.

The Department will be receiving full disclosure of criminal record information for the above stated individuals. This represents a significant increase in criminal record information available for each individual. Additionally, full disclosure of criminal record information was previously only available for the Foster Care facility licensing category. As a result of this increase in criminal record information, there will be an increase in the number of persons who are referred to the licensing district offices for investigation for conduct which may pose a risk to client safety.

Individuals can now request exemption processing if the licensee chooses terminate them from employment or contact with the facility and does not seek an exemption on their behalf.

SB 1984 (Continued)

IMPLEMENTATION:

SB 1984 is not currently being fully implemented pending revision to current policies, procedures and regulations. Additionally, the Department will be conferring with the Department of Justice (DOJ) to clarify the type of criminal history that the DOJ would provide the Department based on the statutory changes in Senate Bill 1984. Further information will be provided by the COB at the January, 1995 CCLD Manager's Conference.

III. INFORMATION ONLY

SB 1603 (Maddy) (Chapter 985)

Affects Facility Category: RCFE, CCF, RCF-CI

SUBJECT: Hospice Licensure

SUMMARY:

Health and Safety Code Section 1745 et seq. requires hospices to be licensed by the California Department of Health Services (DHS). Pending the adoption of regulations by DHS, hospice services are required to be provided in compliance with the "Standards for Quality Hospice Care, 1993" as available from the California State Hospice Association.

IMPLEMENTATION:

The Department of Health Services (DHS) is preparing to license hospice organizations. The RCFE hospice Regulations currently being drafted will require that any agency providing hospice services in licensed facilities be licensed as a Hospice by the DHS. Any concern regarding the quality of care provided by hospice agencies should be directed to the local Department of Health Services licensing office.

AB 3321 (Takasuqi) Chapter 702

SB 1496 (Mello) Chapter 701

Affects Facility Category: RCFE

SUBJECT: Sales Tax Exemption On Meals

SUMMARY:

Revenue and Taxation Code Section 6363.6 provides exemption from sales tax on meals and food consumed by residents or patients of specified health and care facilities and institutions providing room and board for persons 62 years of age or older. Section 6363.6(c) extends this sales tax exemption to RCFEs on the meals and food consumed by residents.

IMPLEMENTATION:

Licensing staff will not have a role in enforcing this statute.