

DAY CARE EVALUATOR MANUAL

RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

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Distribution All Day Care Evaluator Manual Holders
X All Residential Care Evaluator Manual Holders

Subject

APX - RCFE: 1996 Chaptered Legislation and Implementation
(Appendix tab A - Residential Care Facilities for the Elderly)

Approved

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Type of Change Temporary Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1996 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, 1997 unless otherwise indicated.

FILING INSTRUCTIONS

REMOVE

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

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RESIDENTIAL CARE FACILITIES FOR THE ELDERLY
SUMMARY OF 1996 CHAPTERED LEGISLATION

SECTION I

IMMEDIATE ACTION REQUIRED

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SECTION I

IMMEDIATE ACTION REQUIRED

Senate Bill 571 (Peace), Chapter 434

AFFECTS: Residential Care Facilities for the Elderly (RCFEs),

SUBJECT: RCFE residents under 60 years of age

SUMMARY: This statute amends the RCFE admittance criteria for persons under 60 years of age.

Section 1569.2 (k) specifies that persons under 60 with compatible needs may be allowed to be admitted to RCFEs as specified in Section 1569.316.

Section 1569.316 (a) - requires the referring agency or facility, or its designee to provide to the RCFE's administrator all information in its possession concerning any history of dangerous propensity of the client prior to placement in the RCFE. However, no confidential client information can be released without consent of the client or his/her authorized representative.

Section 1569.316 (b) - specifies that the licensee shall consider the following criteria, but is not limited to both, in determining a person's compatibility:

The extent to which the person's personal and health care needs can be adequately met in the RCFE.

The existence of a past history of violence or mental illness that would create a risk for the person or other residents of that facility.

IMPLEMENTATION: This statute is sufficiently clear to implement without new regulations although the statutory language will be incorporated as handbook material into the appropriate regulations at a later date.

Field staff should review the preplacement appraisal information to ensure that the facility has complied with the requirements of

Section 1569.316 when persons under 60 years of age with compatible needs have been admitted or retained in an RCFE. Facilities not following these procedures should be cited for violations of Health and Safety Code Section 1569.316.

When a resident under 60 relocates to an RCFE from another RCFE that facility is required to reveal a history of dangerous propensity to the administrator of the new facility. Therefore when a preplacement appraisal lacks pertinent information that was within the knowledge of the resident's previous RCFE, a citation of that facility may be warranted.

Senate Bill 1481(Mello), Chapter 910

AFFECTS: Residential Care Facilities for the Elderly, Adult Residential Facilities, Adult Day Care Facilities (ADC), Adult Day Support Centers (ADSC) and Residential Care Facilities for the Chronically Ill (RCF-CI)

SUBJECT: Dementia conservatorships

SUMMARY: This statute adds Section 2356.5 to the probate code relating to conservatorships. It adds powers to the probate conservatorship specifically to meet the needs of persons with dementia. Upon a court's finding of conditions specified in the statute, this statute would authorize a conservator to place the conservatee in a secured perimeter RCFEs or a locked and secured nursing facility which specializes in the care and treatment of people with dementia, but not in a mental health rehabilitation center or an institution for mental disease. The conservator may also authorize the administration of prescribed medications(s) appropriate for the care and treatment of dementia. In the case of a person who is an adherent of a religion whose tenets and practices call for reliance on prayer alone for healing, the treatment required by the conservator shall be by an accredited practitioner of that religion in lieu of the administration of medications.

IMPLEMENTATION: This legislation may be implemented without regulations to the extent that, as of January 1, 1997, licensees may accept the authority of conservators appointed under this Probate Code section to act on behalf of residents in all areas that conservators under other sections have been permitted to act.

Since the statute makes some differentiation between this type of conservatorship and others, future regulations may be necessary to clarify the differences. The General, RCFE, and RCF-CI regulations Sections 80001c.(9), 87101c.(4), and 87801(c)(7), will be amended to broaden the definition of "conservator" to include a conservator appointed by the Superior Court pursuant to Section 2356.5 of the Probate Code.

SECTION II

REGULATIONS OR ADDITIONAL INSTRUCTIONS TO BE DEVELOPED

Senate Bill 1688 (Marks), Chapter 448

AFFECTS: Residential Care Facilities for the Elderly, Adult Residential Facilities, Residential Care Facilities for the Chronically Ill, Group Homes (GH), Foster Family Homes (FFH), Small Family Homes (SFH), and Social Rehabilitation Facilities

SUBJECT: Special equipment and services provided by telephone companies to disabled residents.

SUMMARY: This statute adds Sections 1524.7 and 1569.159 to the Health and Safety Code. It requires the California Department of Social Services (CDSS) to provide a form to all residential care facilities and RCFEs, to be attached to all admission agreement. The form must notify the residents that any hearing or speech impaired, or otherwise disabled person is entitled to equipment and services by the telephone company to improve the quality of their communication.

This shall not be construed to require, in any way, the licensee to provide a separate telephone line for any resident.

IMPLEMENTATION: The CCLD will develop a form with the appropriate notice. Provider organizations and Community Care Licensing District Offices will be notified when the form is available. The form will be added to the LIC 183A (Facility Forms Request-Adult Facilities) so that providers may order supplies as needed.

SECTION III
INFORMATION ONLY

Assembly Bill 2881, (Woods) Chapter 913

AFFECTS: Adult Residential Facilities, Residential Care Facilities for the Elderly which may be designated by the county as an emergency shelter.

SUBJECT: Temporary custody for elderly and dependent adults.

SUMMARY: This statute adds Chapter 12 (beginning with Section 15700) to Part 3 of Division 9 of the Welfare and Institutions Code, related to public social services. The statute provides a mechanism for temporary emergency protective custody of elderly or dependent adults who are suspected victims of abuse or neglect, and who are found to be in a situation that poses an immediate risk of serious injury or death based upon the personal observation of an authorized state or local law enforcement officer or designated employee of a county department of social services or mental health.

This statute specifies that upon being taken into protective custody, the endangered person may, at the discretion of the law enforcement or designated employee, be taken to a hospital for medical evaluation and any necessary treatment and, pending the outcome of investigation and judicial hearing, be transferred to an appropriate temporary residence. An appropriate temporary residence is a home or dwelling belonging to a member of the endangered adult's family or next of kin, if it would not constitute a risk to the endangered adult; an adult residential care facility or residential care facility for the elderly designated by the county as an emergency shelter and that is licensed by the State of California to deal with the needs of elder or dependent adults; or a 24-hour health facility.

This statute was intended to meet the needs of elderly persons and dependent adults being cared for in their own homes. The provisions for removal to protective custody do not apply to state licensed facilities because there are already provisions in statute to protect individuals in community care and health facilities and to remove abused or neglected individuals from these settings if necessary.

This chapter will become operative in a county only if the county board of supervisors has adopted a resolution to make this chapter operative in that county.

Senate Bill 371 (Rosenthal), Chapter 360

AFFECTS: All facilities employing between 2-50 persons

SUBJECT: Small employer health insurance

SUMMARY: This statute amends Sections 1357 of the Health and Safety Code and Section 10700 of the Insurance Code, relating to health insurance. Existing law imposes various requirements on health care service plans and insurers with respect to small employer coverage. Plans and insurers that sell coverage to small employers are required to make coverage available to all small employers. This bill would expand the definition of small employers to mean any person, firm, proprietary or nonprofit corporation, partnership, public agency, or association that is actively engaged in business or service, that, on at least 50 percent of its working days during the preceding calendar quarter, employed at least 2 (amended from 3), but no more than 50, eligible employees. The change to 2 employees would apply on and after July 1, 1997. Licensees may wish to contact their insurance carrier to determine if this statute will affect them.