Welcome to
2016 ACS Regulation Highlights
For those new to webinars, a few minutes of instructions.....we are a fairly large group.

Please refer to your Regulation Highlight Update

Regulations may be accessed at:
http://www.ccld.ca.gov/PG471.htm
1) To Discuss the ACS Regulations – highlights.
2) To provide clarification of any regulations that may present implementation challenges.
3) To respond to questions or concerns related to regulations presented.
Brief Discussion on Regulations
General

• Where do they come from?
• How can I be notified if regulatory changes are coming?
• Can I comment on proposed regulations?
• How do I know why specific regulations are being added or changed?
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
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</thead>
<tbody>
<tr>
<td>Where do regulations come from?</td>
<td>Specific to our discussion today, these regulations come from statutory and administrative changes.</td>
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<tr>
<td>How can I be notified about proposed regulations?</td>
<td>The Office of Regulation Development (ORD) is the DSS body that conducts much of the administrative work on regulation packages. You can contact the ORD and be placed on their notification list.</td>
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<tr>
<td>Can I comment on proposed regulations?</td>
<td>Absolutely – follow the above and you will be notified of the public hearing.</td>
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<tr>
<td>How do I know why specific regulations are being added or changed?</td>
<td>Each regulatory change must have a Statement of Reasons – this is also available for public review on the ORD website.</td>
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**Main Website:** [http://www.cdss.ca.gov/ord/Default.htm](http://www.cdss.ca.gov/ord/Default.htm)

**Direct Webpage for these regulations:** [http://www.cdss.ca.gov/ord/PG4809.htm](http://www.cdss.ca.gov/ord/PG4809.htm)
The following forms have been updated as of January 1, 2016 - (01/16)

- Vendor Applications/Renewal - LIC 9141
- Request for Course Approval - LIC 9140
- Renewal of Continuing Education Course Approval - LIC 9139
- Roster of Participants - LIC 9142A

Please use the current versions of the ACS vendor forms available at the Forms tab on the ACS website at http://www.cclld.ca.gov/PG4912.htm.
Application Questions for Instructors and Vendor Staff

The Applications [e.g., on LIC 9140, 9140A, 9141] include:

“(7) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).

(8) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a State-issued care facility and the license number.

(9) A statement of whether or not the vendor applicant and each proposed instructor was the subject of any legal, administrative, or other action involving licensure, certification or other approval as specified in [above items].”

Sections 87785(b)(7-9), 84090(b)(7-9), 85090(b)(7-9), 87788(b)(2-4), 84091(b)(2-4), 85091(b)(2-4); 87789(b)(5-7), 84091.1(b)(5-7), 85091.1(b)(5-7)
“Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department’s Administrator Certification Section using the Request for Course Approval forms LIC 9140 and the Vendor Application/Renewal form LIC 9141 and contain the following...

(3) Written description and educational objectives for each subject matter component, hourly topical outline, teaching method, and description of course and participant evaluation methods.”

Sections 87785(b)(3), 84090(b)(3), 85090(b)(3)
RCFE ICTP Instruction by RCFE Facility Administrator

“A minimum of twenty (20) hours of instruction must be provided by an instructor(s) who meet(s) the criteria specified in Section 87785(i)(7)(D).”

Section 87785(i)(8)
ICTP Make-Up Process

“Initial Certification Training Program vendors shall:

(2) Establish a procedure to allow participants to make up any component necessary to complete the total program hours and content.”

Sections 87785(i)(2), 84090(i)(2), 85090(i)(2)
Classroom Setting Defined (for ICTP and CEU Courses)

“Classroom setting” means a setting, conducive to learning and free from distractions, for which the primary purpose is education, instruction, training, or conference.

Participants must be able to simultaneously interact with each other as well as with the instructor.”

Sections 87101(c)(7), 84001(c)(5), 85001(c)(4)
Interactive Online CEU Courses

“The Department may approve online courses pursuant to Health and Safety Code section 1522.41(h)(7) where technology permits the interactive participation of the certificate holder and such participation is verifiable.

Interactive online training courses require the participant to respond to prompts and receive feedback at various intervals throughout the course in order to progress through the training and to successfully pass a test at the conclusion of the course in order to receive a certificate of completion for the course.”

Sections 87788(i)(1), 84091(i)(1), 85091(i)(1)
All online training courses shall be designed to ensure participation for the actual number of hours approved and to ensure that participants cannot print a certificate of completion until the approved course hours have been completed.

Sections 87788(i)(1)(B), 84091(i)(1)(B), 85091(i)(1)(B)
CEU Webinars

“A Webinar or similar type of live broadcast of a training course may be approved by the Department for:

- online continuing education hours pursuant to Health and Safety Code section 1569.616(i)(2)(B) where the technology permits;
- interactive participation of the certificate holder participation is verifiable; and
- where it can be verified that the certificate holder was logged on;
- and interacting throughout the entire length of the Webinar.”

Sections 87788(i)(1)(A), 84091(i)(1)(A), 85091(i)(1)(A)
Video ICTP Components

For ICTPs –

“The use of videos, videotapes, video clips, or other visual recordings are permitted as media teaching aids in an Initial Certification Training Program but shall not, in themselves, constitute the Program or any subject matter component thereof.”

Sections 87785(b)(3)(A), 84090(b)(3)(A), 85090(b)(3)(A)
Video CEU Courses

For CEU courses -

“The use of videos, videotapes, video clips, or other visual recordings, are permitted as media teaching aids in a continuing education course but shall not, in themselves, constitute the course.”

Sections 87789(b)(2)(A), 84091.1(b)(2)(A), 85091.1(b)(2)(A)
Recordings of Out-of-State ICTPs and CEU Courses

For ICTPs -
[Maintain and make available for review] “Audio-visual recordings of all Initial Certification Training Programs and program components offered outside of California.”

Sections 87785(i)(5)(E), 84090(i)(5)(E), 85090(i)(5)(E)

For CEU courses -
[Maintain and make available for review] “Audio-visual recordings of all Continuing Education Training courses offered outside of California.”

Sections 87788(h)(2)(E), 84091(h)(2)(E), 85091(h)(2)(E)
ICTP and CEU
Course Roster Information

“Submit to the Department upon request a Roster of Participants (UC 9142A or other document which includes the same information) who completed the program.”

Sections 87785(i)(4), 84090(i)(4), 85090(i)(4)

[Maintain and make available for review] “Rosters of Participants (UC 9142A or other document which includes the same information) and documentation of who completed the courses.”

Sections 87785(i)(5)(C), 84090(i)(5)(C), 85090(i)(5)(C), 87788(h)(2)(C), 84091(h)(2)(C), 85091(h)(2)(C)
Certificate Content

Initial

“The certificate of completion shall be:
☐ signed by the vendor or its authorized representative and include:
☐ the approved vendor’s name vendor number,
☐ approved course number, and the date(s), time(s)*
☐ and location(s) of program classes.”

*times pertains to conferences only...

Sections 87785(i)(3)(A), 84090(i)(3)(A), 85090(i)(3)(A)

CEU

“The certificate of completion shall be:
☐ signed by the vendor or its authorized representative and include:
☐ the approved vendor’s name and vendor number,
☐ approved course name and course number, the approved course hours,
☐ and the date(s), time(s)* and location(s) of the course(s).”

*times pertains to conferences only...

Sections 87788(h)(1)(A), 84091(h)(1)(A), 85091(h)(1)(A)
Record Keeping

“Maintain and ensure that records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent.

These records shall include the following information:

(A) Course schedules, dates, descriptions and course outlines.” (new)

Sections 87785(i)(5), 84090(i)(5), 85090(i)(5), 87788(h)(2), 84091(h)(2), 85091(h)(2)
Course Schedules
ICTP and CEU

"Upon request, submit to the Department’s Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor(s) for each future program/component."

Sections 87785(i)(6), 84090(i)(6), 85090(i)(6)

"Upon request, submit to the Department’s Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor for each future course."

Sections 87788(h)(4), 84091(h)(4), 85091(h)(4)
Co-located Courses

- "The approved hours for co-located courses may differ depending on the content pertinent to each program type."

- Sections 87788(n)(1), 84091(n)(1), 85091(n)(1)
VENDORSHIP RENEWALS

• “A vendor must have a current approved [facility type] Initial Certification Training Program in order to renew its [same facility type] Initial Certification Training Program vendorship.”

  Sections 87785(d)(1), 84090(d)(1), 85090(d)(1)

• “A continuing education vendor must have one or more current approved Residential Care Facilities for the Elderly continuing education courses in order to renew its Residential Care Facilities for the Elderly continuing education program vendorship.”

  Sections 87788(d)(1), 84091(d)(1), 85091(d)(1)
"Course renewal requests received by the Department after the course expiration date shall be denied, and the vendor required to resubmit the courses for approval pursuant to Section 87789(b)."

Sections 87789(c)(2), 84091.1(c)(2), 85091.1(c)(2)
Vendor Contact Info

“Report any changes of the information in 87785 (b)(1) within thirty (30) days to the Department's Administrator Certification Section.”

Sections 87785(i)(12), 84090(i)(11), 85090(i)(11)
No Credit for Attending Own Courses

“Initial Certification Training Program Vendors and their instructors who are also seeking administrator certification shall not be permitted to receive credit for attending the vendor’s own Initial Certification Training Program.”

“Continuing Education Training Program vendors and their instructors who are also certificate holders shall not be permitted to receive credit for attending the vendor’s own Continuing Education Training Program courses.”

Sections 87785(m), 84090(m), 85090(m); 87788(o), 84091(o), 85091(o)
Vendor Information to Share with their Participants

- Following are key changes to administrator certification requirements.
Updated Administrator Application form

See the new LIC 9214 (1/16) version now available at the Formst tab on the ACS website at www.cclld.ca.gov/pg471.htm
Limit on Exam Attempts

“To receive his/her certificate an applicant shall:

(2) Unless exempted by Section 87406(a)(1) or (a)(2), pass a written exam developed and administered by the Department within sixty (60) days of completion of an Initial Certification Training Program and within three (3) attempts.”

Sections 87406(b)(2), 84064.2(b)(2), 85064.2(b)(2)
No Cheating Policy

“(d) No person shall cheat on, subvert, or attempt to subvert, the exam given by the Department, including, but not limited to, engaging in, soliciting, or procuring any of the following:

(1) Any form of communication between one or more examinees and any other person, other than a proctor or exam official, while the exam is in progress.

(2) The taking of all or a part of the exam by a person other than the applicant.

(3) Possession or use at any time during the exam or while the examinee is on the exam premises of any device, material, or document that is not expressly authorized for use by examinees during the exam, including, but not limited to, notes, crib sheets, textbooks, and electronic devices.

(4) Failure to follow any exam instruction or rule related to exam security.

(e) Any applicant caught willfully cheating under this section shall be deemed to have failed that exam and may be denied certification pursuant to Section 87408 as a result of the conduct.”

Sections 87406(d) and (e), 84064.2(d) and (e), 85064.2(d) and (e)
Specific Training Topics for RCFE Applicants that are Nursing Home Administrators

“Applicants who possess a valid Nursing Home Administrator license, issued by the California Department of Public Health, shall be exempt from completing an approved Initial Certification Training Program and taking a written exam, provided the individual completes twelve (12) hours of classroom instruction in the following Core of Knowledge areas:

(A) Four (4) hours of instruction in laws, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly, including but not limited to the authority referenced in this Chapter.

(B) Four (4) hours of instruction in medication management, including the use, misuse, and interaction of drugs commonly used by the elderly, including antipsychotics, and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.

(C) Four (4) hours of instruction in resident admission, retention, and assessment procedures.”

Section 87406(a)(1)
“Continuing education hours must be sufficiently related by subject matter and logic to the Core of Knowledge, current and relevant to facility operations and care, and completed through courses approved for [the facility type] administrators by the Department” [or by Regional Centers, where applicable for Group Home (GH) and Adult Residential Facility (ARF) administrators]

Core of Knowledge is available at the ACS webpage:  
www.cclld.ca.gov/pg471.htm

Sections 87407(b), 84064.3(b), 85064.3(b)
Required CEU Topics

“(a) Administrators shall complete at least forty (40) classroom hours of continuing education during each two (2)-year certification period, including:

At least four (4) hours of instruction in laws, regulations, policies, and procedural standards that impact the operation of [the facility type] including but not limited to the regulations contained in this Chapter.”

Sections 87407(a)(2), 84064.3(a)(1), 85064.3(a)(1)
Lesbian, Gay, Bisexual, and Transgender (LGBT) CEU Requirement

“If not included in the certified administrator’s Initial Certification Training Program, at least one (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved lesbian, gay, bisexual, and transgender community.”

Sections 87407(a)(3), 84064.3(a)(2), (85064.3(a)(2)
“The Department will not count toward the continuing education requirements more than ten (10) hours of instruction, in-class and/or online, completed in a single day.”

Sections 87407(c)(1), 84064.3(c)(1), 85064.3(c)(1)
Use of ICTPs as CEU Courses

“Completion of an Initial Certification Training Program or component(s) thereof will not be counted toward completion of continuing education requirements as the Program is intended for new administrators.”

Sections 87407(c)(3), 84064.3(c)(3), 85064.3(c)(3)
Duplicate CEU Courses

“Any specific continuing education course may only be accepted once per renewal period toward completion of the continuing education requirements.”

Sections 87407(c)(4), 84064.3(c)(4), 85064.3(c)(4)
THANK YOU - STAY TUNED FOR THE QUESTION AND ANSWER PART OF THIS WEBINAR...