



CDSS

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TO: ALL RESIDENTIAL CARE FACILITIES FOR THE ELDERLY LICENSEES

FROM: ***Original signed by Pamela Dickfoss***
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **IMPORTANT LAW CHANGES FOR RESIDENTIAL CARE FACILITIES FOR THE ELDERLY**

This letter provides important information regarding laws passed in 2014 that impact Residential Care Facilities for the Elderly (RCFE). The Community Care Licensing Division (CCLD) is looking for different ways to provide information to licensees. As we move toward plans to provide information to providers electronically, we are collecting e-mail addresses from licensees that voluntarily choose to provide that information. If you are interested in providing this information to the CCLD, please contact your local Regional Office. Information regarding these new laws can be found at <http://leginfo.legislature.ca.gov>; or by clicking on the Bill Number noted below. The CCLD will also be preparing Implementation Plans (IPs) at a later date and posting the IPs prior to the effective date via our website at <http://cclcd.ca.gov>. Additional resources are also provided at the end of this letter.

General Information about these new laws, including the dates that licensees are required to comply, is provided below. CCLD encourages licensees to review these law changes in their entirety as the general information provided below does not provide specific information on all requirements.

NEW LAWS EFFECTIVE JANUARY 1, 2015

[Assembly Bill \(AB\) 1572](#)

Makes changes to Resident Council and Family Council requirements including, but not limited to, informing and promoting requirements by the licensee and requiring licensees to post the text of Health and Safety Code section 1569.157 with a heading "Rights of Resident Councils" in a prominent place in the facility accessible to residents, family members, and resident representatives. A violation of Resident Council and Family Council requirements will result in a daily civil penalty of \$250 until the violation is corrected.

[AB 1899](#)

A licensee who abandons the facility and the residents in care resulting in an immediate and substantial threat to the health and safety of the abandoned residents, shall be excluded from licensure in facilities licensed by the department without the right to petition for reinstatement.

[AB 2044](#)

Requires at least one administrator, facility manager, or designated substitute who is at least 21 years of age and meets specified requirements to be on the premises 24 hours per day. RCFE's are required to have sufficient number of staff employed and scheduled to provide the care required in each resident's record of care; ensure the health, safety, comfort, and supervision of the residents; ensure that at least one staff member who has cardiopulmonary resuscitation (CPR) training and first aid training be on duty and on the premises at all times; and, ensure that the facility is clean, safe, sanitary, and in good repair at all times. This bill also adds a new direct care staff training requirement to include building and fire safety and the appropriate response to emergencies.

[AB 2171](#)

Adds the Resident's Bill of Rights to the Health and Safety Code. Requires licensees to advise and provide a copy of the rights in the Resident's Bill of Rights and the personal rights in regulations. The licensee must have each resident and the resident's representative sign and date a copy of the resident's rights and the licensee must include a signed and dated copy in the resident's record. The licensee must post a copy of the resident's rights in the facility and must also post these rights in other languages when five percent or more of the residents can only read that other language.

[AB 2386](#)

Requires RCFEs to have one or more functioning carbon monoxide detectors in the facility that meet specified standards. Requires the Department to account for these detectors during inspections.

[Senate Bill \(SB\) 895](#)

Requires licensees to remedy deficiencies within 10 days of notification, unless otherwise specified in the plan of correction. Requires licensees to post a poster designed by the Department that contains information on the appropriate reporting agency in the case of a complaint or emergency. This poster will be available on the Department's website at http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm.

[SB 1153](#)

Authorizes the Department to prohibit a licensee from admitting new residents when the licensee is cited for a violation that presents a direct and immediate risk to the health, safety, or personal rights of a resident of the facility, and the violation is not corrected immediately. In addition, the Department may order a suspension on new admissions when the facility has

failed to pay a fine assessed by the Department after the facility's appeal rights have been exhausted. A licensee has a right to appeal the suspension on admissions under these circumstances. Please note that the Department will only issue these suspensions on admissions for the most serious violations and regulations will be developed outlining this appeal process.

[SB 1382](#)

Increases initial and annual licensing fees by approximately 10% based on the capacity of the facility. This increase will be reflected on your next licensing invoice.

NEW LAWS EFFECTIVE JULY 1, 2015

[AB 1523](#)

Requires all RCFEs, except those facilities that are an integral part of a continuing care retirement community, to maintain liability insurance covering injury to residents and guests, caused by the negligent acts or omissions to act of, or neglect by, the licensee or employee, in an amount of at least \$ 1 Million per occurrence and \$3 Million in the annual aggregate.

[AB 2236](#)

New civil penalties were added for all facility types licensed by the CCLD including, but not limited to RCFEs. A civil penalty of \$15,000 shall be issued for a violation that the Department determines resulted in the death of a resident. A civil penalty of \$10,000 shall be issued for a violation that the Department determines constitutes physical abuse, as defined in Welfare and Institutions Code section 15610.63 or resulted in serious bodily injury, as defined in Welfare and Institutions Code section 15610.67. Prior to the issuance of these civil penalties, the decision shall be approved by the Director. A licensee may submit a written request for an appeal and when this appeal process is exhausted through the Deputy Director, the licensee may appeal the assessment of these civil penalties to an administrative law judge.

NEW LAWS EFFECTIVE JANUARY 1, 2016

[AB 1570](#)

Increases training hour and topic requirements for administrators and direct care staff in RCFEs. Enhances the administrator certification process specific to the exam, core of knowledge and training methods.

[SB 911](#)

Increases training hour and topic requirements for administrators and direct care staff in RCFEs. Prohibits RCFEs from discriminating or retaliating against a resident, employee, or other person for contacting 911. Requires licensees providing care to residents with prohibited or restricted health conditions to ensure that care is provided by specified professionals under specified conditions.

TIPS FOR LICENSEES

Stay Informed-Review these new laws through the links provided above. Contact your local Regional Office if you have questions regarding the impact of these bills to your facility. To obtain the latest information regarding the implementation of these new changes in law, please visit our website at <http://cclld.ca.gov>. Implementation Plans, information and updates regarding these bills will be provided on an ongoing basis. Resources to assist you on our website include:

- Implementation Plans included in the Community Care Licensing Division Evaluator Manual located at <http://cclld.ca.gov/PG396.htm>;
- Adult and Senior Care Update located at <http://cclld.ca.gov/PG432.htm>;
- Administrator Certification Program website including The Insider quarterly newsletter located at <http://cclld.ca.gov/PG471.htm>; and,
- Information Releases located at <http://cclld.ca.gov/PG493.htm>.

Review Current Operations for Compliance-Review your admission agreements, plan of operation, training requirements and curriculum, and other policies and procedures to ensure you are compliant with these new laws. Inform current residents and applicants of changes that impact them. Post in your facility a copy of the CCLD Complaint Hotline Poster (SB 895), Resident Rights (AB 2171) and Rights of Resident Councils (AB 1572).

Contact the Local Regional Office-Send your local Regional Office a copy of any revised admission agreements, plans of operation or addendums to these documents. By July 1, 2015, send your local Regional Office a copy of your Liability Insurance as required by AB 1523. Contact your licensing program analyst if you have a current waiver or exception that may be impacted by these changes in law. For example, if your facility has a waiver or exception that allows for services that may be in conflict with resident rights (AB 2171), you should contact your licensing program analyst to determine if these laws impact this waiver or exception. Regional Office contact information can be found on our website at <http://cclld.ca.gov/res/pdf/ASC.pdf>.

The CCLD looks forward to partnering with licensees and answering questions related to the implementation of these bills. If you have questions regarding these new changes in law, please contact your local Regional Office.