

- DAY CARE EVALUATOR MANUAL
- RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

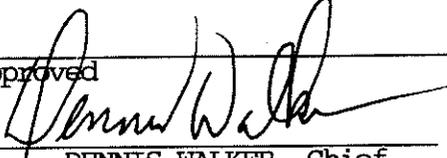
Number
96APX-06

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

Date Issued
February 1996

Subject

APX - RCFE: 1995 Chaptered Legislation and Implementation
(Appendix tab A - 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 1995 affecting Residential Care Facilities for the Elderly. The summaries are divided into three sections:

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, 1996 unless otherwise indicated.

FILING INSTRUCTIONS

REMOVE

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

Contact Person Pat Patridge Phone Number (916) 324-4031

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

SUMMARY OF 1995 CHAPTERED LEGISLATION

SECTION I

IMMEDIATE ACTION REQUIRED

Bill Number	Subject
AB 402	Administrator Certification
AB 827	Continuing Care Contracts

SECTION II

REGULATIONS OR ADDITIONAL INSTRUCTIONS TO BE DEVELOPED

AB 1219	Hospice Care
SB 732	Delayed Egress and Secured Perimeters

SECTION III

INFORMATION ONLY

SB 1161	Adult Abuse Penalties
---------	-----------------------

SECTION I

IMMEDIATE ACTION REQUIRED

Assembly Bill 402 (Hannigan)

SUBJECT: administrator certification

SUMMARY: Assembly Bill (AB) 402 amended the residential care facilities for the elderly (RCFE) administrator certification program as follows.

- o Health and Safety Code Section 1569.613(b) requires that RCFE administrators hold valid administrator certificates or have submitted the documents required to obtain them.
- o Section 1569.616(c)(2) requires that individuals who successfully complete approved certification programs pass a department-administered written test within 60 days.

Those passing the test must submit specified documents to the department within 30 days.

Within 30 days of test administration, the department must send the results to applicants.

- o Section 1569.616(f)(1) requires that licensed nursing home administrators complete 20 hours of continuing education every two years.
- o Section 1569.616(f)(3) changes the expiration dates of RCFE administrator certificates from the holder's birthday to the anniversary date of the certificate issuance.

The department must send renewal notices to certificate holders 90 days prior to the certificate expiration dates.

- o Section 1569.616(f)(7) requires that certificate holders pay \$25.00 for the reissuance of lost certificates.
- o Section 1569.616(f)(8) requires that certificate holders inform the department within 30 days of employment status changes.
- o Section 1569.616(k) requires the department to establish a registry of certified RCFE administrators, to include at a minimum employment status and criminal record clearance information.

IMPLEMENTATION: This statute is sufficiently clear to implement without new regulations. Field staff should see an RCFE administrator certificate prior to permitting an individual to be hired as an administrator. If the prospective administrator does not have a certificate field staff should contact the COB RCFE certification section at (916) 324-4317 to see if the required documentation to obtain one has been submitted.

The RCFE certification section will implement all other portions of the bill.

Assembly Bill 827 (Speier)

SUBJECT: continuing care contracts

SUMMARY: This legislation significantly revised the continuing care contract statutes in response to evolving marketing and business practices within the industry. In addition, it provides additional consumer protection.

IMPLEMENTATION: This statute is sufficiently clear to implement without new regulations. The Continuing Care Contracts Branch will examine all existing contracts and will notify licensees if their contracts must be revised to comply with this legislation.

SECTION II

REGULATIONS OR ADDITIONAL INSTRUCTIONS TO BE DEVELOPED

Assembly Bill 1219 (Martinez)

SUBJECT: hospice care providers

SUMMARY: Health and Safety Code Section 1569.73 requires that hospice agencies providing services in residential care facilities for the elderly be Medicare certified and licensed by the California Department of Health Services.

IMPLEMENTATION: This new requirement will be included in hospice care regulations to be heard at public hearings in January 1996.

Senate Bill 732 (Mello)

SUBJECT: delayed egress and secured perimeters

SUMMARY: Health and Safety Code Sections 1569.697, 1569.698 and 1569.699 offer residential care facilities for the elderly which serve residents with Alzheimer's Disease and related dementias three resident safety options:

- o Delayed egress devices on exterior doors,
- o Perimeter fences with gates fitted with delayed egress devices or locks, or
- o Locked exit doors.

IMPLEMENTATION: Emergency regulations to implement this legislation were effective November 17, 1995.

Comprehensive visits are required for all facilities which employ these options.

SECTION III

INFORMATION ONLY

Senate Bill 1161 (Leslie)

SUBJECT: adult abuse penalties

SUMMARY: Sexual abuse of dependent adults by their caretakers --including facility owners, licensees, staff and volunteers-- is now a felony.