

**REGULATION INTERPRETATIONS**

**AND**

**PROCEDURES**

**FOR**

**ADULT DAY PROGRAMS**

**ADULT DAY PROGRAMS****TABLE OF CONTENTS****ARTICLE 6 CONTINUING REQUIREMENTS**

Administrator – Qualifications and Duties .....	82064
Personnel Requirements.....	82065
Staff-Client Ratios .....	82065.5
Needs and Services Plan .....	82068.2
Client Medical Assessments .....	82069
Client Records.....	82070
Health-Related Services.....	82075
Daily Inspection for Illness.....	82075.1
Food Service .....	82076
Responsibility for Providing Care and Supervision.....	82078

**ARTICLE 7 PHYSICAL ENVIRONMENT**

Outdoor Activity Space.....	82087.2
Fixtures, Furniture, Equipment, and Supplies .....	82088

**ARTICLE 6 CONTINUING REQUIREMENTS****82064 ADMINISTRATOR – QUALIFICATIONS AND DUTIES****82064****(c) POLICY**

The licensing agency may require that the administrator increase his/her time spent at the facility if it is determined that the absence of the administrator has a detrimental effect on the facility.

**PROCEDURE**

Review facility records and interview staff and clients, if appropriate, to determine that the administrator is in the facility and providing sufficient time to the operation and management of the facility. Document findings on the Licensing Report (LIC 809) and other supporting reports as required.

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**(e) POLICY**

References must be used to verify experience.

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**(f) POLICY**

Where the licensee is the administrator, the date of licensure shall be considered the date of employment.

**PROCEDURE**

Review personnel records to determine the date of employment. A break in employment is considered a period of time in which the administrator is not actually employed in an Adult Day Program.

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**82065 PERSONNEL REQUIREMENTS****82065****(b) PROCEDURE**

Review the Facility Staffing Worksheet (LIC 507) and the facility work schedule to ensure an overlap of staff during shift changes.

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**82065.5 STAFF-CLIENT RATIOS****82065.5****(a) POLICY**

The minimum staff to client ratios shall be based on the following number of clients:

- The number of clients in the program
  - The number of clients present at a given location
  - Whether one or more clients rely on others to perform all activities of daily living
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**82068.2 NEEDS AND SERVICES PLAN****82068.2****(a) PROCEDURE**

The client's participation in the Medical Marijuana Program must be documented in the client's Needs and Services Plan.

See Regulation Interpretations and Procedures for Adult Day Programs, Section 82069 for more information about medical marijuana.

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**82069 CLIENT MEDICAL ASSESSMENTS****82069**

Health and Safety Code Section 11362.5 permits the use of medical marijuana for medical purposes and provides the following:

- Medical use of marijuana must be "recommended by a physician who has determined that the person's health would benefit" from the use of marijuana in the treatment of a specified disease and illness "or any other illness for which marijuana provides relief."
- The person for whom marijuana has been recommended may designate a "primary caregiver" defined as the individual "who has consistently assumed responsibility for the housing, health, or safety" of that person.
- Both the patient and the patient's primary caregiver are allowed to possess or cultivate marijuana for the personal medical purposes of the patient.

**82069 CLIENT MEDICAL ASSESSMENTS (Continued)****82069**

**Note:** Licensees caring for clients who have a designated primary caregiver or who cultivate marijuana for medical purposes pursuant to the Medical Marijuana Program are not in violation of licensing laws unless the facts and circumstances create conditions that can be viewed as conduct inimical to the health, safety, or welfare of clients in care.

Medical marijuana comes in various forms, including plant, tinctures and candies; it does not include Marinol, a prescription drug containing a synthetic form of tetrahydrocannabinol (THC).

Medical marijuana in smoking form remains subject to the smoking restrictions in other laws and regulations (Health and Safety Code, Section 11362.785(a) and 11362.79).

If a client possesses marijuana which has been recommended by a licensed physician for medicinal use and the facility complies with applicable regulations regarding the storage, administration, and documentation of such medication, then there is no violation with regard to such possession, storage and use of marijuana by the patient-client.

The determination of acceptance and retention of a client is based on the licensee's ability to ensure the health and safety of the individual client and the other clients in care. Licensees continue to have discretion in evaluating a client's suitability for acceptance and retention and to stipulate conditions in the admission agreements.

(b)(2) and (c)

**PROCEDURE**

The client's medical marijuana should be received and documented in the same manner as all other medications. Prior to accepting a person as a client, the licensee must obtain documentation of a medical assessment, signed by a physician, which must include a record of all medications. In addition, a client's record in a facility must contain the report of the medical assessment, a record of current medications, and instructions, if any, regarding control and custody (storage) of medications (California Code of Regulations, Title 22, Section 82070(b)(8), (10)).

The requirements for accepting individuals who use medical marijuana are the same as with other medications. The individual who has a recommendation for medical marijuana would need:

A physician's written recommendation that includes the following:

- The client's name
- The physician's name
- The drug name

**82069 CLIENT MEDICAL ASSESSMENTS (Continued)****82069****(b)(2) and (c)****PROCEDURE**

Optional information that may also be provided:

- The recommended dosage
- The recommended hours between doses and the recommended maximum 24-hour dose
- The form in which the medical marijuana will be used
- A statement about the person's ability/inability to self-administer medical marijuana

State law does not require specific dosage information for medical marijuana; therefore, it is treated like a PRN medication. However, if specific instructions are provided by the recommending physician they shall be followed.

Because of existing medical and legal issues relating to medical marijuana dosages, assistance with the self-administration of medical marijuana may be provided only to clients who are able to determine and communicate their own personal needs for the medication. An exception may be considered if specific dosage and usage instructions are provided by the recommending physician.

**82070 CLIENT RECORDS****82070****(b)(8)(10)****PROCEDURE**

The client's medical marijuana should be received and documented in the same manner as all other medications. A client's record in a facility must contain the report of the medical assessment, and a record of any current centrally stored medications.

See Regulation Interpretations and Procedures for Adult Day Programs Section 82069 for more information about medical marijuana.

**82075 HEALTH-RELATED SERVICES****82075****PROCEDURE**

Review clients' files to determine that a Consent for Medical Treatment (LIC 627C) has been obtained.

**(b)****PROCEDURE**

The client's medical marijuana should be received and documented in the same manner as all other medications. Assistance in self-administration of medical marijuana must be given per physician's directions and in accordance with applicable regulations.

See Regulation Interpretations and Procedures for Adult Day Programs Section 82069 for more information about medical marijuana.

**82075 HEALTH-RELATED SERVICES (Continued)****82075**

(f)

**POLICY**

Online training for cardiopulmonary resuscitation (CPR) and first aid is permitted. Currently a hands-on practice component is not required; however, it is recommended that any online training that has a skills competency component, e.g. First Aid and CPR, include a hands-on practice component. The hands-on practice component would increase the confidence level of the participant and consequently augment staff's ability to perform their job duties. The hands-on practice component should be provided and overseen by an on-site instructor and address skills appropriate to the clients served.

**82075.1 DAILY INSPECTION FOR ILLNESS****82075.1**

(a)

**POLICY**

See Section 82075(d)

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**82076 FOOD SERVICE****82076**

(e)

**POLICY**

Some facilities do not prepare food on the premises and clients bring their own lunches. It is appropriate for the licensee to observe that these lunches are nutritionally adequate.

**PROCEDURE**

Review the facility's program of activities, admission agreements and menus to determine what provisions have been made for food service.

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**82078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION****82078****POLICY**

If a client's needs, such as care for incontinence, demand particular supplies, the designation of who will provide supplies should also be specified in the admission agreement.

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**ARTICLE 7 PHYSICAL ENVIRONMENT****82087.2 OUTDOOR ACTIVITY SPACE****82087.2****POLICY**

The licensee's written activity plan shall include the location(s) of outdoor activity space which is utilized by the clients. These areas may include activity centers, public parks and other such space. Shade may be provided by trees, awnings, tables with umbrellas, etc.

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**82088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES****82088**

(b)(1)

**POLICY**

Scheduling of bathroom use may be required for privacy (if screens or curtains are not provided).

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