



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

ADULT AND SENIOR CARE UPDATE



SPRING 2012

This is the Spring Edition of the **Adult and Senior Care Update**. Our goal is to provide you with timely and relevant information about issues that affect adult and senior care licensed facilities. We hope you will take time to review the *Update* and share it with members of your organization, as well as with others interested in adult and senior care issues.

RESOURCES ON THE COMMUNITY CARE LICENSING DIVISION WEBSITE

Often times, it is difficult to know where to find information – below is a compilation of various questions and answers that may help accessing Community Care Licensing Division (CCLD) information about facility operations, fingerprint requirements and so much more! This is not an exhaustive list – take some time and find out more about free tools and information to help you help those in care.

- *Where can I find the regulations?*
See <http://www.dss.cahwnet.gov/ord/PG240.htm>
- *Where can I find out if there is a policy associated with a regulation?*
See <http://www.cclld.ca.gov/PG546.htm> and go to the facility category of interest.
- *What regulation packages are in the Office of Regulation Development?*
See <http://www.dss.cahwnet.gov/ord/PG321.htm>
- *Where can I find current or past issues of the Adult and Senior Care Quarterly Updates?*
See <http://www.cclld.ca.gov/PG432.htm>
- *Where can I find information on fingerprint clearances?*
See <http://www.cclld.ca.gov/PG399.htm>
- *Someone mentioned that there are Information Releases – where can I find these?*
See <http://www.cclld.ca.gov/PG493.htm>

- *Where can I find some of the forms that will help me with the operation of my facility?*
See <http://www.dss.cahwnet.gov/cdssweb/PG166.htm#lic>
- *Where can I find the facility self-assessment guides?*
See <http://www.cclld.ca.gov/PG832.htm> and go to the facility category of interest.
- *Where can I find information if I want to become an administrator?*
See <http://www.cclld.ca.gov/PG471.htm>
- *Where can I find information on laws that have been passed?*
See <http://www.cclld.ca.gov/PG830.htm>
- *Where can I find information about facility fees?*
See <http://www.cclld.ca.gov/PG1766.htm>
- *How do I find out the name of my Licensing Program Analyst (LPA)?*
See <http://www.cclld.ca.gov/res/pdf/ACPO.pdf> and scroll down to Adult and Senior Care Program Offices.
- *Where can I find the Applicant/Licensee rights?*
See <http://www.dss.cahwnet.gov/cdssweb/PG166.htm#lic> and scroll down to form LIC 9058.
- *Where can I find outside resources?*
See [Other Links](#) and scroll down for private and public resources that may be helpful to you.

It is important for any consumer or business owner to know where to find the most current and accurate information. Licensees are required to know the laws, regulations and policies that govern their facility. If you have questions, you can access the vast array of resources on the CCLD website, or contact your licensing program analyst. The CCLD is here to support your efforts in successfully meeting the needs of those in care!

MORE RESOURCES – OFFICE OF THE STATE FIRE MARSHAL

The Office of the State Fire Marshal (SFM) has an informative PowerPoint presentation that reviews the historical aspects of different types of facility occupancies; roles of the CCLD, the SFM and the local authority having jurisdiction; the various categories of Residential Care Facilities (RCF); limitations of laws applicable to RCFs; understanding the various requirements applicable to different levels of care; and the different licensing agencies. See the SFM website for: [RCF Training Class](#).

Applicants for facility licensure may wish to have a pre-inspection from the fire authority having jurisdiction prior to the final fire safety inspection. The fire agency will discuss fire safety regulations and notify the prospective applicant of specific fire safety regulations which need to be met for approval of the STD 850 [Fire Safety Inspection Request](#). A fee equal to, but not exceeding, the actual cost of the pre-inspection service may be charged. The Fire Pre-Inspection/Consultation Request form can be obtained at: <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/LIC9092.PDF>.

PROPOSED EVICTION REGULATIONS

The CCLD held a public hearing on February 15, 2012, regarding the Eviction Procedures Package for Residential Care Facilities for the Elderly (RCFEs). This regulation was developed as a result of Senate Bill (SB) 781 (Leno). SB 781, Statutes of 2009, requires licensees to include in the eviction notice the effective date of the eviction, resources to assist in identifying alternative housing, and information about the resident's right to file a complaint with the California Department of Social Services (CDSS). In addition, licensees are to include contact information for the nearest CCLD office and the State Long-Term Care Ombudsman office. Furthermore, a statement to require licensees to file an unlawful detainer action in superior court in order to evict residents who remain in the facility after the effective date of the eviction. Under these circumstances, the resident must be served with a summons and complaint, and the resident has a right to contest the eviction in writing and through a hearing. The CCLD responded to the comments received. This regulation package is anticipated to be submitted to the Office of Administrative Law for final review on June 21, 2012. The anticipated effective date of the regulations is September 4, 2012.

TWITTER AND FOOD SAFETY ALERTS

The United States Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) has launched a series of Twitter feeds that will provide state-specific, food safety alerts to consumers. Followers of these Twitter accounts will receive alerts about recalls of meat, poultry and processed egg products in their state, as well as information on how to protect the safety of their food during severe weather events. The USDA under Secretary for Food Safety Dr. Elisabeth Hagen states, "The immediacy of information-sharing through social media is unparalleled, and we believe these timely, targeted updates will better protect public health."

For more information on creating a Twitter account and accessing these state feeds, go to twitter.com. A list of all FSIS state food safety alert Twitter feeds is available at http://www.fsis.usda.gov/Fsis_Recalls/Open_Federal_Cases/index.asp#Twitter.

PRIVATELY PAID PERSONAL ASSISTANTS

An RCFE licensee cannot require a resident to hire a 24-hour caregiver.

Under Health & Safety Code section 1569.312, a RCFE must provide basic services, which by definition include assistance with activities of daily living. Regulation sections 87464(f) - Basic Services and 87608(a) - Personal Assistance and Care describe these services that required to be provided by the licensee to meet the needs of residents such as safe and healthful living accommodations; personal assistance and care; observation and supervision; planned activities; food service; and arrangements for obtaining incidental medical and dental care. The licensee cannot delegate these services.

The services of privately paid personal assistants do not relieve the licensee of the responsibility to meet all licensing statutory and regulatory requirements. The licensee must ensure that there is always sufficient staff to meet the resident's needs, and that staff are aware of the resident's current overall health and safety needs.

Privately paid personal assistants may only provide services other than those the licensee is required to provide. The assistants can provide companionship, or additional baths beyond what the licensee is required to provide. They cannot assist the resident with care relating to any incidental medical services described under regulation sections 87605 through 87631. Some of those services include postural supports, oxygen administration, colostomy/ileostomy care, catheter care and injections.

The RCFE statutes and regulations do not prohibit RCFE residents from hiring private paid personal assistants and do not require a private paid personal assistant to be an employee of a RCFE. In addition, licensees are not prohibited from requiring in their admission agreement that residents hire only employees of the licensee. Private paid personal assistants must, however, have a criminal record clearance or exemption, and can only provide specified services to the resident.

ADVERTISEMENT AND FACILITY LICENSE NUMBERS

Licensees are reminded that regulations require that the facility license number be disclosed in all public advertisements or correspondence. Public advertisements include but are not limited to the internet, newspaper or magazine, consumer report, announcement of intent to commence business, yellow pages, professional or service directory, and radio and television. For more information, see <http://www.dss.cahwnet.gov/ord/PG295.htm> in General Licensing Requirements for Adult Residential Facilities under section 80011 and in RCFE under section 87206.



WAIVERS AND EXCEPTIONS

Licensees are required to maintain compliance with regulations at all times. In certain instances, licensees may wish to use alternative methods which, while not in strict compliance with regulatory requirements, meet the intent of the regulations and allow for a more effective operation of the facility and for more resident-centered care. These alternate methods however, must not compromise the health and safety of other residents in care. In these cases, waivers and exceptions may be requested by the licensee. For more information, see <http://www.dss.cahwnet.gov/ord/PG295.htm> and scroll down to your facility category regulations, then search using the terms “Program Flexibility.”

Waivers are requests to waive a particular regulation on a facility-wide basis. They are not for a specific individual and may remain in effect regardless of changes in residents and individual staff. All waiver requests are evaluated on a case-by-case basis because the variables that must be considered, such as physical plant, staffing, plan of operation, etc., will be different each time.

Exceptions are a request to make an exception to a particular regulation for a specific resident or staff based upon the unique needs or circumstances of that individual. The regulation in question will still apply to all other residents and staff in the facility. Exceptions cannot be transferred to other residents or staff.

In order to retain residents already in care, who have care needs that require an exception or a waiver, the licensee must submit an exception or waiver request to the local licensing office. Waivers and exceptions must be received by the local licensing office before the facility implements the practice described in the request. Licensees can contact their facility designated licensing program analyst to follow up on submitted waiver or exception requests.

A facility that operates in violation of any regulation without an approved waiver or exception is subject to a citation(s). The CCLD reserves the right to rescind waivers and exceptions if the terms and conditions of the approved waiver or exception are not met by the licensee.

REORGANIZATION

The Branch and Division continue to work vigorously on the reorganization that was announced in the Winter 2012 Adult and Senior Care Update. Implementation is planned for mid-2012. Please check periodically at our website for updates, and to see the Regional Boundary Lines that will be established upon implementation. You can also see Biographies for the Regional Managers, and contact information for the Regional Offices. For more information, see <http://www.cclid.ca.gov/PG2860.htm>.

STAFF CHANGES

The Adult and Senior Care Program is pleased to announce the following changes:

PROMOTIONS:

Angela Valdez is the new Assistant Program Administrator. She started her career with the CDSS as a LPA in 1991. Angela has held several positions within the CCLD including working as an Associate Governmental Program Analyst in the Technical Assistance Program and as a Licensing Manager (LPM). For the past nine years Angela has been a Regional Manager in the Children's Residential Program.

Pam Gill is the new Regional Manager for the Central California Senior Care region. She has worked as the LPM for the Central California Senior Care Program for the past six years. She began her career in the CCLD in 1998 as a LPA in Senior Care for five years, followed by two years as an Application Specialist. Pam's prior work experience includes seven years of service with the Employment Development Department.

Duane Matsubura is the new Regional Manager for the Sierra Cascade Adult Care Regional Office. He started his career with the CDSS as a LPA in 1998. For the past ten years, Duane has been a LPM in the Children's Residential Program and joined the Adult and Senior Care Program management team on May 1, 2012.

Kim Lyon is the new acting Regional Manager for the Southern California Senior Care Regional Office effective April 20, 2012. She was most recently a LPM for the Southern Adult Care Regional Office and has also worked in the Adult and Senior Care Program Office.

Maryjo Schnitzer is the new LPM for the Greater Los Angeles Senior Care local unit in Goleta. She joined the CCLD in 1999, starting with the Children's Residential Program and then spent six years in the Adult and Senior Care Program. Maryjo began her state

career in 1991 after graduating with a Bachelor of Arts in Communication Arts and a Master of Arts in English Literature.

Karen Hodgkins is the new LPM for the Greater Bay Area Adult Care, Oakland. She has spent the last four years as a CCLD trainer and previously worked as Child Care LPA for over three years. Karen has a Master of Science degree in Recreation Administration and over 28 years of state service which included working as a Recreation Therapist at the Agnews Developmental Center.

Rebecca Orendain is the new LPM for the Los Angeles Tri-County Adult Care Office. Rebecca has been with the CCLD since April of 1992. She has experience in all residential programs including Group Homes, RCFEs, and Adult Residential Facilities.

Patricia Rivas-Magaña is the new LPM for the Los Angeles Tri-County Adult Care Office. She joined the CCLD in 2001, with the Children's Residential Program. Patricia has over 23 years of government service, including the Employment Development Department and the Los Angeles Unified School District. She has a Bachelor of Arts Degree in Liberal Studies.

Nancy LaCoss is the new LPM for the Greater Bay Area Adult Care office in Rohnert Park. She joined CCLD in 2007 as an LPA in the Senior Care Program. Prior to the CCLD, Nancy worked for 20 years with the Department of Motor Vehicles' Investigation program.

CHANGES:

George Mabanglo is the new LPM for the Adult Care units in Sacramento and Chico.

Cora Flores is the new LPM for the Senior Care units in these same offices.

Guillermina Tornero is the new LPM for the Senior Care unit in Orange.

SUMMARY

If you have questions about this *Update* or suggestions for future topics, please contact Thomas Stahl, Chief of Policy Development Bureau, at (916) 651-3456. Please visit our website at www.cclld.ca.gov for copies of *Updates*, office locations, provider letters, regulations, or to learn more about licensing services.

Sincerely,

Original signed by Kathi Mowers-Moore for

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division