



CDSS

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GOVERNOR

“The INSIDER” Summer 2014

Welcome to the first edition of the Administrator Certification Section (ACS) *Insider!* Our goal is to share timely and relevant information about issues that affect the California Department of Social Services (CDSS), Community Care Licensing Division (CCLD) certified vendors and facility administrators. Please review and share this ACS *Insider* with members of your organization, as well as with others interested in vendor or administrator information. We look forward to publishing the *Insider* throughout the year as another effort to strengthen ACS partnerships with vendors and administrators. The ACS is also reaching out to administrators and vendors to share your best practices!



HIGHLIGHTS OF THIS EDITION INCLUDE:

- *CDSS welcomes new CCLD Deputy Director*
- *ACS welcomes new manager*
- *Impact Legislation*
- *The ACS role in CCLD*
- *Improving Partnerships*
- *Reminders*
- *Frequently Asked Questions (FAQs)*

WELCOME NEW CCLD DEPUTY DIRECTOR PAM DICKFOSS!



The ACS welcomes Pam Dickfoss as the new Deputy Director of CCLD! The Deputy Director directs the activities of the Adult and Senior Care, Children’s Residential, and Child Care Programs, as well as the Technical Assistance and Policy, Continuing Care Contracts, Central Operations and Investigations Branches.

Ms. Dickfoss previously served as the Assistant Deputy Director, Department of Public Health. In this position, Ms. Dickfoss managed the day to day operations of the Center for Health Care Quality Licensing and Certification Program which has 15 offices throughout the state, with regulatory responsibility for over 8,000 healthcare facilities and nearly 250,000 certified nurses’ aides and hemodialysis technicians. Ms. Dickfoss’

17 year state career also reflects many years of management and budget experience at the Department of Health Services. Please join the CCLD in welcoming Ms. Dickfoss to the Department of Social Services.

WELCOME NEW ADMINISTRATOR CERTIFICATION SECTION MANAGER ROBERT BAYLES!

The Technical Assistance and Policy Branch (TAPB) is excited to welcome Robert as the new manager of ACS. New to state service, Mr. Bayles comes to ACS with much experience in education and training management, including positions as Director of Education and Executive Director of Private Postsecondary Vocational Education institutions. Having served 21 years in the U.S. Air Force, Mr. Bayles held positions as Professional Military Education Center Director, Logistics and Training Manager, Curriculum Development Manager, Training Manager, and Training Instructor. He has a Master's Degree in Organizational Management and Bachelor's Degree in Occupational Education. Please join TAPB in welcoming Mr. Bayles!

2014 IMPACT LEGISLATION

Vendors and administrators are encouraged to review the following two pieces of legislation. These items will most likely be headed to the Governor's office for signature.

- Assembly Bill (AB) 1570 (Chesbro). According to the sponsor, the California Assisted Living Association, AB 1570 will increase regulatory training requirements and ensure that all RCFE administrators and direct care staff have the appropriate training. For more detailed information on this bill, see: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1551-1600/ab_1570_bill_20140626_amended_sen_v96.htm
- Senate Bill (SB) 911 (Block). According to the sponsor, California Advocates for Nursing Home Reform, SB 911 will increase the hours of training for both administrators and direct care staff, increase the training requirements for staff serving persons with dementia or who distribute medication for resident self-administration. For more detailed information on this bill, see: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_911&sess=CUR&house=B&author=block <block>

CCLD MISSION STATEMENT / ROLE ADMINISTRATOR CERTIFICATION SECTION

For this first issue of the *Insider*, it is important to share baseline information on how and why ACS is a critical piece of CCLD regulatory function.

It is the mission of CCLD to promote the health, safety, and quality of life of each person in community care through the administration of an effective collaborative regulatory enforcement system.

The ACS plays a key role in supporting the mission of the CCLD through the administration of two programs; 1) Administrator Certification, and 2) Vendor Approval and Oversight. Each of these programs ensures that facility administrators complete the necessary training requirements to become certified administrators and that vendors who provide or facilitate administrator training possess the expertise necessary to educate prospective and existing administrators. These programs ensure that residential care facilities have certified administrators overseeing the care and supervision of vulnerable populations. For more detailed information on each of these programs, visit the ACS webpage at: <http://www.cclid.ca.gov/PG471.htm>.



IMPROVING PARTNERSHIPS

On-site Monitoring and Technical Assistance

One of the goals of the ACS is to make sure that administrator training is quality training that will support administrators charged with managing residential facilities and caring for residents of various ages and needs. Historically, the ACS has performed course monitoring on-site; however, budget constraints on travel ended this activity, so in recent years, monitoring has been mostly done from the ACS office.

In an effort to strengthen ACS and vendor partnerships, the ACS is pleased to announce the restoration of on-site vendor reviews and course monitoring. These reviews, which may begin as early as fall 2014, will allow the ACS to:

- establish relationships with vendors;
- ensure initial and continuing education courses are being offered in accordance with laws, regulations, and course approvals;
- consult with vendors on courses conducted; and
- provide technical assistance to vendors, as necessary.

The ACS will contact the vendor prior to the initial monitoring visit to coordinate these visits. These periodic reviews may include the following:

- ACS file reviews;
- on-site entrance and exit interview with vendor;
- vendor survey;
- course monitoring;
- technical assistance;
- plan(s) of correction, as necessary; and
- follow-up, clearance of plans of correction, as necessary.

Conference Calls/Meetings

The ACS hopes to further strengthen its partnership with vendors by conducting conference calls or regional meetings. These discussions will allow vendors and the ACS to discuss trends, issues and ways to improve our shared goals of educating facility administrators.

The ACS Insider

As an additional commitment to strengthening relationships, the ACS will be publishing the *Insider* to provide vendors with additional resources and tools to educate our administrators – working together will result in better outcomes for all!

The ACS is excited about the implementation of these new efforts to reinforce relationships with vendors. Stay tuned for more news!

IMPORTANT REMINDERS



Out-of-State Vendors/Business (Foreign Corporations) - As part of the application process, the ACS asks corporations to submit evidence that the corporation is qualified to do business within the State of California. Before transacting business in California, a foreign corporation must first qualify or be registered with the California Secretary of State (California Corporations Code Section 2105). For additional information, see the California Secretary of State Website at: <http://www.sos.ca.gov>

Course Approvals/Content – The ACS has recently been receiving course outlines that are not compliant with Title 22 regulatory standards. Vendors must assure course curriculum, at a minimum, includes the following:

- Course Title;
- Classroom hours;
- Scheduled dates of course;
- Duration and time of course;
- Location of course (type of venue and address);
- Course outline, including:
 - ✓ Written description of the course;
 - ✓ Educational objectives;
 - ✓ Teaching methods (include copies of PowerPoint, hand-outs, etc.);
 - ✓ Course content – (hour-by-hour course plan, include who is teaching, what they will be teaching, and when they will be teaching); and
 - ✓ Description of evaluation methods

- Content details need to justify the number of Continuing Education Units (CEUs) requested. (Note, the Core of Knowledge guidelines may be used to identify key areas of training);
- Name of Instructor(s) and their qualifications; and
- A signed statement of whether or not the proposed instructor was the subject of any administrative, legal, or other action involving licensure, certification, or other approvals.

To create consistency in the approval process, all course requests will be held to the same standard. Once a course is approved, it is important to note that any changes to the course information must be reported to and approved by ACS. Failure to do so may result in the course not being accepted as an approved vendor training. For the regulations, see California Code of Regulations, Title 22 at: <http://www.cclid.ca.gov/PG555.htm>

Certificate Information – The ACS often receives course certificates that do not contain the information necessary to complete the approval process. This results in delays in processing. Vendors can mitigate administrator certificate delays by making sure the following information is on all certificates:

- Name of participant (clearly written/typed);
- Name and CDSS approval number of vendor;
- Name of instructor;
- Name of course and CDSS course approval number;
- Date of course;
- Location where course was held (venue and address); and
- Number of CEU hours.

In the event that ACS needs to verify the authenticity of the certificate, vendors are reminded that all records must be maintained for three years of training session. This includes: course schedules, dates and descriptions, list of instructors and documentation of qualifications, names of registered participants and documentation of completion of the course and evaluation by participants of course and instructors, and may need to be made available to ACS for review for verification of authenticity.

Facility Administrators:

- *Administrator Certificate Renewals* - Please be sure to post mark completed applications for administrator certificate renewals no less than 30 to 90 days prior to the expiration date on the certificate. This will allow ACS staff to process your application prior to the expiration date and give time for you to make corrections or submit any missing documents for incomplete applications prior to the expiration date. Remember the late fee of \$200 applies if ACS does not have a complete application packet that is postmarked on or prior to your expiration date.

- *Designated Administrators* – Residential Care Facility for the Elderly licensees are reminded that if the facility administrator is temporarily absent, there must be a designated person who is qualified to act as an administrator and operate the facility in their absence. The designated administrator must meet qualifying criteria as described in regulation section 87405, Administrator Qualifications and Duties. Group Home Licensees are reminded that when the administrator is absent, one of the following requirements shall be met: 1) In facilities with a licensed capacity of 12 or fewer children, there shall be coverage by a designated staff person. 2) In facilities with a licensed capacity of 13 or more children, there shall be coverage by a designated substitute who has the following qualifications: A) Graduation from high school or equivalent and B) One year of administrative or supervisory experience over social work, child care and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- *Assembly Bill 663 (Gomez), Chapter 675, Statutes of 2013* – Adult Residential Facility and Residential Care Facility for the Elderly administrators are reminded that the one hour of the Uniform Core of Knowledge must now include training on cultural competency and sensitivity to aging lesbian, gay, bisexual, and transgender community prior to certification (Health & Safety Code section 1562.3(c)(1)(J)). For more information, see: <http://www.cclld.ca.gov/res/pdf/14APX2.pdf>

SUMMARY

If you have any questions, suggestions or best practices to share, please call the ACS main line at (916) 653-9300. You can also visit the main CCLD website at <http://www.CCLD.ca.gov> for CCLD office locations, laws, regulations, Information Releases or to learn more about licensing services in general.

Sincerely,

Original signed by Pamela Dickfoss

PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

Attachment



FREQUENTLY ASKED QUESTIONS (FAQ) & BEST PRACTICES

This section is dedicated to sharing information in a FAQ format and is intended to create pathways to partnerships so that we can all learn and exchange knowledge, ideas, and practices!

Question: Where can I find information on new laws?

Response: Unless there is an emergency clause in the proposed legislation, new laws take effect January of the year following the enactment of the legislation. The CCLD webpage, Chaptered Legislation section, contains information on the most current enacted legislation, 2013 and extends back to 1990. For information on Chaptered Legislation, click on: <http://www.cclcd.ca.gov/PG3063.htm>

Question: Where can I find information on new or proposed regulations?

Response: The CDSS Office of Regulation Development coordinates regulations for CDSS. For example, currently there is a regulation package related to hospice care in adult and elderly facilities in the rulemaking process. For more information on these and other proposed regulation packages, click on: <http://www.cdss.ca.gov/ord/PG3487.htm>. Rulemaking always includes a public testimony component. Stay up to date on regulation development and share your comments during the public comment period.

Question: My vendor, who is also my consultant, told me that I should contact him if I get a citation. He said I should appeal all citations.

Response: The ACS does not certify or endorse consultants. Consultants may be valuable in assisting licensees in gaining and maintaining regulatory compliance. However, licensees and administrators can look up any pertinent law or regulation on the CCLD webpage.

Some FREE resources include:

- For information on state laws see: <http://leginfo.legislature.ca.gov/>
- For information on state regulations, see: <http://www.cclcd.ca.gov/PG555.htm>

Some simple tips to prevent or address citations include:

- contacting the local licensing office when you have questions – for a list of local licensing offices, click on: <http://www.cclid.ca.gov/contact.htm>;
- establishing relationships with your facility assigned Licensing Program Analyst (LPA). If you receive a citation, ask questions – learn why and work with your LPA to find a solution. LPAs can provide technical assistance and training to better help licensees and administrators understand laws and regulations.
- checking out the CCLD webpage – what does the law say, what do the regulations say – is there an associated policy? See above links.

There are numerous resources on the CCLD website that can also offer licensees and administrators tools that will help with compliance. As always the goal of the CCLD is to work with stakeholders to ensure quality care in licensed facilities.

Question: I sent in all my renewal paperwork and I have not heard anything from the Department – what should I do?

Response: Administrators must be responsible and accountable for initial and continuing education training to make sure that initial and renewal certificates are always active or current. If you have submitted materials to the ACS and you have not received notice on the status of your request, call the office – it is your certification and you need to actively be engaged in the process. The ACS is here to help and answer questions, so do not wait – if it has been more than 30 days, call and ask for status! The ACS main telephone line is (916) 653-9300. Let's stay connected!

Question: I was told by my instructor that if I did not document an incident that occurred to a resident in the resident's record, I did not need to send an incident report to my LPA. My LPA cited me for not filing an incident report. Which is correct?

Response: It is difficult to know the specific circumstances surrounding the "incident". There are sections in the regulations that specify what must be reported and when it must be reported.

For RCFEs, see: Section 87211 at:

<http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/rcfeman2.pdf>

For Community Care Facilities (CCFs), including Group Homes, see: Section 80061 at:

<http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/genman3.PDF>

Question: My vendor analyst used to tell me to check the EM when preparing my training courses. I never told him that I did not know what the EM was. Since then, I have learned all about the EM and wanted other vendors to know too. Can you share some information about the EM?

Response: Thanks for making this recommendation. The EM also known as the Evaluator Manual contains the following information that can be helpful to vendors and administrators:

Regulation Interpretations and Policies (Some regulations have policies which help to further explain or clarify the intent of the regulations – this is policy and not law or regulation.

Reference Material (This section is information on how the CCLD performs their duties).

Appendices

- **Chaptered Legislation** (This is all the laws that have passed, with Implementation Plans, going back to December of 1990).
- **Laws and Acts** (Check here for the actual laws and acts, for example the RCFE Act is found in Health and Safety Code section 1569 et. seq.
- **SSI/SSP Payment Standards** – every year the Social Security Administration recalculates payments to individuals who are eligible to receive these benefits. Some years there are increases, other years, the payment remains the same. These are typically updated in January of each year.
- **Guide to Safeguarding Resident Cash Resources** - helpful tool for licensees who handle resident monies.
- **Communication Agreements** – Did you know that CDSS has a Memorandum of Understanding (MOU) with the Department of Aging; Long-Term Care Ombudsman and an MOU with the Department of Developmental Services. Check them out!

For more information on the EM, see <http://www.cclld.ca.gov/PG395.htm> .

Question: I have been told that I can submit courses for 1.5 hours and that I cannot submit courses for 1.5 hours or half hour fractions. Which is true?

Response: Initial 35/40 training and renewal training is in whole hours, meaning if you choose to take a 1.5 hour course, you will need to take another 1.5 hour course to get to a whole number or, you can exceed the initial and renewal requirements by 30 minutes. For calculations and efficiencies, it is best to only submit courses that are for whole hours.

Question: I went to a Regional Center training and later learned that my certificate was no good. Can you explain what happened?

Response: It is difficult to know the specific circumstances surrounding your training or the issuance of your certificate.

California Code of Regulations, Title 22 Section 85064.3 (a)(4)(B) states: “Any continuing education course hours in excess of twenty-four (24) hours offered by the

Department of Developmental Services and approved by the Regional Center may be credited toward the forty (40) hour requirement provided the courses are not duplicative and relate to the core of knowledge as specified in Sections 85090(h)(1)(A) through (I)."

The ACS must be able to discern that the courses that have been taken are consistent with the Core of Knowledge. On occasion, the ACS has received training certificates that do not contain sufficient detail to determine if the course does meet the Core of Knowledge requirements. This may result in a denial of the certificate and Continuing Education Units. The ACS cannot accept duplicate certificates or certificates that contain handwritten corrections or changes. If you continue to encounter issues, please work with your Regional Center trainer to ensure that your training certificates show enough detail to tie to the Core of Knowledge requirements. Contact the ACS intake line at if you have additional questions.

Question: As an administrator I am always strapped for time, it is sometimes hard to get CEUs. One vendor told me I can take my 20 hours on-line in one 24-hour day – is this for real?

Response: *There is nothing in law or regulation that prohibits administrators from taking 20 hours of on-line training in one day, 24-hours, to meet part of the CEU requirements. However, it is worth asking yourself if you think you are going to retain 20 hours of training in a 24 hour period. Adult learning principles suggest that this type of "cramming" does not lend itself to good retention – meaning that much of the information presented is not retained after a certain number of hours. Training is critical to successful outcomes for administrators to provide quality administration of a facility and care to residents. Be a good consumer, research and determine which training is going to work best for you. When we asked one of our vendors why he limits his on-line classes he responded, "I just wanted to create a limit that made sense. It made me nervous to get affidavits that showed 20 hours of online course in one day. It degrades the experience of taking the course." Well said!!*

