DSS Laws, Regulations, Policies and Procedures 2018

4 CEU's for ARF and RCFE Administrators

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Course Objectives

1. Discuss new laws that went into effect January 1, 2018
2. Discuss updates to Regulations and the Department of Social Services website
3. Discuss new PIN's and forms
4. Discuss Labor changes, such as minimum wage increases

Note

Note: this course was written in October, 2017 and reflects current policies, laws and procedures.

However, during 2018, Assembly and Senate Bills, regulations and procedures may be enacted. Any new update during 2018 will be discussed in the live course.

Definitions

"DSS" = Department of Social Services
"CCLD" = Community Care Licensing Division
"RCFE" = Residential Care Facility for the Elderly
"ARF" = Adult Residential Facility
"LPA" = Licensing Program Analyst
"AB" = Assembly Bill
"SB" = Senate Bill
"CALA" = California Assisted Living Association

New Bills

Every year, there are new Senate and Assembly Bills that are introduced that affect the long-term care industry.

The following slides discuss these new Bills and the effect they will have on our facilities.

Bill Discussion

For each Bill, new or pending, the following will be discussed:

- Description of the Bill
- Current status of the Bill
- Impact on our facilities

Note: A Bill's status may have changed (i.e., passed as law) since the time this Course was written; therefore, the Bill's current status as of this course presentation date will also be discussed.

Bill Information

The following website was used to get information on these new Bills: www.leginfo.legislature.ca.gov

In addition, the California Assisted Living Association website was utilized.

Senate Bill 219

- Effective January 1, 2018
- Will enact the Lesbian, Gay, Bisexual and Transgender Long-Term Care Facility Residents' Bill of Rights.
- Summary – cannot discriminate based on someone's actual or perceived sexual orientation, gender identity, gender expression or HIV status.

Senate Bill 219

- Summary (cont'd) – will require each facility to post a specified notice regarding discrimination alongside its current non-discrimination policy.
- It will also make it unlawful to willfully and repeatedly fail to use a resident's preferred name or pronouns after being clearly informed of their choices.

Assembly Bill 859

- Vetoed
- This Bill would have lowered the standard of proof in elder abuse cases when a judge found intentional destruction of evidence (which is called “spoliation”).
- This Bill would have resulted in frivolous lawsuits.

Senate Bill 449

- Effective _____
- This Bill will require that at least 2 of the 60 hours of classroom training of CNA's address the special needs of persons with Alzheimer's disease and related dementias.
- This does not directly affect our RCFE's and ARF's.

Senate Bill 294

- Effective January 1, 2018 to January 1, 2022
- Allows hospice agencies to provide palliative care to a person who has a serious illness (not terminal) but not on hospice.
- This person can continue to receive curative treatment while providing this care.

Senate Bill 294

What is palliative care?

Palliative care = comfort care

- Pain relief
- Emotional support
- Oxygen, hospital bed, etc.
- May not be covered by insurance

Senate Bill 413

- Effective date: _____
- Affects facilities who have dementia residents and secured perimeters
- This Bill replaces the term “dementia” with “neurocognitive disorders” (such as Huntington’s, Dementia with Lewy Bodies, etc.)

Senate Bill 1437

- Currently on “pause” but will likely become law in Jan., 2019
- Currently, if a Licensee operates more than 1 facility and wishes to have one employee work at both facilities, they must associate (transfer fingerprints) the employee with both facilities.
- If this Bill passes, this will no longer be necessary.

Senate Bill 1437

- IF this Bill passes, it will eliminate the requirement that, in order to get a new license, a non-corporate applicant would have to have completed the RCFE Administrator Course within the last 5 years, even if the certification was kept current.

Bills and Laws - Implementation

When new laws are passed, the Evaluator Manual *should* be updated.

To find the Evaluator Manual, from the DSS homepage, go to “CCLD Policies and Procedures” and then “Regulation Interpretations and Procedures” or “Appendices”.

Changes to DSS

Click on this link to view the latest DSS website:

www.ccld.ca.gov

Each new item, such as the Quarterly Updates, will be reviewed in class.

Changes to DSS

Discuss:

- Recent changes to Laws & Regulations (if any)
- Recent changes to forms (if any)
- Recent changes to Health & Safety Code (if any)
- Recent changes to Policies and Procedures (if any)

Changes to DSS

Effective January 1, 2018, LPA's will now be conducting inspections every 2 years (or more often).

Effective January 1, 2019 – annual means annual!

Are you ready???

Changes to DSS

RCFE Administrator Certification - Effective January 1, 2018:

- The Sacramento and San Jose offices will add additional testing dates due to high demand.
- The San Bruno office will no longer offer the test (Fresno stopped in July, 2017 and Rohnert Park in April, 2017).

Effective 10/17, students will no longer be allowed to stand-by at any location – they will not be allowed unless they have a confirmed, advance reservation.

Changes to DSS

The ARF exam has been updated and it is now 50 questions.

Students will only have 1 hour to complete the exam.

Changes to DSS

PINs (Provider Information Notices):

- These valuable notices from DSS are found on the front page of the DSS website (ccld.ca.gov).
- These notices contain information on medication, influenza and self-assessment guides (the newest ones will be reviewed in class).

PIN's

- Review of recent PIN's (post October, 2017)
- Discussion and review of the following PIN's:
  - "The Great California ShakeOut"
  - "Register of Facility Clients/Residents, Forms LIC 9020 and 9020A"
  - "Emergency Notification Requirement"

Changes in 2017

Review of 2017:

- LIC 613C-2 form updated – are you using the new form?
- New 9020A form for RCFE– Resident Roster (ARF's use the old 9020 form)
- New Civil Penalty forms (LIC 421FC, 421BG and 421IM)

Renewing your Administrator Certificate

1. Follow the directions on the LIC 9214 form for your type of facility.
2. Attach proof that you have completed the required hours (i.e., 8 hours dementia in RCFE's)
3. Do not send the renewal paperwork to DSS prior more than 90 days before your certificate expires.
4. You are not allowed to take more than 10 hours of instruction per day.
5. Take your courses from a DSS-approved vendor and make sure the course you are taking is also DSS approved for your type of Certificate!

Labor Law Changes

Effective January 1, 2018, California State minimum wage will be:

Employers with 26+ employees = $11.00

25 or less employees = $10.50

Minimum Wage

City and County Minimum Wage Increases:

Berkeley = $12.53 (effective 10/1/16)

El Cerrito = $13.60 (effective 1/1/18)

Emeryville = $15.00 (effective 7/1/18)

LA = 26+ employees = $13.25 (effective 7/1/18); 25 or less = $12.00 (effective 7/1/18)

Mountain View = $15.00 (effective 1/1/18)

Oakland = $12.55 (effective 1/1/16)

Palo Alto = $11.00 (effective 1/1/16)

Richmond = $13.00 (effective 1/1/18)

Labor Law Changes

- Assembly Bill 2337 – Rights of Victims
- Effective July 1, 2017
- All employers are required to provide notice to new hires and existing employees, when requested, that explains their rights to time off to address domestic violence, sexual assault or stalking.

Labor Law Changes

Summary of AB 2337:

- Employees have the right to take time off from work to get help to protect their and their children's health, safety and welfare, such as taking time off to get a restraining order or other court order;
- They can use vacation time, personal leave, accrued paid sick leave or compensatory time off for the leave.
- The employee does not have to give the employer proof that they use their leave for this.

Preparing for a DSS Audit

Tools to use to prepare for the increased audits:

- DSS KITs – for both RCFE and ARF
- Medications Guide (PIN)
- RCFE Self-Assessment Guide (PIN)
- Is all of your required annual staff training complete ???

Regulation/Policy/Law Changes – 2017

REVIEW

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System – affects both **ARF's and RCFE's**

This Bill went into effect July 1, 2017, concluding a 3+ year process to get this Bill passed. It revised the civil penalty system, increasing civil penalties and imposing penalties for repeat violations.

It also created new forms (LIC 421's).

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System

Summary of new system:

- The notification of deficiency must factually describe the nature of the deficiency, stating where it occurred and how the Licensee was noncompliant with statute or regulations;

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System

Summary of new system:

- Fines will be assessed for death, physical abuse or serious bodily injury and for serious violations (see upcoming slides for fines);

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System

Summary of new system:

- Civil penalties will be due and payable when the appeals have been exhausted;
- The appeals process for civil penalties involving death, physical abuse or serious bodily injury is now simplified to 2 appellate levels (rather than 4);

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System

Summary of new system:

- All other citations or civil penalty appeals will be reviewed by the Regional Manager and then by the Program Administrator, whose decision will be considered final.

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System - Fines:

- For a violation that the Department determines resulted in the death of a resident, the civil penalty shall be fifteen thousand dollars ($15,000). (Example, you allow your resident with dementia to leave your facility unescorted when you know they are unsafe, they get hit by a car and are killed; you could be fined $15,000).

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System - Fines:

- For a violation that the Department determines constitutes physical abuse, or resulted in serious bodily injury to a resident, the civil penalty shall be ten thousand dollars ($10,000). (Example, you allow your resident with dementia to leave your facility unescorted when you know they are unsafe, they get hit by a car and breaks a leg and hip; you could be fined $10,000).

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System - Fines:

- $150 per day per violation for serious violations, such as:
  - Fire clearance violations, such as inoperable smoke alarms or systems, over-capacity or ambulatory status (example: you have a non-ambulatory resident residing in an ambulatory-only cleared room);

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System - Fines:

- $150 per day per violation for serious violations, such as:
  - Absence of supervision (remember, Assembly Bill 2044 that became law on January 1, 2015, requires the presence of an administrator, a facility manager, or a designated substitute and sufficient staffing by direct care in the facility at all times);

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System - Fines:

- $150 per day per violation for serious violations, such as:
  - Accessible bodies of water (review Title 22, Section 87307(e) Personal Accommodations and Services);
  - Accessible firearms, ammunitions or both (review Title 22, Section 87309(a)(3) Storage Space;

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System - Fines:

- $150 per day per violation for serious violations, such as:
  - Refused entry to a facility or any part of a facility (note: if a resident has access to your garage, the LPA has the right to inspect the garage);
  - The presence of an excluded person on the premises (for example, an employee with a criminal conviction that does not have an exemption).

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System - Fines:

- Any facility that is assessed a civil penalty that repeats the same violation within 12 months of the violation will be assessed an immediate civil penalty of one thousand dollars ($1,000) and one hundred dollars ($100) for each day the violation continues until the deficiency is corrected.

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System

For more information on the appeals process, see the Fall 2016 Quarterly Update found on the DSS website.

Bills and Laws - 2017

Assembly Bill 2231 – CCLD Civil Penalty System

The current LIC 421 forms and Evaluator's Manual were updated to reflect these changes.

Bills and Laws - 2017

Senate Bill 1065 – Arbitration affects both **ARF's and RCFE's**

This Bill passed and went into effect January 1, 2017. This requires the court of appeal to issue their decision no later than 100 days after the notice of appeal is filed.

Question: do you know what "arbitration" means? (the answer is on next slide…..)

Bills and Laws - 2017

Senate Bill 1065 – Arbitration

"Arbitration", per the Merriam-Webster dictionary, is defined as:

a process of settling an argument or disagreement in which the people or groups on both sides present their opinions and ideas to a third person or group.

This third person is usually a retired judge or arbitration attorney.

Bills and Laws - 2017

Senate Bill 1065 – Arbitration

Why would one want to go to arbitration?

This is the cheaper (less legal fees) and faster route toward dispute resolution.

Note: Arbitration clauses have to be written in a way that does not force the resident to give up all of their rights. Consult an attorney.

Bills and Laws - 2017

Senate Bill 939 – CCRC Entrance Fees

This Bill went into effect January 1, 2017. The purpose of this Bill is to incentivize fast repayment of entrance fees for CCRC residents.

What is “CCRC”? This stands for continuing care retirement community.

Bills and Laws - 2017

Senate Bill 939 – CCRC Entrance Fees

One of the requirements of the Bill is that a CCRC is prohibited from charging a resident or his/her estate a monthly fee once the unit has been permanently vacated.

For more information, go to: https://legiscan.com/CA/text/SB939/2015

Bills and Laws - Failed

Senate Bill 938 – Dementia Conservators– Dead

This Bill would have required dementia resident conservators to get court approval to give the resident a psychotropic medication. For example, if the resident needed an anti-anxiety before getting a medical treatment, they would have had to petition the court for approval (see sample scenario on the next slide).

2016 PIN's

PINs (Provider Information Notices):

- Medications Guide – this should be reviewed by every Licensee and Administrator.
- Pages and sections that will be discussed in class include:
  - Page 17 (medications such as nitroglycerin)
  - Page 22 (injections and insulin Pens)
  - Page 26 (medical marijuana)
  - Page 35 (Care of persons with dementia and access to medications, alcohol, etc.)

2016 PIN's

PINs (Provider Information Notices):

- RCFE Self-Assessment Guide – Years ago, DSS used to have 11 available on their website but they were removed to be updated. They have recently updated one. This valuable tool was designed to help Licensees perform periodic self-assessments of their facility's operation.

2016 PIN's

PINs (Provider Information Notices):

- Influenza Guide – This Guide outlines the Federal Centers for Disease Control and Prevention (CDC) and California Department of Public Health (CDPH) recommendations to help reduce the spread of influenza in the facilities. Question: can you force your staff to get a flu shot? Answer: no, and some counties are requiring unvaccinated staff to wear masks.

Changes to DSS

The RCFE Evaluator Manual was updated in August, 2017. Changes are minor to pages 112 and 113 to reflect the new 9020A form.

The last ARF Evaluator Manual update was in April of 2016 and addresses hospice.

Changes to DSS

DSS Quarterly Updates for Adult and Senior Care Licensees:

The most recent 2-3 Updates will be reviewed now in class.

Updates can be found on the DSS homepage under Tools/Resources.

Changes to DSS

New KIT's!!!

What is a "KIT"? This stands for *Key Indicator Tool*. They were created many years ago to be used by LPA's to streamline the inspection process. There are KITs for most types of DSS-licensed facilities.

These can be found on the DSS website.

Changes to DSS

KIT's:

What is on a KIT? It is a compilation of the most common citable issues in facilities.

1 or more of the "ZT" (zero tolerance) items will result in a comprehensive inspection;

2 or more of the other items will result in a comprehensive inspection.

Changes to DSS

KIT's:

Suggestion: Print out your facility-appropriate KIT and use it to conduct a compliance inspection in your facility.

Regulation/Policy/Law Changes – 2016

REVIEW

Updates to Policies, etc.

Changes to Administrator Certification and Recertification processes effective January 1, 2016:

Certification Process:

- New Administrators will only be allowed 3 attempts to pass the exam.
- Cheating = failed exam and may be denied certification.
- There will be a 60 day maximum for extensions on time to pass the exam and apply for certification.

Updates to Policies, etc.

Changes to Administrator Certification and Recertification processes effective January 1, 2016:

Recertification Process:

- Of the 40 CEU hours, Administrators must complete at least 4 in laws, regulations, policies and procedural standards in their facility type AND (if not included in their Initial course), at least 1 hour in cultural competency and sensitivity to the LGBT community.
- No more than 10 CEU's completed in a single day will be accepted.

Updates to Policies, etc.

Changes to Administrator Certification and Recertification processes effective January 1, 2016:

Recertification Process:

- Recertification applications cannot be submitted more than 90 days before certificate expiration.
- Form LIC 9216 is being replaced by LIC 9214.
- Only CEU courses approved by CDSS (or Regional Centers for GHs and ARFs) will be accepted for CEU renewal.

New Bills and Laws - 2016

The following slides discuss laws that went into effect **January 1, 2016**. Types of facilities affected are indicated on each slide.

Why do I need to learn about laws? Every year, Assembly and Senate Bills are passed that go into law. Even though these laws are not stated in the Regulations or Health & Safety Codes (which are not updated annually), you MUST comply with and obey these laws.

AB 15

On Monday, October 5, 2015, Governor Brown signed Assembly Bill 15 into law. It went into effect January 1, 2016.

This Bill allows terminally ill patients to obtain legal medication to end their lives.

This makes California the 5th state to allow physician-assisted suicide.

AB 15

Some of the law's requirements:

- Before prescribing the drugs, 2 different doctors must determine that the patient has 6 months or less to live;
- The patient must voluntarily submit to the attending physician:
  - 2 oral requests at least 15 days apart; and
  - A written request.

AB 15

Some of the law's requirements (cont'd):

- The patient must:
  - Have the mental capacity to make medical decisions;
  - Be physically able to swallow the medication; and
  - Self-administer the medication.

AB 601

Assembly Bill 601 – License Application Disclosure

Part of the licensing procedure with DSS will now be requiring disclosure of:

- ownership information;
- other facilities owned, operated or managed by same applicant or any parent of the applicant;
- person or entity in control of applicant;
- management company;

AB 601

Part of the licensing procedure with DSS will now be requiring disclosure of (cont'd):

- if part of a "chain", other communities, including diagram;
- name of person with operational control and their work/ownership history;
- any revocation, suspension, probation, exclusion order or similar action in California or in any other state within the last 10 years;

AB 601

Part of the licensing procedure with DSS will now be requiring disclosure of (cont'd):

- any bankruptcy within the last 5 years;
- ongoing updates to DSS within 30 days for changes within California or disciplinary actions out of state, have 6 months to update changes of ownership in other states; and
- co-applicants are no longer subject to a 1-year moratorium if the license is denied due to the other co-applicant.

AB 637

Nurse Practitioner or Physician's Assistant Signatures to be allowed on POLST's

- Effective January 1, 2016
- Previously only Physician's could sign a POLST
- The POLST form will be updated to reflect this change

Staff Training - 2016

AB 1570 and SB 911 went into effect January 1, 2016, affecting RCFE's.

Both Bills were signed into law as companion Bills with complimentary provisions that greatly increased both initial and ongoing staff training.

Training Requirements in RCFE's

Administrator Training (2016):

To become certified, 80 hour class from a DSS-approved vendor, pass 100 question test and submit paperwork.

Continuing education = every 2 years, 40 hours, 8 of which have to be on dementia/AD-related topics (no change) but added 4 hours of Regulations, Policies, etc. and 1 hour of LGBT if not already taken in the Initial Certification course

RCFE Staff Training

All RCFE Caregivers (regardless of facility size):

All *NEW* caregivers must receive at least 40 hours of initial training and 20 hours of ongoing training (up from 10 and 4).

This training is separated into 2 phases: training before working independently with residents and training within the first 4 weeks of employment.

Staff Training - 2016

The training coursework may utilize various methods of instruction, including, but not limited to, lectures, instructional videos, and interactive online courses.

Staff Training - 2016

First, caregivers receive 20 hours of training before working independently with residents.

These 20 hours are comprised of:

The current 10 hour training requirements (see next slide) plus 10 hours of new topics (see following slide).

Staff Training - 2016

DSS Required Training:

Title 22, Section 87411

Initial 10 hour training for personal care staff to include:

1. 2 hours of the aging process, physical limitations and special needs of the elderly;
2. 3 hours of importance and techniques of personal care services (grooming, bathing);
3. Resident Rights;
4. 2 hours of medication policies and procedures;
5. Psychosocial needs of the elderly, such as independence, companionship; and
6. Recognizing signs and symptoms of dementia.

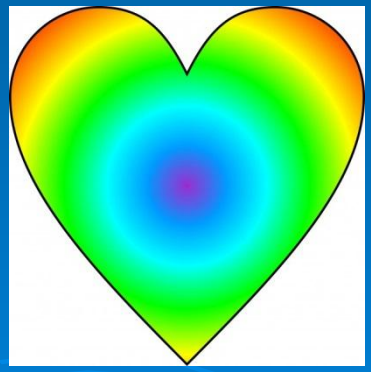
Staff Training - 2016

The 10 new topic hours include:

- 6 hours of dementia care training – regardless if the facility advertises or promotes dementia care; and
- 4 hours of training on postural supports, restricted conditions and hospice care – regardless if the facility has a hospice waiver.

RCFE LGBT Staff Training

Also included in the initial training must be cultural competency and sensitivity in issues relating to the LGBT community (per Assembly Bill 1570) and building/fire safety.



Staff Training - 2016

Dementia care topics need to include, but are not limited to:

- The use and misuse of drugs such as antipsychotics
- The non-pharmacologic, person-centered approach to dementia care
- Hydration
- Assisting with ADL's
- Skin care
- Communication
- Therapeutic activities
- Environment
- Recognizing symptoms that may cause or aggravate dementia behaviors
- Recognizing the effects of medications commonly used to treat the symptoms of dementia; and
- Security and supervision of the residents.

Staff Training - 2016

4 hours of postural supports, restricted conditions and hospice care training should include, but not be limited to:

- What is a postural support and what is a restraint?
- Define restricted health conditions and prohibited health conditions and procedures to follow if a resident has skin breakdown

Staff Training - 2016

4 hours of postural supports, restricted conditions and hospice care training should include, but not be limited to (cont'd):

- Hospice - repositioning the resident, incontinence care, ADL's, proper hydration and nutrition and infection control.

Staff Training – 2016

- Caregivers must also receive an additional 20 hours of training within the first 4 weeks of employment.
- Of these additional 20 hours, at least 6 must be dementia care training.
- What should the rest be in?

Staff Training – 2016

Annual caregiver training:

20 hours =

- 6 hours must be in dementia care training
- 4 hours must be in postural supports, restricted health conditions and hospice care

Staff Training - 2016

Exceptions for CNAs and Nurses:

The preceding training is not required in full, but they will need to receive:

- 8 hours of training on resident characteristics, resident records, and facility practices and procedures prior to providing direct care to residents; and
- a CNA shall also receive the 12 hours of dementia care training and the annual training.

Staff Training - 2016

New medication training:

- ✓ 16+ facility = 24 hours of initial training within the first 2 weeks of employment and pass a test of the required subjects
- ✓ 1-15 facility = 10 hours of initial training within the first 2 weeks of employment and pass a test of the required subjects
- ✓ Annual training will be 8 hours for all employees

Staff Training - 2016

16+ facility = 16 hours of hands-on shadowing training and 8 hours of other training or instruction.

1-15 facility = 6 hours of hands-on shadowing training and 4 hours of other training.

Staff Training - 2016

What is “hands-on shadowing”?

This does not mean you just follow them around during their normal job routine.

This means that you assign them tasks and see if they accomplish them properly. If not, then you must retrain them and have them demonstrate the task again until it is done right.

Staff Training - 2016

Note:

Per the Health and Safety Codes, all of the hands-on shadowing training must be developed by, or in consultation with, a licensed nurse, pharmacist or physician.

Staff Training - 2016

Examples of tasks to perform for shadowing:

- Sample med pour
- Discontinue order – indicating this on the MAR and communicating with other staff
- Change in prescription order

Other – Medication Change

Medications:

Effective October 6, 2014, all hydrocodone combination products (i.e., Norco, Vicodin) have been reclassified from Schedule III drugs to Schedule II.

Schedule II drugs can only be filled when a written prescription is given to the pharmacy (vs. III drugs that are allowed to be communicated from the pharmacy to the physician).

Licensing Form Changes

DSS Forms

Are you using the correct and updated DSS forms?

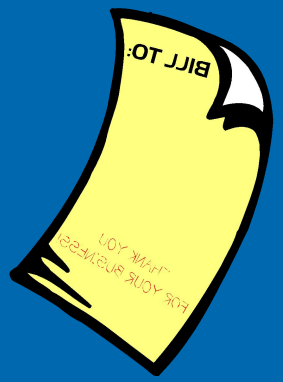
- SOC 341A (Elder Abuse)
- LIC 508 (Criminal Statement)
- LIC 9163 (LiveScan)
- LIC 613C-2 (RCFE Resident Rights)
- LIC 9182 and 9188 (Transfer paperwork)

Complying with DSS

Admission Agreement

- 12 point font, white paper and one-sided
- House Rules
- Is it signed by the resident/responsible party?
- Refund policies
- Eviction policies – 30 day vs. 3 day and reasons for eviction (see following slides)
- Preadmission Fee
- Includes all fees for services
- Dementia Plan of Operation
- Theft and Loss policy

Evictions



Evictions – Section 87224 – must be in your Admissions Agreement

30 day notice for:

1. Nonpayment of the rate for basic services within 10 days of the due date;
2. Failure of the resident to comply with state or local law;
3. Failure to comply with your House Rules;
4. The resident is not appropriate for your facility; or
5. You change the use of your facility.

Evictions

Evictions – Section 87224

3 day notice:

1. MUST have LPA's written approval.
2. Good cause = resident is engaging in behavior which is a threat to the mental and/or physical health or safety of himself or another resident. It could also be appropriate for residents involved in criminal behavior that threatens the health and safety of residents or facility staff but is not associated with a mental disorder.

Eviction Policies

Do you have these on your eviction letter?

1. The reasons relied upon for the eviction, with specific facts to permit determination of the date, place, witnesses and circumstances concerning those reasons. *[Why?]*

Eviction Policies (cont'd)

2. The effective date of the eviction (the expiration of either the 30-day or 3-day notice).

Recommendation: document the date the notice is served and the end of the notice period.

Eviction Policies (cont'd)

3. Information about resources available to assist the resident in identifying alternative housing and care options, including public and private referral services and case management organizations.

Ideas: your competitors, referral agencies like A Place for Mom, the Ombudsman, Senior Care Solutions (a So. Cal. Senior Case Management Co.), etc.

Eviction Policies (cont'd)

4. Information about the resident's right to file a complaint with DSS regarding the eviction, with the name, address and telephone of the nearest office of DSS and the State Ombudsman.

Eviction Policies (cont'd)

5. A statement that informs the resident that you cannot evict a resident who remains in the facility after the effective date of the eviction unless you file an unlawful detainer action in superior court and receive a written judgment signed by a judge.

Eviction Policies (cont'd)

6. A statement that if you pursue an unlawful detainer action, the resident must be served with a summons and complaint.

Eviction Policies (cont'd)

And finally….

7. A statement that the resident has the right to contest the eviction in writing and through a hearing.

New Eviction Policies (cont'd)

This is only applicable to regular evictions as specified in Title 22, Section 87224, not:

- health condition relocations;
- transfers of residents upon forfeiture of license; or
- change of use in the facility.

Mandatory Postings

- ✓ Resident Council information?
- ✓ Is your 3-year rent increase posted?
- ✓ Is your RCFE License posted? Your Admissions Agreement?
- ✓ Is your Theft and Loss policy posted?
- ✓ Are your Ombudsman and DSS complaint posters in a place where the residents can see it?

Documentation

- Care Plans - at least annually or upon change of condition
- Reappraisals – at least annually or upon change of condition
- Appraisal Needs & Services Plans – at least annually or upon change of condition
- Physician Reports – required annually if a resident has a diagnosis of dementia
- Unusual Incident Reports and Death Reports – phone LPA by next working day and 7 days to submit written report

Other DSS-Required Documentation

- LIC 610D (ARF) and 610E (RCFE) – Emergency Disaster form
- Resident/Client Rosters (LIC 9020)
- Personnel Report (LIC 500)
- Theft and Loss Policies

Documentation Summary

Remember, if it wasn't documented…..

it didn't happen!

Sources

- California Department of Social Services
- US Department of Health and Human Services
- Department of Industrial Relations
- www.leginfo.legislature.ca.gov
- California Assisted Living Association (CALA)
- DSS Title 22 Regulations, Health and Safety Codes, Chaptered Legislation and Evaluator's Manuals

Thank You

Assisted Living Education thanks you for attending this Course.

We look forward to seeing you again at another of our RCFE courses!