



DSS Laws, Regulations and Policies 2020-2021

4 HOUR CEU COURSE FOR RCFE AND ARF ADMINISTRATORS

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Course Objectives

01

Review and discuss new PIN's, new forms, DSS regulations, Quarterly Updates, etc.

02

Review DSS Form Changes

03

Discuss current Assembly and Senate Bills that passed effective 2021 and 2020

04

Discuss new Labor and OSHA Laws and policies

05

Review COVID-19 policies and procedures

Definitions

DSS = Department of Social Services

RCFE = Residential Care Facility for the Elderly

ARF = Adult Residential Facility

SNF = Skilled Nursing Facility

AB = Assembly Bill

SB = Senate Bill

Resident = anyone living in long-term care



New 2021 Laws/Bills

New 2021 Laws/Bills

Great news! Because of COVID, the legislators had to reduce their Bill requests this year....

Bad news is that they may be extra busy for 2022!

New 2021 Laws/Bills

Jan/Feb, 2020 – 2,300 Bills
introduced



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graph TD; A[Jan/Feb, 2020 – 2,300 Bills introduced] --> B[428 were sent to Governor Newsom]; B --> C[372 were signed into law];
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The diagram consists of three stacked rectangular boxes with rounded corners, connected by downward-pointing arrows. The top box is yellow and contains the text 'Jan/Feb, 2020 – 2,300 Bills introduced'. A yellow arrow points from the bottom right of this box to the top right of the middle box. The middle box is orange and contains the text '428 were sent to Governor Newsom'. A light orange arrow points from the bottom right of this box to the top right of the bottom box. The bottom box is light blue and contains the text '372 were signed into law'.

428 were sent to Governor
Newsom

372 were signed into law

AB 685

Assembly Bill 685 – COVID-19 Exposure:

- ▶ Goes into effect January 1, 2021; expires January 1, 2023
- ▶ Summary: requires employers to provide notice of COVID-19 exposure in the workplace, empowers Cal/OSHA to shut down worksites posing “imminent hazard”

AB 685

Details:

The new law requires an employer to provide certain notices once the employer has “notice of potential exposure” to COVID-19.

What is “notice of potential exposure”?

AB 685

“Notice of potential exposure” is when.....

1. A public health official or licensed medical provider notifies the employer that an employee was exposed to a “qualifying individual” (definition to follow...);
2. An employee (or their emergency contact) notifies the employer that the employee is a “qualifying individual”;

AB 685

“Notice of potential exposure” is when.....

3. The testing protocol of the employer reveals that the employee is a “qualifying individual”; or
4. A subcontracted employer notifies the employer that a “qualifying individual” was on the worksite of the employer receiving notification (i.e. home health).

AB 685

Someone is a “qualifying individual” if they...

1. Have a laboratory-confirmed case of COVID-19;
2. Are diagnosed with COVID-19 by a licensed health care provider;
3. Are under a COVID-19 related order to isolate provided by a public health official; or
4. Have died due to COVID-19 as determined by the county public health department.

AB 685

HOW to give notice:

1. In writing; and
2. Given in a manner the employer normally uses to communicate employment-related information (i.e., if the employer regularly communicates workplace updates to employees via email, the notice must be provided via email.)

AB 685

WHO must be notified?

1. All employees who were on the premises at the same worksite as the qualifying individual within the Infectious Period;

*Infectious period = 14 days, including, at a minimum, the 48 hours before the individual developed symptoms.



AB 685

WHO must be notified?

2. Local Health Department of any outbreaks (defined as 3 or more cases in a 14-day period) within 48 hours of learning of the outbreak.
3. Continue to notify the Local Health Department of any subsequent cases.

AB 685

WHO must be notified?

Note: This notification does NOT apply to employees who as part of their duties, care for people with COVID-19.

AB 685

WHEN must be they be notified?

Within 1 business day of the employer finding out about such potential exposure.



AB 685

WHAT is in the notification to all employees who have been potentially exposed?

1. All COVID-19 benefits to which the employee may be entitled to under law (workers' comp, COVID-19-related leave, company sick time, state-mandated leave, supplemental leave or negotiated leave provisions, as well as anti-retaliation and anti-discrimination protections);

AB 685

WHAT is in the notification to all employees who have been potentially exposed?

2. Do NOT include the name of the employee(s) or any identifying information on who was potentially exposed (this is confidential).

AB 685

Recording Requirements:

Employers must:

1. Maintain records of written notifications of COVID-19 potential exposure or outbreaks for at least 3 years.
2. This information must be kept confidential (similar to how employers maintain employee medical information).

AB 685

Cal/OSHA and their expanded power:

Cal/OSHA can:

1. Shut a business down due to COVID-19-related safety violations ("imminent hazard", such as a death or serious physical harm);
2. Prohibit entry or access to the business;
3. Require posting of an imminent hazard notice at the business; and/or
4. Issue civil penalties of up to \$25,000 for each violation!!!

AB 685

Would Cal/OSHA actually shut down an assisted living facility???

They can, yes, but chances are this would never happen.....closing a facility would pose significant risk to residents receiving care!!

AB 890

AB 890 – Nurse Practitioners (“NPs”) and their Scope of Practice:

- ▶ Effective January 1, 2021
- ▶ Allows NPs to work without physician supervision and to:
 - ▶ order, perform, and interpret diagnostic procedures, certify disability, and prescribe, administer, dispense, and furnish controlled substances.

AB 890

AB 890 – Nurse Practitioners (“NPs”) and their Scope of Practice:

Note: Have you sent your LPA a waiver request to ask for approval for Nurse Practitioners and Physician Assistants to sign your residents' Physician Reports? If you have not, then you are probably out of compliance!!!!



AB 2213

AB 2213 - Office of Emergency Services:

- ▶ Effective January 1, 2021
- ▶ Requires the Office of Emergency Services and California Volunteers to develop planning guidance to identify volunteers who can assist with disasters.
- ▶ How does this affect our facilities???

AB 2926

AB 2926 – Referral Agencies:

- ▶ Failed once again.....
- ▶ This would have provided users of referral agencies (families, etc.) more transparency into the referral agency policies and procedures, including fees they charge facilities, how often they visit these facilities, etc.





2020 Law Review

AB 737 – Effective 1/1/20

- ▶ Pertains to initial licensing of RCFE's
- ▶ Originally, this Bill had a requirement that a landlord had to go through the same licensing application paperwork as a Licensee. CALA got this removed and the Bill passed January 1, 2020.
- ▶ Applicants must provide, if requested by DSS, info on any entity or applicant (person) that holds a beneficial 10% or more interest in the facility.

SB 172 – Effective 1/1/20

- ▶ Pertains to firearms in RCFE's and ARF's.
- ▶ A facility is NOT required to allow or store guns but if they do, they must be locked in a safe separate from the ammunition.
- ▶ This is already stated in the RCFE Title 22's.
- ▶ The original requirement in the Bill that CALA got removed was that the facility would have to inventory an incoming firearm and post this in a public place in the facility.



SB 314 – Effective 1/1/20

- ▶ Not specific to DSS-licensed facilities, but applies to every facility that falls under the Elder Abuse laws (i.e., hospitals).
- ▶ Adds “abandonment” to the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) which originally provided remedies to elders and dependent adults who are financially or physically abused (but did not mention abandonment).
- ▶ This is due to the Castro Valley incident (Licensee abandoned residents).

AB 453 – Effective 1/1/20

- ▶ Does not pertain directly to DSS-licensed facilities but it does impact all of us!
- ▶ Requires EMT's to have training on how to interact effectively with persons with dementia and their caregivers.





2020 Fire Code Review

Fire Codes

- ▶ Effective January 1, 2020, the Building Codes are revised for R2.1 occupancy, dementia care units with delayed egress.
- ▶ New building Code (2019 CBC, Section 1030.1 Exception 2)
- ▶ Permits facilities to install permanent window stops that allow the windows to only open a maximum of 4 inches, but only in the **delayed egress unit**.
- ▶ This does not affect 6-bed facilities.

Fire Codes

Pertains to:

- ▶ R2.1 occupancy, dementia care units with delayed egress
- ▶ These window stops can ONLY be installed in the delayed egress unit.

DSS Form Changes

- ▶ LIC 508 (Criminal Record Clearance)
- ▶ LIC 9123 (RCFE Facility Inspection Checklist)
- ▶ The future of the 602A form.....

The LIC 508 Form



Updated in July, 2020



It is now 3 pages



Do I have to go back and have my current employees complete a new one? *No, just new employees.*

CRIMINAL RECORD STATEMENT & OUT-OF-STATE DISCLOSURE

State law requires that persons associated with licensed care facilities, Home Care Aide Registry or TrustLine Registry applicants be fingerprinted and disclose any conviction. A conviction is any plea of guilty or nolo contendere (no contest) or a verdict of guilty. The fingerprints will be used to obtain a copy of any criminal history you may have.

Have you ever been convicted of a crime in California? ☐ YES ☐ NO

You do not need to disclose any marijuana-related offenses covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7.

Have you ever been convicted of a crime from another state, federal court, military, or jurisdiction outside of U.S.? ☐ YES ☐ NO

You do not need to disclose convictions that were a result of one's status as a victim of human trafficking and that were dismissed pursuant to Penal Code Section 1203.49, nor any marijuana-related offenses covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7. However, you are required to disclose convictions that were dismissed pursuant to Penal Code Section 1203.4(a).

Criminal convictions from another State or Federal court are considered the same as criminal convictions in California.

For Foster Family Homes, Certified Family Homes, and Resource Families only:

Have you ever been arrested for a crime against a child or for spousal or cohabitant abuse? ☐ YES ☐ NO

For Children's Residential Facilities:

Have you lived in a state other than California within the last five years? ☐ YES ☐ NO

If yes, list each state below and then complete an LIC 198B for each state:

| |
|--|
| |
| |

You must check yes to the corresponding question(s) above to report every conviction (including reckless and drunk driving convictions) you have on your record, even if:

- It happened a long time ago;
- It was only a misdemeanor;
- You didn't have to go to court (your attorney went for you);
- You had no jail time, or the sentence was only a fine or probation;
- You received a certificate of rehabilitation; or
- The conviction was later dismissed, set aside or the sentence was suspended.

NOTE: IF THE CRIMINAL BACKGROUND CHECK REVEALS ANY CONVICTION(S) THAT YOU DID NOT REPORT ON THIS FORM BY CHECKING YES, YOUR FAILURE TO DISCLOSE THE CONVICTION(S) MAY RESULT IN AN EXEMPTION DENIAL, APPLICATION DENIAL, LICENSE REVOCATION, DECERTIFICATION, RESCISSION OF APPROVAL, OR EXCLUSION FROM A LICENSED FACILITY, CERTIFIED FAMILY HOME, OR THE HOME OF A RESOURCE FAMILY.

The LIC 508 Form

FACILITY INSPECTION CHECKLIST

RESIDENTIAL CARE FACILITY FOR THE ELDERLY

Review Regional Office (RO) facility file prior to inspection. During the inspection of the facility, check to see that the following documents are updated and contained in the facility file. Indicate the date the information was received by the RO in the space provided. The FAC column below is for the Licensing Program Analyst (LPA) to indicate those items which require follow-up at the facility. This form is for internal use but is still subject to the Public Records Act.

Note: In place of the forms listed below, a licensee may submit the required information through other documentation.

Facility Name: _____

License Number: _____

Phone Number: _____

Email: _____

License Anniversary Date: _____

Capacity: _____

LPA Name: _____

File Review Date: _____

| | RO | FAC | Date Received | Notes |
|--|--------------------------|--------------------------|---------------|-------|
| Administrative Organization (LIC 309) | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Admission Policies and Procedures/ Admission Agreement Note: Documents should be verified during inspection to confirm they are the same as approved by CDSS. | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Affidavit Regarding Client/Resident Cash Resources (LIC 400) | <input type="checkbox"/> | <input type="checkbox"/> | | |

The LIC

9123

Form

The LIC 9123 Form



Updated in February, 2020



The LPA uses this checklist when reviewing a facility's file prior to the annual inspection.



This is a great tool to use to check your facility for compliance!

The LIC 602A Form


Physician's Report for RCFE's:

How easy is it to get a new 602A every year from a physician? Or get one before move-in?

Do you HAVE to use the State's form?

The LIC 602A Form

- ▶ Kaiser Permanente is working on a pilot program that downloads all the information required on the 602A onto a similar report and the facility would write “see attached” onto the LIC 602A.

[Information & Resources](#)[Letters/Regulations](#)[Forms/Brochures](#)[Fiscal/Financial](#)[Data Portal](#)


[CDSS Programs](#) | [Community Care Licensing](#)

Community Care Licensing Division


Welcome to the Community Care Licensing Division

We serve the most vulnerable people of California and our mission is to promote the health, safety, and quality of life of each person in community care through the administration of an effective and collaborative regulatory enforcement system.


Adult Care




Child Care




Children's Residential




Continuing Care



Home Care Services



Senior Care





Contact Us

Community Care Licensing Division
744 P Street, MS 8-17-17
Sacramento, CA 95814
email: cclwebmaster@dss.ca.gov

CCLD Complaint Hotline

1-844-LET-US-NO (1-844-538-8766)
email: letusno@dss.ca.gov
[Information regarding filing a complaint](#)

[Find Licensed Care](#)

[Pay Licensing Fees](#)

Quick Links

- [About Us](#)
- [Inspection Process Project](#)
- [Key Indicator Tool Report](#)
- [Workload Study Report](#)
- [Assembly Bill 388 Report of Law Enforcement](#)
- [Contacts with Children's Facilities](#)
- [Administrator Certification](#)
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- [Provider Information Notices \(PINs\)](#)
- [Quarterly Updates](#)
- [ASCP Centralized Applications Bureau](#)
- [Register for Online Orientation](#)
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- [Other Links and Partner Agencies](#)
- [Most Commonly Cited Deficiencies](#)
- [Technical Support Program](#)
- [Parent's Guide to Choosing Child Care](#)

2021 and
2020
PIN's



PIN's

- Discussion of PIN's released in 2021.....



PIN's



Sign up with DSS to receive these PIN's when they are released:

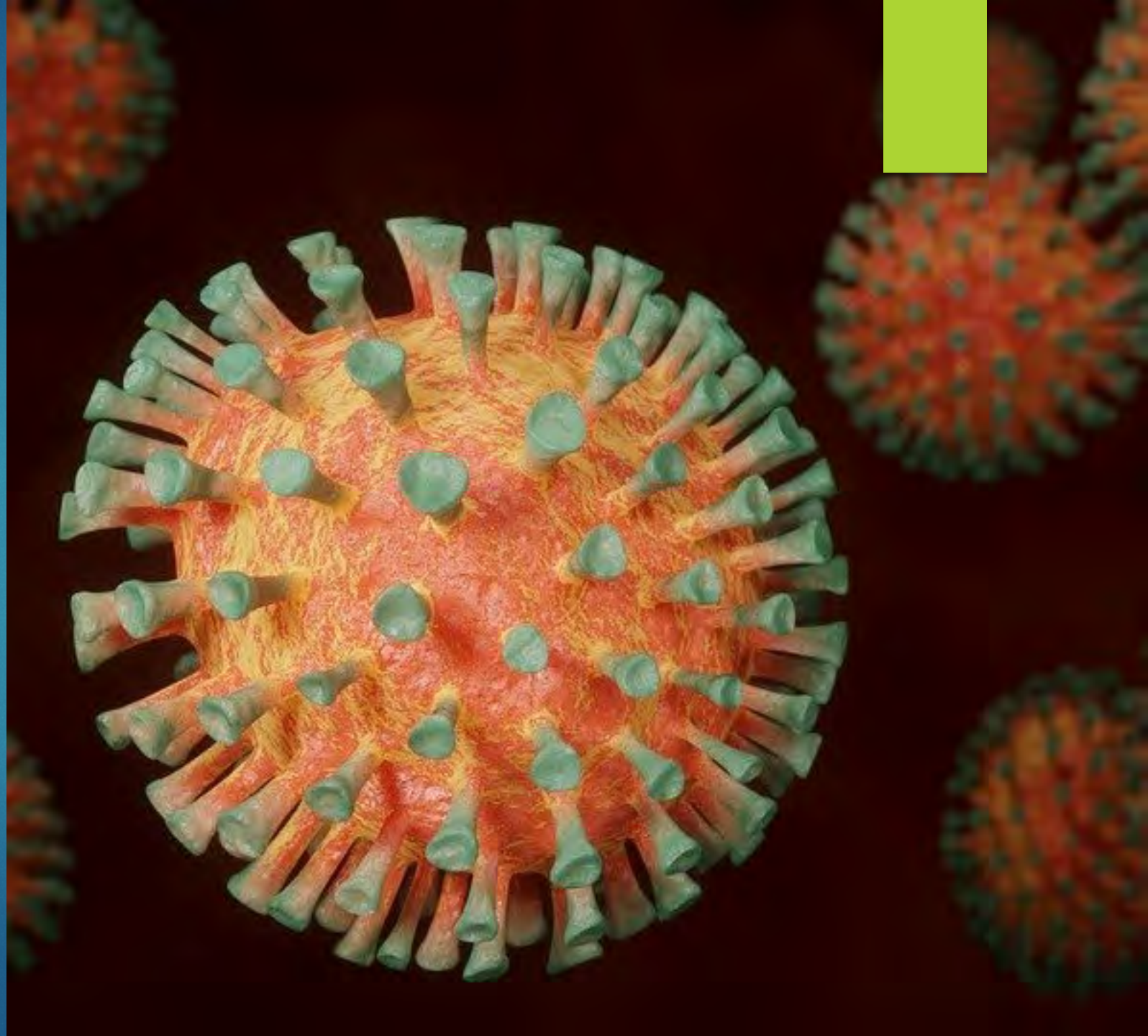


ccldpolicynotification@dss.ca.gov

2020 PIN's

There were MANY PIN's released in 2020 regarding COVID-19, many of which are now outdated.

Because of this, those *outdated* PIN's will not be discussed during this course.



2020 PIN's

PIN 20-01-CCLD:

- ▶ Pertains to citation appeals for very serious violations, such as death (called "Enhanced Civil Penalties").
- ▶ These penalties include hefty fines.
- ▶ This PIN outlines the appeal process and the new timeframe for filing.



2020 PIN's

PIN 20-02-CCLD:

- ▶ Announces the new LIC 625 form (Appraisal Needs and Services Plan).
- ▶ Done annually or upon change of condition.
- ▶ Do you *have* to use this form? No, but if you create your own, then you must have ALL of this form's information on it!

2020 PIN's

PIN 20-02-ASC:

The first of MANY PIN's regarding COVID-19.

The latest PIN and information about COVID-19 will be discussed later in this course.



2020 PIN's

PIN 20-03-CCLD:

- ▶ This PIN announces the new background check system called "Guardian".
- ▶ Expected to go live January, 2021.
- ▶ FYI – The Caregiver Background Check Bureau (CBCB) has changed its name to the Caregiver Provider Management Bureau (CPMB).
- ▶ Here is Guardian's website:

<https://cdss.ca.gov/inforesources/cdss-programs/community-care-licensing/caregiver-background-check/guardian>

PIN 20-03-CCLD

The Guardian system:

- ▶ A new electronic data system, designed to streamline the background check process for applicants, facilities and Community Care Licensing staff.
- ▶ Facilities will have the ability to process clearance and exemption transfers and will be able to associate and disassociate individuals from their rosters online.
- ▶ Users of Guardian will be able to upload documents electronically and check their exemption status.

PIN 20-03-CCLD

The Guardian system:

<http://caassistedliving.org/pdf/resources/guardian-for-agencies.pdf>

This helpful 1 page flyer from CALA summarizes this program.

2020 PIN's

PIN 20-06-ASC:

Waivers for multiple facilities

Prior to this PIN, if you wanted to submit a waiver for allowing NP's or PA's to be allowed to sign your 602A's and you had 32 facilities, you would have to submit 32 separate waiver requests to each LPA.

2020 PIN's

PIN 20-06-ASC:

This PIN announces that you can now submit ONE waiver request for all facilities!

This is done through the Sacramento office; instructions can be found in this PIN.

2020 PIN's

PIN 20-09-ASC:

This PIN announces that due to COVID-19, inspections will be done via tele-inspections and tele-visits. This may still be in effect into 2021.....



2020 PIN's

PIN 20-13-CCLD:

This PIN discusses how to prepare the facilities for wildfires and power shut-off's.

Although this PIN is more relevant in the summer months, California could face these at any time during the year.

2020 PIN's

PIN 20-13-CCLD:

How do you prepare?

- ▶ A complete and *realistic* Disaster Plan
- ▶ Training staff on this Plan
- ▶ Training residents on this Plan
- ▶ Asking families to volunteer during a crisis
- ▶ Involving first responders in training



2020 PIN's

PIN 20-14-CCLD:

Although this PIN pertains to COVID-19, it will most likely still be relevant into 2021.

It discusses how to sanitize laundry properly to kill the virus.

2020 PIN's

PIN 20-11-ASC:

This PIN announces that the Woodland Hills Adult and Senior Care Regional Office has been divided into two new offices – North and South.

They will continue to be in the same office.

2020 PIN's

PIN 20-22-CCLD:

Title 22 will be updated!

Effective October 1, 2020, the *Simplified Criminal Records Exemptions* regulations take effect, although the new Title 22 regulations have not been posted on the website yet (as of December, 2020).

2020 PIN's

PIN 20-22-CCLD:

Summary of the changes:

1. The revised regulations will expedite the criminal record exemption process for individuals whose criminal histories meet certain criteria (such as those with DUI's);
2. Amend the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include multiple nonviolent misdemeanor convictions arising out of the same incident.

2020 PIN's

PIN 20-22-CCLD:

3. Eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.
4. Clarify that the date of conviction, rather than date of release or probation completion, shall be used to calculate eligibility (five years) for a simplified criminal record exemption.
5. Add the word “calendar” to the number of days within which an individual must respond to the Department’s notice that the individual must request a criminal record exemption.

2020 PIN's

PIN 20-23-CCLD:

Pertains to the Everbridge Mass Notification System

Make SURE DSS has your correct email address and phone number so you can receive these notifications!!!



2020 PIN's

PIN 20-23-CCLD:

The Everbridge Mass Notification System:

Used to notify facilities/Licensees of impending or current dangers, such as wildfires



2020 PIN's



PIN 20-23-CCLD:

There are two types of notifications you may receive:

1. response required to collect information to assess the status of your facility and potentially follow up to provide immediate assistance based on your needs; or
2. strictly informational with no response needed.

2020 PIN's



PIN 20-23-CCLD:

Note: This PIN states.....In scenarios where you do not respond to a notification which requires your response, the appropriate Regional Office staff will contact you to assess the status and determine if assistance is needed.....you have 30 minutes to respond before they call you. Do NOT make them have to call you!

2020 PIN's



PIN 20-23-CCLD:

The PIN gives examples of fire notifications, notification when there is a Public Safety Power Shutoff, etc.

It also discusses emergency and disaster plans.

2020 PIN's

PIN 20-26-CCLD:

This PIN states the new SSI/SSP payment amounts.

If you accept SSI residents, make sure you look at these new rates.

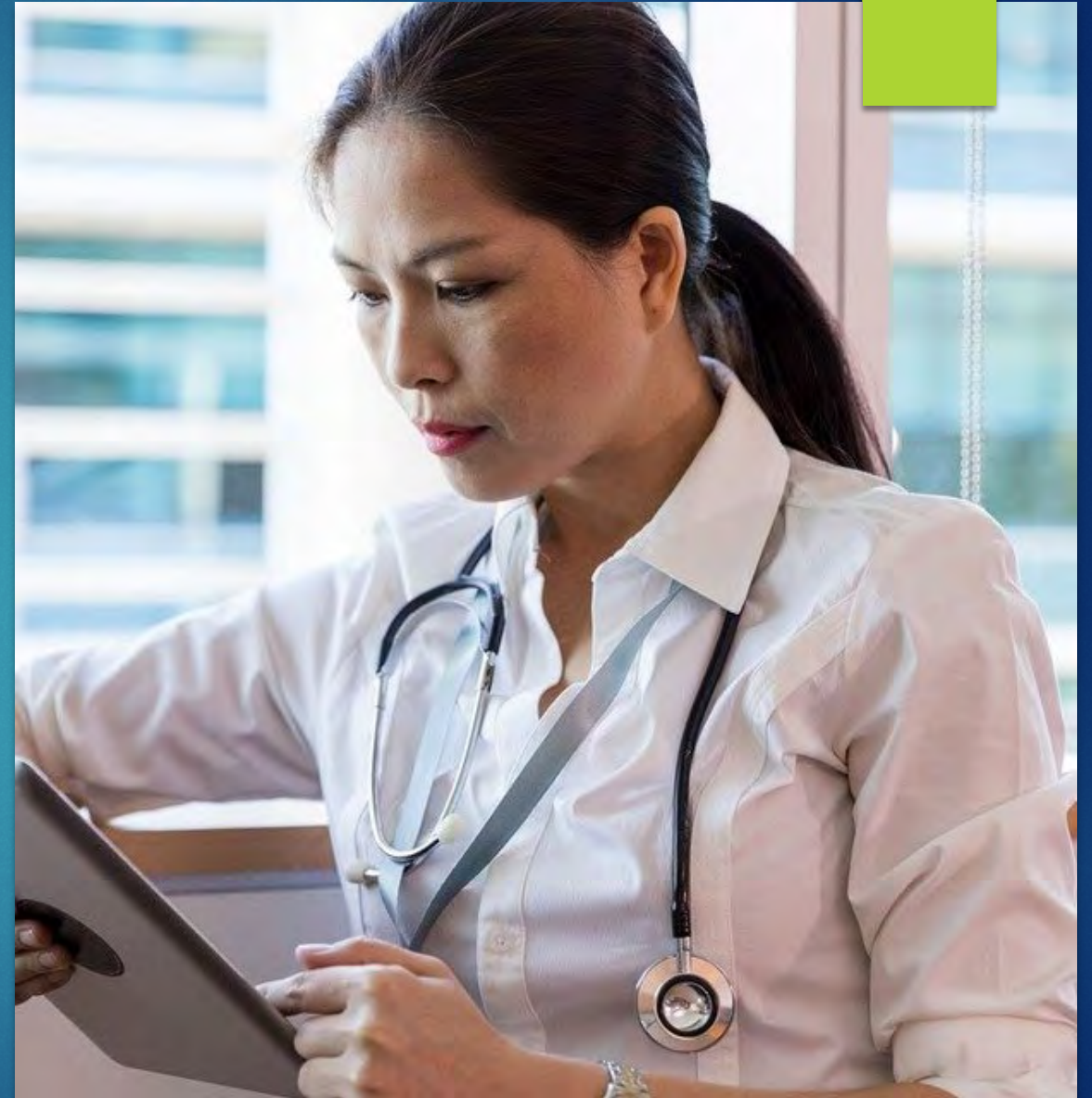


2020 PIN's

PIN 20-31-ASC:

This PIN discusses how to assist your residents with telehealth visits.

It also states "Please post this PIN in the facility where residents can easily access it and distribute the Resident Fact Sheet (located at the end of this PIN) to residents and if applicable their representatives." *Have you done this??????*



2020 PIN's

PIN 20-28-CCLD:

This PIN supersedes the June PIN 20-15-CCLD regarding Administrator Certification.

Basically, it extends the waivers for Administrator Certification and Recertification until June 30, 2021.

2020 PIN's

PIN 20-28-CCLD:

It continues to allow:

- ▶ Initial Certification courses to be live-streamed via Zoom, etc. until June 30, 2021
- ▶ CEU's be done online (waiving the "live" requirement) until June 20, 2021

2020 PIN's

PIN 20-28-CCLD:

For those with a Conditional Administrator Certificate, the December 31, 2020 expiration date is extended to June 30, 2021

Certificate holders do not need to do anything; DSS will automatically extend the Certificate.

Title 22 Updates

Back in October, 2020, DSS announced an update to Title 22.

As of December 1, 2020, these changes have not been posted on the DSS website.

Once they are posted, they will be discussed in this Course, but here is a summary.....

Title 22 Updates

Title 22, Chapter 87356 – Simplified Criminal Exemptions:

These new regulations went into effect October 1, 2020.

These allow DUI's to qualify as simplified exemptions.

Future Title 22 Updates

CALA is working with DSS to update these Regs/Policies:

- ▶ 87705 Care of Persons with Dementia
- ▶ 87465 Incidental Medical and Dental Care
- ▶ Allowing NP's and PA's to sign 602A's without needing a Waiver
- ▶ Better clarification on when to call 911

Quarterly Updates



DSS Quarterly Updates

- ▶ Review the latest Updates (i.e., Winter, 2020/21)
- ▶ Winter, 2020/21 highlights include:
 - ▶ Spending time reviewing files for compliance (i.e., resident files);
 - ▶ Depression during the holidays;
 - ▶ Encouraging your residents to remain active through exercise; and
 - ▶ Information about the new Guardian system.



***Breaking
News***

The Insider

The Insider

These can be found on the DSS website under the “Administrator Certification” tab.

The latest Insider, as of December, 2020, is Summer, 2020.....

Although these really pertain to DSS Education Vendors, there is valuable information included for Administrators.

The Insider

Highlights of the Summer, 2020 Insider:

- ▶ DSS now provides a list of the Department-approved administrator certification training courses on their website.
- ▶ An update on delinquency fees (\$100 vs. \$300 when renewing).
- ▶ Information on the new Guardian fingerprint system.

Administrators

Administrators

Becoming an Administrator and Renewing your Certificate:

As of December 2, 2020, DSS has not announced the extension of the waivers allowing classes to be conducted online or through Zoom but...

Administrators

Current (as of 12/3/2020) policies and procedures:

1. Initial classes can be conducted via Zoom and online (max of 20 hours online)
2. CEU classes can be conducted via Zoom or online (all 40 hours can be done online)
3. No tests for Initial classes available


New Administrators

For those of you who are sending students to become an Administrator:

1. Within **30 days** of completing the class, the student must send in the paperwork (LIC 9214 and paperwork) to apply for a Conditional Administrator Certificate.
2. Once they receive this Certificate, they can start working as an Administrator.

New Administrators

3. Once the testing is resumed, these students are required to take and pass the exam within a certain time frame (tbd by DSS).
4. DSS will issue a PIN announcing when the tests will resume.

A wooden gavel with a fluted head and a smooth handle, resting on a circular wooden block. In the background, two books are stacked: the top one has a brown leather cover with gold tooling, and the bottom one has a dark red cover with a gold tassel bookmark. The entire scene is set against a white background.

2021 Labor Laws

2021 Labor Law Changes

SB 1159 – COVID-related Law

- ▶ Effective now – expires January 1, 2023.
- ▶ Establishes workers' compensation coverage for employees who contract COVID-19 on the job.
- ▶ Requires employers to report COVID-19 outbreaks to their workers' comp carriers.

2021 Labor Law Changes

AB 1867 – Sick Leave

- ▶ Effective September 9, 2020
- ▶ Expands paid sick leave for COVID-19 related reasons



2021 Labor Law Changes

AB 1867 – Sick Leave Provision

- ▶ Effective September 9, 2020
- ▶ Expands paid sick leave for COVID-19 related reasons
- ▶ Applicable to employers with 500+ employees OR those employees who are not covered by the FFCRA (Families First Coronavirus Response Act)

2021 Labor Law Changes

AB 1867 – Sick Leave Provision

- ▶ This is set to expire on December 31, 2020 UNLESS the FFCRA is expanded (which is expected).....

If this Bill is extended, then this Assembly Bill will be further discussed now...

2021 Labor Law Changes

SB 1383 – Expanded Leaves

- ▶ Effective January 1, 2021.
- ▶ The California Family Rights Act (“CFRA”) now applies to employers with 5 or more employees (prior to this, it was 50+).
- ▶ Expands the definition of “family members” beyond what is currently covered under FMLA.

2021 Labor Law Changes

SB 1383 – Expanded Leaves

- ▶ Both FMLA and CFRA allows an employee to take a leave to care for a parent, spouse or child.
- ▶ Effective 1/1/21, the CFRA expands family members to include grandchildren, grandparents, siblings and parents-in-law.

2021 Labor Law Changes

SB 1383 – Expanded Leaves

- ▶ So now, an employee can take 12 weeks of leave to care for a sibling under the CFRA and then another separate 12 week leave to care for a spouse under the FMLA = 24 weeks of protected leave.
- ▶ How will this affect our facilities???

2021 Labor Law Changes

AB 1947 – Discrimination Complaints

- ▶ Effective January 1, 2021
- ▶ Increases the timeframe an employee can file a complaint of discrimination or retaliation against an employer from 6 months to a year.

2020 Labor Laws

Assisted Living Education



Labor Law Updates

Sexual Harassment Training:

- ▶ Employers with 5 or more employees must provide 1 hour of sexual harassment prevention training to nonsupervisory employees and 2 hours of such training to supervisors
- ▶ AB 778 extends the deadline from 1/1/20 to **1/1/21**.

Labor Law Updates

Sexual Harassment Training:

- ▶ Employers who provided training to employees in 2019 are not required to provide it again until 2 years from the time the employee was trained.
- ▶ Employers who provided training in 2018 must provide training in 2020 to maintain the 2-year cycle and comply with the new deadline.
- ▶ Employers who trained employees in 2017 under the prior training law should provide training in 2019 in order to maintain their 2-year training cycle.

Labor Law Updates

Paid Family Leave – Senate Bill 83:

- ▶ Effective July 1, 2020
- ▶ Extends the maximum duration of Paid Family Leave (PFL) benefits individuals may receive from California's State Disability Insurance (SDI) program from 6 to 8 weeks.

Labor Law Updates

OSHA and Assembly Bill 1805:

- ▶ Changes the definitions of “serious injury or illness” and “serious exposure” to align with the federal OSHA standards.
- ▶ Employers will have to report all inpatient hospitalizations, regardless of the length of stay (prior to this Bill, it was anything over 24 hours).

Labor Law Updates

Arbitration Agreements and AB 51:

- ▶ Effective January 1, 2020, bans mandatory arbitration agreements entered into between employers and employees.
- ▶ The Bill also prohibits retaliation and discrimination against an applicant or employee who refuses to enter such agreements.

COVID-19

Assisted Living Education



COVID-19 Updates

DISCUSS:

1. The latest findings on COVID-19
2. New PIN's, DSS policies and procedures, etc. regarding COVID-19
3. Current status of stay-at-home orders
4. Current status of vaccines
5. Current status of employee issues

Other Important Information



Admission Agreements

The term “rent” in our Agreements.....

Because RCFE’s and ARF’s do not fall under the *Landlord Tenant Laws*, facilities are encouraged to avoid using the following terms in their Admission Agreements, on their websites and other marketing pieces:

1. The word “rent”. The residents do not pay “rent”, they pay monthly *fees* or *monthly service fees*. Do not use the word rent when doing annual increases, either.

Admission Agreements

Avoid.....:

2. The word "lease". The Admission Agreement should be called, and referred to as, an Agreement, not a "lease".
3. The word "tenant". They are residents, not tenants.
4. The word "landlord". You are the Licensee, not the landlord.
5. The word "deposit"....unless you are referring to a pet. Security deposits are prohibited in RCFE's. Use "room hold" or other verbiage.
6. The words "sublet" or "sublease". These refer to landlord tenant situations.

LPA Inspections

Effective January 1, 2019, LPA's were required to conduct annual inspections of RCFE's.

They are now using the new Inspection Tools.

Feedback is that these are taking 2+ days for small facilities and much longer for larger facilities!

LPA Inspections

- ▶ Because the new inspection process is computerized, there is not a lot of flexibility with the LPA anymore.
- ▶ Continue to appeal citations if you are right.
- ▶ The inspection is more like a SNF survey because so many managers in the DSS offices are from the Dept. of Health.
- ▶ DSS has hired many more LPA's to meet the requirement of annual inspections
- ▶ The LPA's are also coming out on weekends to do inspections so be prepared!!

LPA Inspections

The Inspection Tool is divided into categories and then domains.

- ▶ Resident Records/Incident Reports
- ▶ Operational Requirements
- ▶ Staffing
- ▶ Personnel Records/Staff Training
- ▶ Resident Rights/Information
- ▶ Planned Activities
- ▶ Food Service

LPA Inspections

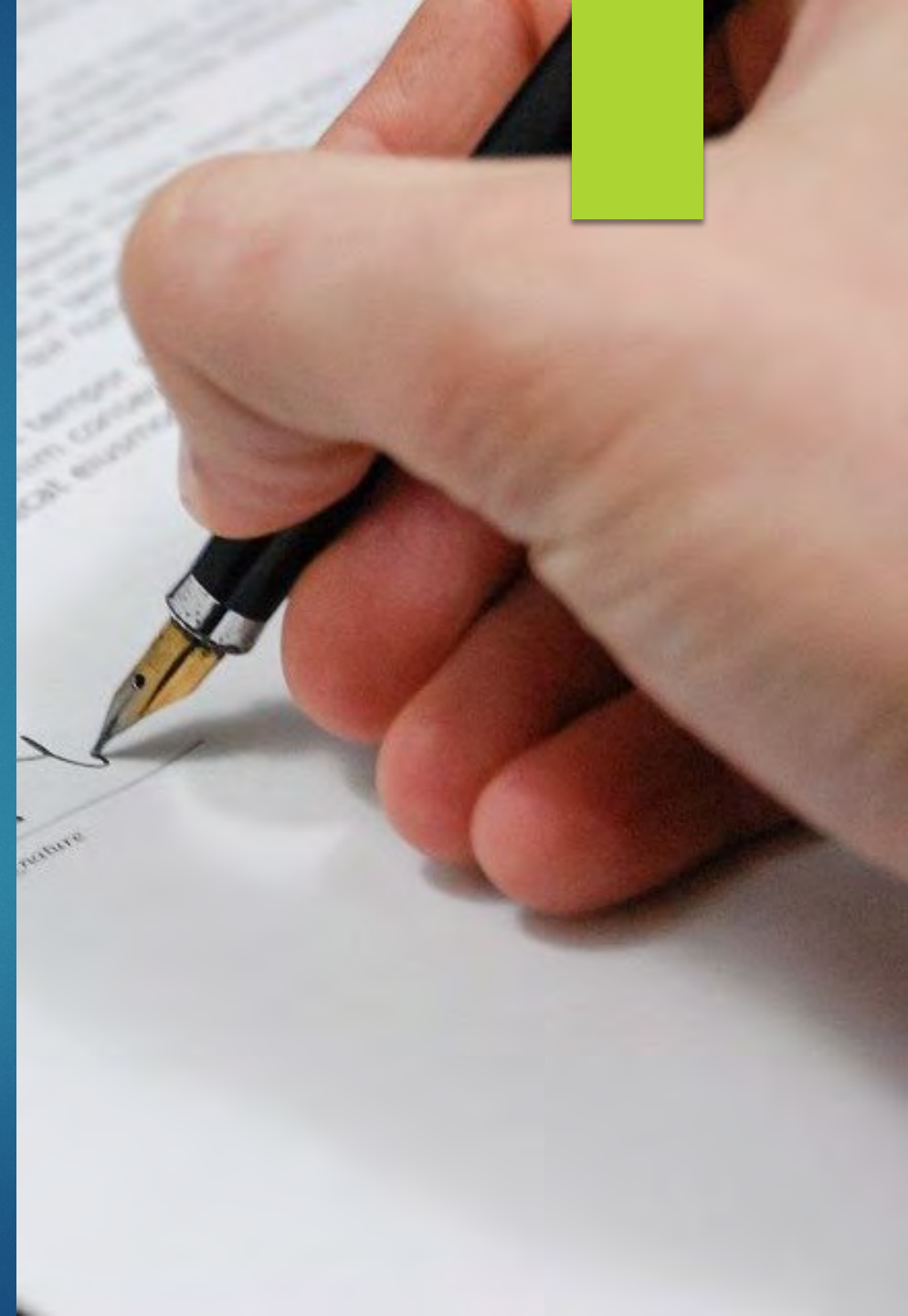
How to find the inspection checklists:

<https://cdss.ca.gov/inforesources/community-care-licensing/inspection-process>

.....then go to: "*Statewide Senior Care Inspection Tools*" and then "*RCFE Inspection Tool*"

LPA Inspections- Resident Records/Incident Reports

- ▶ Signed Admission Agreement and Preplacement Appraisal
- ▶ Reappraisals (how often?)
- ▶ Physician's report (how often?)
- ▶ Current Resident Roster
- ▶ Is the Admission Agreement current with the correct refund policies upon death?





LPA Inspections - Operational Requirements

- ▶ Current Plan of Operation
 - ▶ Current Dementia Plan of Operation, if required
- ▶ Correct fire clearance for non-ambulatory and bedridden residents
- ▶ Licensing reports posted for at least 12 months
- ▶ Absentee Notification Plan
- ▶ Review of Unusual Incident Reports
- ▶ Liability insurance
- ▶ Theft and Loss Policy posted, staff is trained
- ▶ LIC 621 forms completed or waived (inventory)

LPA Inspections - Staffing

- ▶ At least one staff member on duty and on the premises at all times with CPR training
- ▶ Is there enough staff to meet the needs of the residents?
- ▶ Do you have enough night staff?
- ▶ Staff had their TB test and health screening within 7 days after employment
- ▶ When the Administrator is not in the building, is the designated substitute qualified?

LPA Inspections - Personnel Resources/Staff Training

- ▶ Employee files are organized and complete
- ▶ Fingerprints are cleared or transferred
- ▶ Staff is trained by a qualified trainer
- ▶ Training is complete
 - ▶ 40 hours for caregivers:
 - ▶ 20 prior to working independently with residents
 - ▶ 20 more within first 30 days
 - ▶ 20 hours annually



LPA Inspections - Resident Rights/Information

- ▶ Resident Rights given to the residents to sign
- ▶ Resident Rights are posted in the facility
 - ▶ Is it posted in required language?
- ▶ DSS Complaint poster posted in the facility – minimum size 20"x26"
- ▶ Does the facility have a resident council?
Family council?



LPA Inspections - Planned Activities

- ▶ Are your activities meeting the needs of the residents? Are they attending/participating in the activities?
- ▶ 7+ size facilities – notices of planned activities posted
- ▶ Copies of activity schedules kept for at least 6 months
- ▶ For larger facilities, is there a designated “Activity Director”?

LPA Inspections - Food Service

- ▶ Meals prepared with cultural and religious backgrounds of the residents
- ▶ Modified diets provided, if necessary
- ▶ Freezer at 0, refrigerator at 40
- ▶ Food covered and dated
- ▶ Adequate supply of nonperishables and perishables
- ▶ “Food Service Director”, if required?



LPA Inspections

Domains:

If the Licensee is found to be non-compliant in any Regulation on these checklists, the LPA's computer will automatically be directed to go to another related checklist for further examination = a "domain"

LPA Inspections

In summary, to prepare for your inspection, use the following tools:

- ▶ These inspection forms
- ▶ KIT's
- ▶ The DSS Facility Inspection Forms
- ▶ Title 22 and Health and Safety Codes

Training Reminders

Are your caregivers trained properly?



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graph TD; A[Are your caregivers trained properly?] --> B[Are your employees who assist with the self-administration of medication trained properly?]; B --> C[Are you doing the required annual training????]; C --> D[Is the documentation clear and concise?];
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Are your employees who assist with the self-administration of medication trained properly?

Are you doing the required annual training????

Is the documentation clear and concise?

Sources

DSS website

California Assisted Living Association

California Department of Labor

CalChamber.com

LCWlegal.com

CalChamber.com

Images: pixabay.com

Conclusion

Assisted Living Education thanks
you for attending this Course.

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

