

Initial RCFE Administrator Certification



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Online Class Rules

Navigation Tips and Features of this class:

- This class is narrated.
- The class and each slide is timed. You must wait until the narration for each slide is complete.
- Press the next slide button at the bottom of each slide to go to the next slide.
- You may view and listen to a prior slide by using the back button at the bottom of each slide.

Online Class Rules

Navigation Tips and Features of this class:

- Throughout the course, there will be short quizzes. These will prepare you to take and pass the final test.
- The final test is 20 questions that you must pass in order to complete this section of the online Certification course. If you do not pass the test, you will be directed to retake the test.

DSS Training Requirements

Per DSS requirements, this segment of the 20 hour online RCFE Initial Certification Program will focus on:

- ✓ Resident and Family Councils
- ✓ Conservatorships, etc.
- ✓ Review process of becoming and remaining a certified RCFE Administrator

Definitions

“DSS” = Department of Social Services

“AB” = Assembly Bill

“SB” = Senate Bill

“LPA” = Licensing Program Analyst

“RCFE” = Residential Care Facility for the Elderly

“AD” = Alzheimer’s disease

Sources

Many sources were consulted to create this course content. They include:

- California Department of Social Services
- The Judicial Council and the Administrative Office of the Courts (AOC)
- Courts.ca.gov

Course Objectives

- Define purpose and regulations for Resident Councils
- Define purpose and regulations for Family Councils
- Discuss the differences between conservatorships, guardianships, etc.
- Review how to become an Administrator and how to renew your Certificate

Resident Councils



Resident Councils

Resident Council regulations can be found in both Title 22, Section 87221 and the Health and Safety Codes 1569.157 and 1569.158.

The regulations changed by the passage of Assembly Bill 1572.

Resident Councils

What is a Resident Council anyway?

This is a group of residents that meet to discuss the status, policies, dining services, activity program, etc. of the facility.

In a large facility, this group could be very formal and organized, with a President, Secretary, etc. and meeting minutes.

In a small facility, this meeting may not occur due to the likelihood that the residents have dementia.

Resident Councils

Per Title 22, Section 87221, the purpose of the Resident Council is.....

“The purpose of such an organization shall be to work with the administration in improving the quality of life for all residents by enriching the activity program and to discuss the services offered by the facility and make recommendations regarding identified problems.”

Resident Councils

Hmmmm....that sounds daunting. A group of residents together coming up with ways you can make the facility better....

We need a pool!



We want filet mignon every night!

Resident Councils

Let's think about this. What is your purpose as an Administrator or facility owner? To make the residents as happy as possible, right? So how do you make them happy if you don't know WHAT makes them happy?

You should listen to, and possibly embrace, the changes they are asking for – if *they* are happier, *you* will be happier!!

Resident Councils

Title 22, Section 87221 Regulations:

“The facility shall permit the formation of a resident council by interested residents, provide space and post notice for meetings, and provide assistance in attending meetings for those residents who request it.....”

- Encourage the residents to form a Council;
- Designate a private, quiet space for them to meet;
- Advertise the meeting to all residents; and
- Escort residents to the meeting, if needed.

Resident Councils

Title 22, Section 87221 Regulations:

“In order to permit a free exchange of ideas, at least part of each meeting shall be allowed to be conducted without the presence of any facility personnel. Residents shall be encouraged, but shall not be compelled to attend.”

- No facility staff are allowed to attend the meeting unless you are invited!
- Encourage the residents to attend.

Resident Councils

Assembly Bill 1572:

This law grants Resident Councils additional rights, adds requirements for licensees, and limits membership of a Resident Council to RCFE residents, except at the invitation of the Resident Council. Family members, resident representatives, advocates, long-term care ombudsman program representatives, facility staff or others may participate in Resident Council meetings and activities **at the invitation** of the Resident Council.

Resident Councils

AB 1572 requires Licensees to:

1. Assist residents in establishing and maintaining a single resident council (formerly referred to as resident-oriented facility council) at the request of **two** or more residents, instead of a majority of its residents;

Resident Councils

AB 1572 requires Licensees to:

2. Provide a **written** response within **14 calendar days** to written concerns or recommendations of Resident Councils regarding any action or inaction taken in response to concerns or recommendations;
3. Inform Resident Council members of their right to be interviewed as part of the regulatory inspection process; (This means by your LPA, etc.)

Resident Councils

AB 1572 requires Licensees to:

4. Promote established Resident Councils by providing information on the Council to new residents, as specified (see next slide);
5. Inform in writing new residents and resident representatives, upon admission, of their right to form a Resident Council when no Council is currently established (see next slide);

Resident Councils

AB 1572 requires Licensees to:

6. Upon request and with permission of the Council, share Resident Council contact information with the long-term care ombudsman; and
7. **Post the text** of Health & Safety Code Section 1569.157 with the heading “Rights of Resident Councils” in a prominent place at the facility accessible to residents, family members and resident representatives (see next slide).

Resident Councils

In regard to the posting of the “Rights of Resident Councils”, DSS has this on their website – it is form PUB 474.

Find this in the “P” section of forms on the DSS website.

Resident Councils

For a facility with a licensed capacity of 16 or more beds, this Bill also requires a Licensee to designate a staff person to assist with Resident Council meetings and notifications, including, making a room available for meetings and posting information in a central location readily accessible to residents, relatives and resident representatives.

Resident Councils

AB 1572 **prohibits** Licensees from:

1. Having policies limiting the rights of residents to meet independently with outside persons or facility personnel; or
2. Willfully interfering with the formation, maintenance, or promotion of a Resident Council or its participation in the regulatory inspection process.

Resident Councils

AB 1572 also states that a violation of any provision in this Section is considered a violation of Resident Rights and subjects the licensee to a **daily civil penalty of \$250 until the violation is corrected and verified.**

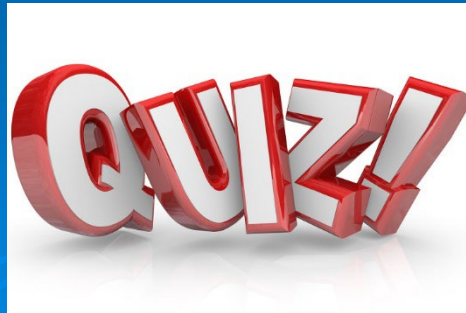
This includes:

- Not posting the required H&S Code 1569.157;
- Not posting the *specific* text of this Code

Quiz

This is a short quiz to test your knowledge.

You will not be graded on this quiz – it will help prepare you to take the final test at the end of the course, which you will be required to pass in order to receive credit for this course.



A facility must promote Resident Council but does not have to provide space for it.

- ☐ True
- ☐ False

Quiz 1

Quiz - 5 questions

Last modified: Sunday, April 30, 2017 at 1:48:01 PM

Properties

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Edit Properties

Family Councils

AB 1572 also created a law granting Family Councils' additional rights, adds requirements for licensees, and specifies that facility personnel or visitors may attend Family Council meetings only at the invitation of the Family Council.

The requirements are very similar to those for the Resident Councils.

Family Councils

“Family Council” is defined by this Bill as:

a “meeting of family members, friends, representatives or agents as defined in Section 14110.8 of the Welfare and Institutions Code of two or more residents to confer in private without facility staff.”

Family Councils

AB 1572 requires Licensees to:

1. Provide a written response within 14 calendar days to written concerns or recommendations of Family Councils regarding any action or inaction taken in response to concerns or recommendations;
2. Promote established Family Councils and to provide notice of the Family Council and its meetings to family members and resident representatives and to inform family members and resident representatives of the existence of the family council, as specified;

Family Councils

AB 1572 requires Licensees to:

3. Inform in writing the resident's family or resident representative – who are identified on the Admission Agreement or in the resident's records – upon admission of a new resident, of their right to form a Family Council when no Council is currently established; and
4. Upon request and with the permission of the Council, to share Council contact information with the long-term care ombudsman.

Family Councils

AB 1572 requires Licensees to:

Just like with Resident Councils, for a facility with a licensed capacity of 16 or more beds, this Bill also requires the Licensee to designate a staff person to provide assistance to the Family Council and response to written requests that result from Family Council meetings.

Family Councils

AB 1572 **prohibits** Licensees from:

- Willfully interfering with the formation, maintenance or promotion of a Family Council or its participation in the regulatory inspection process.
- A violation of any provision of this Section is considered a violation of Resident Rights and subjects the Licensee to a daily civil penalty of \$250 until the violation is corrected and verified.

Family Councils

AB 1572 also states that a violation of any provision in Section 1569.158(a) through (i) is considered a violation of Resident Rights and subjects the licensee to a **daily civil penalty of \$250 until the violation is corrected and verified.**

This includes:

- Not posting the required H&S Code 1569.157;
- Not posting the *specific* text of this Code

Conservatorships



Conservatorship

What is a “conservatorship”?

According to courts.ca.gov:

“A conservatorship is a court case where a judge appoints a responsible person or organization (called the “conservator”) to care for another adult (called the “conservatee”) who cannot care for himself or herself or manage his or her own finances.”

This person could be a spouse, relative, friend or a private professional conservator.

Conservatorship

If the conservator is a private professional conservator, it is called a *public guardian* or *public conservator*.



Conservatorship

Why would someone need a conservatorship?

1. They are unable to make decisions on their own behalf because of dementia or they are making poor decisions;
2. They have no family to make decisions on their behalf;
3. No one in their family wants to make decisions for them.

Conservatorships

In California, an elder law attorney accomplishes this by preparing, and filing with the court, the petition for conservatorship, along with the other required documentation.



Conservatorship

Generally, there are two kinds of conservatorship:

1. over the person (when an elder cannot take care of their personal needs, such as food, clothing and shelter); and
2. over the “estate” (when an elder cannot make sound financial decisions or resist fraud or undue influence).

Conservatorship

The duties of a **conservator of the person** are to:

- Arrange for the conservatee's care and protection;
- Decide where the conservatee will live;
- Make arrangements for the conservatee's meals;
- Health care;
- Clothing;
- Personal care;
- Housekeeping;

Conservatorship

The duties of a **conservator of the person** are to (cont'd):

- Transportation;
- Shelter;
- Recreation;
- Well-being;
- Get approval from the court for certain decisions about the conservatee's health care or living arrangement; and
- Report to the court on the conservatee's current status.

Conservatorship

The duties of a **conservator of the estate** are to:

- Manage the conservatee's finances.
- Locate and take control of all assets.
- Collect the conservatee's income.
- Make a budget to show what the conservatee can afford.
- Pay the conservatee's bills.
- Responsibly invest the conservatee's money.
- Protect the conservatee's assets.
- Account to the court and to the conservatee for the management of the conservatee's assets.

Conservatorship

- Once a conservatorship is established, the court monitors the conservator's actions.
- The conservator must file periodic accountings with the court, informing the judge of every penny that the conservatee received, and every penny that was spent.
- The conservator will petition the court to be awarded reasonable fees for his or her work on the case, and to be reimbursed for out of pocket costs, sometimes including attorney fees, that were paid for the benefit of the conservatee.

Conservatorship

The Conservatee's rights:

When a person becomes a conservatee, he or she does not necessarily lose the right to take part in important decisions affecting his or her property and way of life.

All conservatees have the right to be treated with understanding and respect and to have their wishes considered.

Conservatorship

The Conservatee generally keeps the right to:

- Directly receive and control his or her salary
- Make or change a will
- Marry, unless a judge has determined he or she does not have the capacity to do so
- Receive personal mail
- Receive visits from family and friends, unless a judge has ordered restrictions on a person's visits or other contact with the conservatee (see next slide)

Conservatorships

Assembly Bill 937 states that a conservator **CANNOT** limit their client's right to receive visitors, telephone calls and personal mail, unless specifically limited by a court order.

Conservatorship

The Conservatee generally keeps the right to:

- Be represented by a lawyer
- Ask a judge to change conservators
- Ask a judge to end the conservatorship
- Vote, unless a judge decides the conservatee is not capable of exercising this right
- Make his or her own medical decisions, unless a judge has taken away that right and given it to the conservator

Conservatorship

The Conservatee generally keeps the right to:

- Enter into business transactions, to the extent reasonable to provide the necessities of life to the conservatee or to his or her minor children
- Engage in other activities the court expressly allows him or her to do, at the time of conservator appointment, or a later time following a court hearing on a request for authority to engage in the activity

Conservatorship

Consenting to medical treatment:

In most cases, the conservator and the conservatee share the right to make decisions about the conservatee's health care.

However, the conservator may not arrange for a particular treatment if the conservatee objects to it.

Conservatorship

Exclusive authority:

If the conservator believes at some point that the conservatee has lost the ability to make sound medical choices, a judge *may* take away the conservatee's right to make medical treatment decisions and to give that right to the conservator. This is called **exclusive authority**.

Conservatorship

So as the Administrator of an RCFE, how does this affect me if a resident is conserved?

You treat the conservator just like a family member or responsible party. For example, you would contact them if there is a change of condition in the resident or a medical emergency just like a family member.

Conservatorship

You will want to get a copy of the conservatorship documents from the conservator.

If the resident requires emergency care, send a copy of these documents with the resident to the hospital.

Conservatorship

Does the conservator have the right to tell you or your staff **not** to call 911 if there is an emergency?

No – you must call 911 if there is an emergency.

Quiz

This is another short quiz to test your knowledge.

Just like the first one, you will not be graded on this quiz – it will help prepare you to take the final test at the end of the course, which you will be required to pass in order to receive credit for this course.

If a conservator is a private professional conservator,
it is called a public guardian or public conservator.

- ☐ True
- ☐ False

Quiz 2

Quiz - 5 questions

Last modified: Wednesday, May 10, 2017 at 3:20:18 PM

Properties

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Edit Properties

Becoming an Administrator



Becoming an Administrator

.....during the COVID-19 pandemic.....

During the pandemic, the following procedures on the next slides are not accurate due to the temporary freeze for testing. Your instructor will be discussing the *current* testing and application procedures with you during the Live portion of this class.....

Becoming an Administrator

1. Finish the online portion of the 80 hour class.
2. Finish the live portion of the 80 hour class.
3. Schedule your test online via the DSS website instructions.
4. Take and pass your test within **60 DAYS** of the last day the course.

Becoming an Administrator

5. If you provided your Social Security Number on the scantron, you can call (916) 653-9300 (option #2) on the evening of the day your proctor told you to call, which is generally 7 calendar days from the day you took your exam, if not sooner.

Becoming an Administrator

6. If you did not pass, schedule another test date immediately – you only have 3 chances in 60 days to pass.
7. If you did pass, you will receive a “congratulations” letter in the mail about 2-3 weeks after you take your exam.
8. You only have **30 days** to send the required documentation back to DSS.

Becoming an Administrator

9. What do you need to send them?

- a) A copy of your congratulatory letter.
- b) A completed and signed LIC 9214 – Application for Administrator Certification form.
- c) A check or money order in the amount of \$100 (for the nonrefundable application processing fee), payable to the California Department of Social Services (CDSS).
- d) Include your certificate number on the check or money order.

Becoming an Administrator

- 9. What do you need to send them (cont'd)?
 - e. A copy of your class Certificate of Completion
 - f. A completed and signed LIC 508 Criminal Record Statement
 - g. A copy of your completed LIC 9163 Request for Live Scan form. NOTE: Do not wait for your Live Scan results to submit your application. Your clearance information will be sent to CDSS.

Remaining an Administrator

Your Certificate is good for 2 years. How do you renew it?

1. You must take 40 hours of recertification courses (called “CEU’s”).
2. Which ones and by whom?
 1. Recertification courses must be from a DSS-approved vendor. The course must also be approved by **DSS**. How will I know if it is? Check the DSS website, ask the vendor for their DSS approval number for RCFE recertification AND their course approval number.

Remaining an Administrator

Your Certificate is good for 2 years. How do you renew it?

Of the 40 hours, 20 have to be **live** but 20 can be done **online** and they must include:

1. At least 8 have to be in Alzheimer's/dementia;
2. At least 4 have to be in law, regulations, policies and procedures; and
3. Because your Initial class included the 1 hour of LGBT training, you will not have to meet the LGBT hour requirement.

Remaining an Administrator

You have 2 years to take your classes. Do not wait until the last minute, but do not send your renewal paperwork in earlier than 90 days before your certificate expires.



Remaining an Administrator

About 90 days prior to your Certificate expiring, you *should* receive a letter from DSS explaining what you need to do to renew.

Remaining an Administrator

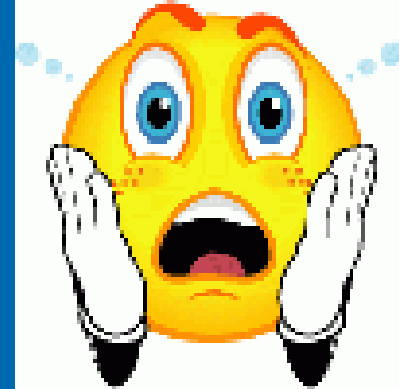
The letter will explain what you will need to send to DSS to renew. This includes:

1. A completed LIC 9214 form;
2. A check or money order for \$100 payable to the Department of Social Services;
3. Proof of your completed classes.

Remaining an Administrator

Ah oh! I missed the deadline!

Now what do I do?



1. You cannot work as an Administrator with an expired certificate.

Remaining an Administrator

If you are late renewing, and it has been less than **2** years since your certificate expired, you must submit:

1. The required **40** hour class certificates; and
2. A check for \$400 payable to DSS (there is a \$300 fine for being late)

Remaining an Administrator

If you are late renewing, and it has been more than **2** years but less than **4** since your certificate expired, you must submit:

1. 80 hours of CEU class certificates; and
2. A check for \$400 payable to DSS (there is a \$300 fine for being late)

Remaining an Administrator

If you are late renewing, and it has been more than **4** years since your certificate expired.....

You will have to take the Initial Certification Course again and start all over.



Conclusion

Do your best to assist your residents in forming a Resident Council – how can you fix the problems and make them happy if you do not know what they want?

Also, please do not let your certificate expire unless you know for sure that you no longer want to work as an RCFE Administrator.

Proceed to Test

You have completed the class presentation and now you must take the 20 question Final Test.

You must score at least 70%, which is 14 or more correct answers, to pass the test. If you do not pass the test, you will be redirected to take the test again.

Proceed to the next slide to begin your Final Test.

Good Luck!

A facility must promote Resident Council but does not have to provide space for it.

- ☐ True
- ☐ False

Final Test for Resident and Family Councils, Conservatorships

Quiz - 20 questions

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Completion

Congratulations on completing this online class for your RCFE Administrator Certification.

You are now ready to proceed to the next section.



THANK YOU !

**Thank You for taking our
Certification Course.**

We hope you will enroll in our live
classes or online classes in the future.