# Supervising our Residents

2 HOURS OF CEU'S FOR RCFE AND ARF ADMINISTRATORS

# Copyright and Disclaimer

- COPYRIGHT - This Course Material has been copyrighted © 2023 by Assisted Living Education. All rights reserved. No part of this course material/content may be reproduced or utilized in any form, by any means, electronic or mechanical, including photocopying, recording, emailing, or any information storage and retrieval system, without permission in writing from Assisted Living Education.
- DISCLAIMER - Assisted Living Education has attempted to offer useful information and assessment tools that have been accepted and used by professionals within this industry, including the California Department of Social Services. Nevertheless, changes in health/medical care and health care regulations may change the application of some techniques and perceptions in this course material. Assisted Living Education thereby disclaims any liability for loss, injury or damage incurred as a consequence, either directly or indirectly, from the use and application of any of the contents of this course material.

# Definitions

"DSS" = Department of Social Services

"CCLD" = Community Care Licensing Division

"H&S" = Health and Safety Codes

"RCFE" = Residential Care Facility for the Elderly

"ARF" = Adult Residential Facility

"LPA" = Licensing Program Analyst

"AB" = Assembly Bill

"SB" = Senate Bill

# Course Objectives

- **Discuss our responsibilities to our residents, per DSS**
- **Cameras and videos in our facilities – are they legal?**
- **Notifying other agencies with issues in our facilities**

# DSS Regulations





RCFE: Title 22 “Basic Services”....observation and supervision

Section 87466 OBSERVATION OF THE RESIDENT

The licensee shall ensure that residents are regularly observed for changes in physical, mental, emotional and social functioning and that appropriate assistance is provided when such observation reveals unmet needs. When changes such as unusual weight gains or losses or deterioration of mental ability or a physical health condition are observed, the licensee shall ensure that such changes are documented and brought to the attention of the resident's physician and the resident's responsible person, if any.

# DSS Regulations





ARF: Title 22, Section 85068.4 ACCEPTANCE AND RETENTION LIMITATIONS:

……the regular observation of clients for changes in physical, mental, emotional, and social functioning; and the notification of the client's physician and responsible person and/or authorized representative, if any, of documented changes.

# DSS Regulations



Regularly observed…..

How is that defined?

How often is “regular”?

What are we looking for?

# Observing our Residents





**Using your senses - sight:**

How often do you see your residents?

- 6 bed – hourly/daily
- Large facility - ? At meals and activities? Never??

# Cameras in the Facility



Video Surveillance

- Why do you need this?
- Why do you want this?
- Is the family asking for this?  Why?
- What does DSS think of this?
- What are the DSS requirements?

# Link to the DSS Policies on Cameras



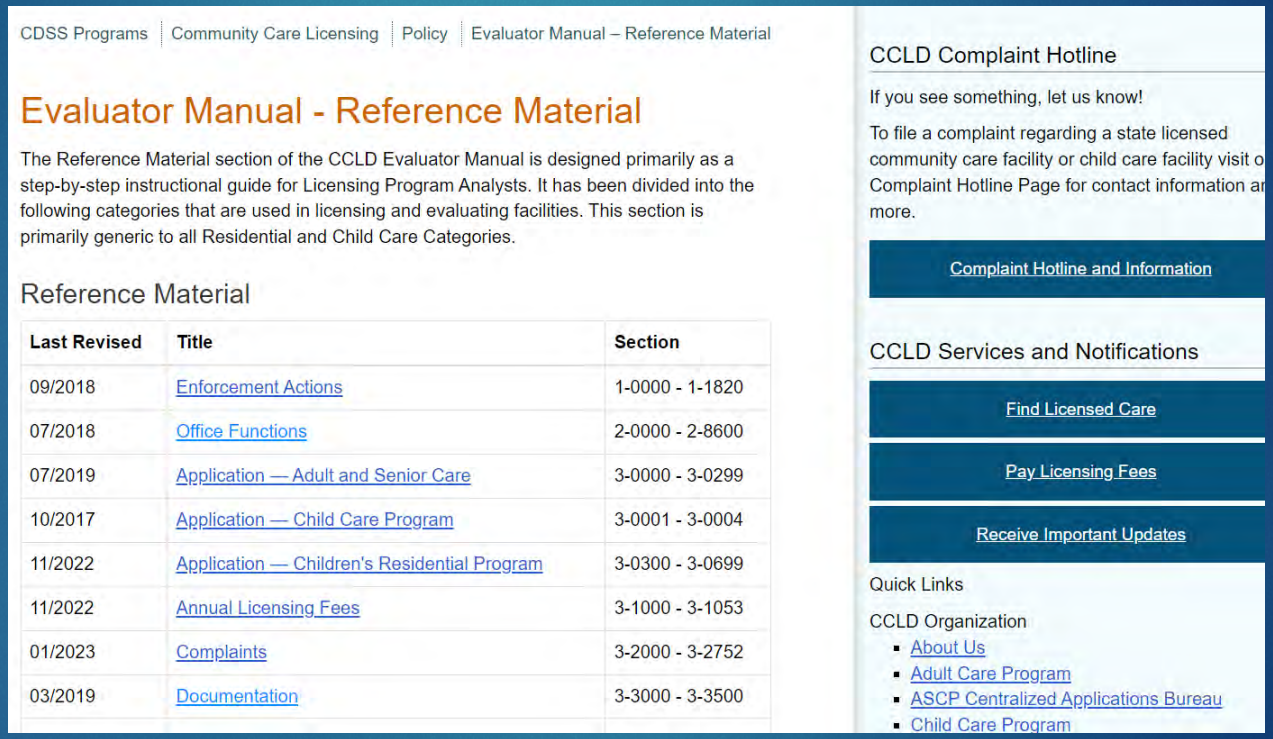


You can find the link to the Evaluator Manual polices and procedures regarding videos through the link below.

*Section 2-5800 titled "Guidelines for Use of Personally Operated Video Surveillance and Audit Recording" can be found starting on page 20 under "Office Functions"……*

https://www.cdss.ca.gov/Portals/9/CCLD/EM/OfficeFunctions.pdf

# DSS Policies on Video Surveillance



CDSS Programs | Community Care Licensing | Policy | Evaluator Manual – Reference Material

## Evaluator Manual - Reference Material

The Reference Material section of the CCLD Evaluator Manual is designed primarily as a step-by-step instructional guide for Licensing Program Analysts. It has been divided into the following categories that are used in licensing and evaluating facilities. This section is primarily generic to all Residential and Child Care Categories.

### Reference Material

| Last Revised | Title | Section |
|---|---|---|
| 09/2018 | Enforcement Actions | 1-0000 - 1-1820 |
| 07/2018 | Office Functions | 2-0000 - 2-8600 |
| 07/2019 | Application — Adult and Senior Care | 3-0000 - 3-0299 |
| 10/2017 | Application — Child Care Program | 3-0001 - 3-0004 |
| 11/2022 | Application — Children's Residential Program | 3-0300 - 3-0699 |
| 11/2022 | Annual Licensing Fees | 3-1000 - 3-1053 |
| 01/2023 | Complaints | 3-2000 - 3-2752 |
| 03/2019 | Documentation | 3-3000 - 3-3500 |

CCLD Complaint Hotline

If you see something, let us know!

To file a complaint regarding a state licensed community care facility or child care facility visit o Complaint Hotline Page for contact information ar more.

Complaint Hotline and Information

CCLD Services and Notifications

Find Licensed Care

Pay Licensing Fees

Receive Important Updates

Quick Links

CCLD Organization

- About Us
- Adult Care Program
- ASCP Centralized Applications Bureau
- Child Care Program

# Cameras in the Facility

**Video Surveillance issues:**

1. If a facility decides to use video, they MUST obtain a waiver from DSS (requirements in the upcoming slides….)
2. It is illegal in California to secretly tape record voices. You/families/residents cannot use a video recorder that includes sound.

# Cameras in the Facility

**Video Surveillance issues:**

3. Video surveillance can be considered an invasion of the privacy of other residents or staff members who are unaware of the camera's existence.
4. Those using cameras should notify all residents, visitors and employees that cameras are on the premises.

# Cameras in the Facility





Video Surveillance issues:

5. DSS will not allow cameras to be used as a substitute for adequate staffing.
6. DSS will allow, with an approved exception (part of the waiver), a camera in a resident's private room as long as it is not pointed toward the bathroom (must be requested by the resident or conservator).

# DSS Policies on Video Surveillance





- Pertains to both ARF's and RCFE's
- Again, states under no circumstances may video surveillance in facilities use an audio component.
- States specific components that should be completed by the Licensee and submitted to their LPA, such as a Waiver Request.

# DSS Policies on Video Surveillance





**Waiver Request:**

With the Waiver request, Licensees must submit an updated Plan of Operation (per Title 22, Section 80022 for ARF and 87209 for RCFE), including a facility sketch with the camera locations and.....

B5 – Personnel Policies:

- Address training requirement for staff using the video surveillance equipment
- Address how staff will protect the privacy and confidentiality of residents
- Clarify that facility personnel must be sufficient in numbers to meet the residents' needs – video surveillance does not substitute for adequate staffing

# DSS Policies on Video Surveillance



**Waiver Request:**

B7 – Facility Program Description:

Description and purpose of the use of the video surveillance in the facility and how residents' privacy and confidentiality will be protected as it relates to the following:

- Private communication.
- Designated private areas required by regulations.
- When there is an expectation of privacy.

# DSS Policies on Video Surveillance



**Waiver Request:**

B7 – Facility Program Description (cont'd):

- Handling of recordings (encrypted, password protection, storage system, retention schedule, destruction methods, etc.).
- How the licensee will secure (e.g., encryptions, password protection, etc.) the Internet feed of resident images in the event the licensee allows for remote viewing of residents (e.g., to adult children monitoring their senior parent in an RCFE).
- Explain that video surveillance equipment cannot have audio capability.
- Specify steps taken to secure the system from unauthorized access.

# DSS Policies on Video Surveillance





Admissions Agreement – this must be updated to include:

1. An Informed Consent form specific to the facility's use of video surveillance and specific to the area(s) under video surveillance and signed by resident and/or legally responsible party.
2. If the video surveillance exists outside of the common areas (i.e., the resident's private room), a waiver is required and the resident has a right to revoke his/her informed consent verbally or in writing. If revoked, the licensee would be required to shut off the video surveillance in the applicable private areas for that resident.

# DSS Policies on Video Surveillance

## Video Surveillance Records:

1. Must address this in your Plan of Operation.

# DSS Policies on Video Surveillance





## Staffing Requirements:

1. "Facility staff must be sufficient in numbers to meet the residents' needs."
2. Video surveillance does not substitute for adequate staff.
3. Must address your plan for training staff, including how to use the equipment and how staff will protect the privacy and confidentiality of residents.

# Back to……Observing our Residents

**Using your senses - hearing:**

- Are you listening to your resident complaints?
- Are you encouraging the formation of Resident and Family Councils and responding to their comments?
- Are caregivers reporting to you when the resident has a change of condition, such as moaning in pain? Are you addressing this?

# Observing our Residents

**Using your senses - smell:**

- You may be cited by your LPA for a smelly facility (i.e, urine, mold).
- Do your residents smell? Is it because they are being neglected by you and your staff?
- Do your resident rooms smell?

# Supervising our Residents





**Resident Change of Condition:**

- Report to your LPA, if required (paperwork, telephone)
- Report to their family, responsible party, conservator, etc.
- Report to their physician
- Report to other Departments (i.e., Dept. of Health for outbreaks)

*Note: Do not just document this, report it and then do nothing. You must follow-up!*

# Supervising our Residents



**Updated Assessments:**

- **How often are you doing these?**
- **Regulations state, in most cases, either annually or upon change of condition**
  - **What is a “change of condition”?**
- **What forms do we use?**
- **Who do we send these to?**

# Supervising our Residents





Scenario for group discussion:

Mrs. Jones, after a great preplacement meeting and a review of her Physician's Report says no dementia, moves into your facility.

The first night, she tries to elope. The next day, she starts yelling and hitting your residents.

Now what do you do?????

# Supervising our Residents





Scenario for group discussion:

Mr. Smith lives with his wife in your facility. She has dementia but Mr. Smith is always with her and oversees her care.

Mr. Smith falls and goes to the hospital. Mrs. Smith is now having behavior and wandering issues.

Now what do you do?????

# Supervising our Residents





Scenario for group discussion:

A resident's son is having issues with your staff so he places a secret camera in his Mom's room. He has not told his mother nor has he informed you.

The camera is discovered by staff.

Now what do you do?????

# Supervising our Residents

## Restricted Health Conditions:

- Can you safely care for this resident?
- Is your staff trained properly?
- Do you have nurses or appropriately skilled professionals attending to their care needs? Are they coming frequently?

# Supervising our Residents



**Using Home Health:**

- **Can you safely care for this resident?**
- **Are the nurses coming frequently?**
- **Do the home health nurses understand our laws, such as non-licensed staff cannot do finger sticks?**

# Supervising our Residents





## Hospice Care:

- Do you have a Hospice Care Waiver and you are not exceeding your maximum?
- Do the nurses understand our laws, such as non-licensed staff cannot put medication into a resident's mouth?
- Are you keeping resident records current?
- Did you have their roommate sign the required consent?

# Summary





Remember, one of your top priorities and responsibilities as a Licensee or Administrator is the observation and supervision of your residents – and then either providing or arranging for the necessary care and supervision.

You do not want to be cited or sued for neglect or elder abuse!

# Sources





- California Department of Social Services
- Title 22 and Health & Safety Codes
- Evaluator's Manual
- California Assisted Living Association
- Hanson and Bridgett legal briefs

# Conclusion

Assisted Living Education thanks you for attending this Course.

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