



# DSS Laws, Regulations and Policies 2023-2024

4 HOUR CEU COURSE FOR RCFE  
AND ARF ADMINISTRATORS

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# Course Objectives

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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 2024 and 2023

04

Discuss new Labor and OSHA Laws and policies

05

Review of the CARE tools for DSS inspections

# 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

CALA = California Assisted Living Association

# New 2024 Laws/Bills

# AB 1417

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## ELDER AND DEPENDENT ADULT ABUSE – MANDATED REPORTING

Previous elder abuse reporting changes. This Bill deletes and reorganizes some of those reporting provisions. Under the Bill, if the abuse that occurred in a long-term facility was allegedly caused by another resident of the facility with dementia diagnosed by a licensed physician and there was no serious bodily injury, the reporter would be required to submit a written report within 24 hours to the long-term care Ombudsperson and the local law enforcement agency.

Under the Bill, in all other instances, immediately or as soon as practically possible, but no longer than 2 hours, the reporter would be required to submit a verbal report to the local law enforcement agency, and to submit a written report within 24 hours to the aforementioned recipients. Under the Bill, the time limit for reporting would begin when the mandated reporter observes, obtains knowledge of, or suspects the abuse or neglect.

# AB 979

This Bill is in regard to Family Council and affects RCFE's and SNF's.

It allows meetings to be conducted via Zoom (or equivalent) and helps ensure designated individuals are aware of council meetings.

More details to follow.....



# AB 839

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AB 839 updates the California Health Facilities Financing Authority Act (CHFFA) to enable not-for-profit RCFE's to access CHFFA financing and funding programs.

Money can be used for construction, expansion, remodeling, renovation, furnishing, or equipping, or funding, financing, or refinancing or acquisition of a health facility. This Bill added an RCFE to the definition of "health facility" under the program.

# Minimum Wage Increase

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Effective January 1, 2024,  
California's minimum wage  
increased to \$16.00 per hour.

# Labor-Related AB's/SB's

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## Senate Bill 525:

This Healthcare Worker minimum wage increase will result in SIGNIFICANT cost increases throughout the healthcare field!

Does this affect RCFE's and ARF's? Not directly unless they are affiliated by an acute care provider or owned, operated or controlled by a hospital but it puts indirect wage pressure on our industry!!!!

Here is the rate increase breakdown:

June 1, 2024 to May 31, 2026 = \$21.00 per hour

June 1, 2026 to May 31, 2028 = \$23.00 per hour

June 1, 2028 to....? = \$25.00 per hour

# Labor-Related AB's/SB's

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**AB 1228** legislation, or the Fast Food Franchisor Responsibility Act, gives fast-food employees in California the highest guaranteed base pay in the industry nationwide.

Fast Food Worker minimum wage increase effective April, 2024 = \$20.00 per hour.

Again, this does not affect our industry directly but creates indirect wage pressure.

# Labor-Related AB's/SB's - SB 616

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Effective January 1, 2024.

Employers must provide a minimum of 40 hours (5 days) of Paid Sick Leave ("PSL") per year (up from 3 days).

- 24 hours (3 days) of PSL time by the 120<sup>th</sup> day of employment;
- An additional 16 hours of PSL by the 200<sup>th</sup> calendar day of employment;
- = a total of 40 hours

\*Source: <https://californiapayroll.com/blog/california-paid-sick-leave-expansion-sb-616/#:~:text=SB%20616%20lays%20out%20the,the%20120th%20day%20of%20employment>

# Labor-Related AB's/SB's - SB 616

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More provisions:

- If employers use the accrual method, any remaining accrued Paid Sick Time must carry over to the next calendar year, year of employment, or 12-month period. Employers may limit this carry-over to 40 hours.
- Employers may limit the use of Sick Time to 40 hours (or 5 days) for each calendar year, year of employment, or 12-month period.
- For employers who utilize an accrual model instead of offering a lump sum, employees must accrue at least one hour of Paid Sick Leave for every 30 hours worked.
- Employees are entitled to Paid Sick days if they work in California for the same employer for 30 or more days within a year from the start of their employment.

More provisions:

Employees would be allowed to take paid time off for any "existing health condition of, or preventative care for, an employee or an employee's family member."

Businesses could be sued over disputes with workers over what qualifies for paid time off.

# Labor-Related AB's/SB's - SB 616

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What you need to do as an employer to comply:

1. Carefully review and update your current Sick Leave policies and ensure that they align with California's new statewide requirements.
2. Update your Employee Handbook and communicate the changes to your employees no later than January 1, 2024.
3. Ensure your payroll and recordkeeping systems can accurately track and document the accrued Sick Leave balance and usage for each employee.

# Labor-Related AB's/SB's - SB 553

## SB 553—Workplace Violence Prevention

- ▶ SB 553 establishes a workplace violence prevention standard applicable to most California employers. Among other requirements, the Bill requires employers to implement a written workplace violence prevention plan, record workplace violence incidents, and train employees.



# Labor-Related AB's/SB's - SB 553

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SB 553: Goes into effect January 1, 2025 but certain requirements need to be met by July 1, 2024.

**Summary:** Existing law authorizes any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out or to have been carried out at the workplace, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described.

This new Bill would authorize a collective bargaining representative of an employee, as described, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described. The Bill would require an employer or collective bargaining representative of an employee, before filing such a petition, to provide the employee who has suffered unlawful violence or a credible threat of violence from any individual an opportunity to decline to be named in the temporary restraining order. Under the Bill, an employee's request to not be named in the temporary restraining order would not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

# Labor-Related SB's/AB's – SB 799

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## Senate Bill 799 - Unemployment benefits for striking workers:

This Bill will give unions more leverage in contract talks and extend work stoppages since unions will not have to tap into their strike funds to pay members on the picket lines.

How does this affect us? It will also increase California's \$18 billion unemployment insurance fund deficit – **meaning higher payroll taxes for employers.**



# 2024 SSI Rates

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Supplemental Security Income (SSI): \$ 943.00

State Supplementary Payment (SSP): \_\_\_\_\_

Total NMOHC Payment Standard \$\_\_\_\_\_

Amount payable to the facility: \$\_\_\_\_\_

# Update to Dementia Regulations

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DSS has been working on updating the dementia regulations in Title 22 (RCFE) for over 7 years.

Per CALA, the first draft was released for official review. In October, 2023, CALA submitted comments to DSS on the first round of the proposed regulatory package. DSS' stated goal to allow residents to age in place in the least restrictive environment, however, was not included in this first draft.

Example of the proposed, requested changes: A resident goes to their physician and is diagnosed with dementia. This, unfortunately, triggers the current dementia regulations = Windex is immediately removed from their room. What should the trigger be and who makes this decision? This may discourage residents from getting tested for dementia.....

# Update on the Guardian System

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Guardian will be replaced at some point. Until then:

- DSS has hired new staff, increased telephone access to their call center.
- Simplified exemptions: 3 week turn-around. Per CALA, the Department learned that there is a new glitch with Guardian. Guardian is not getting rap sheets back on some people. Employees will have to be re-fingerprinted but they can continue to work during this process. Per CALA, DSS will pay for the re-fingerprinting.

# Administrator Certification

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DSS announced through "The Wire" and an email that they will be launching an Administrator Certification online application portal.

DSS will be sending emails notifying Administrators of their 90-day certification expiration date to those Administrators with email addresses on file. Administrators without an email address on file will continue to receive notifications via USPS mail.

Stay tuned for updated information.....



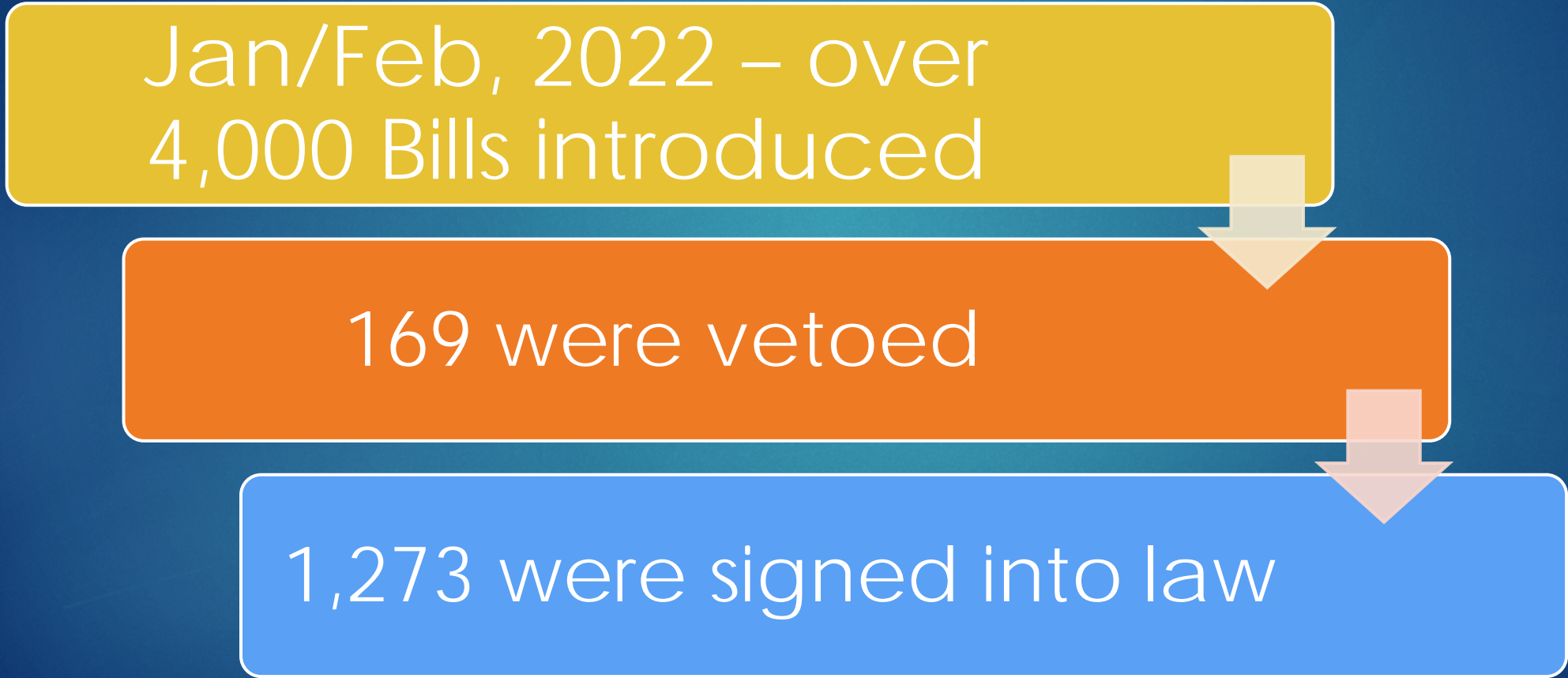
# 2023 Laws/Bills

# New 2023 Laws/Bills

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Jan/Feb, 2022 – over  
4,000 Bills introduced



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graph TD; A[Jan/Feb, 2022 – over 4,000 Bills introduced] --> B[169 were vetoed]; B --> C[1,273 were signed into law];
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The diagram is a vertical flowchart with three colored rectangular boxes connected by downward-pointing arrows. The top box is yellow and contains the text 'Jan/Feb, 2022 – over 4,000 Bills introduced'. A light yellow arrow points down from this box to an orange box in the middle, which contains the text '169 were vetoed'. A light orange arrow points down from the orange box to a blue box at the bottom, which contains the text '1,273 were signed into law'.

169 were vetoed

1,273 were signed into law

# New 2023 Laws/Bills

AB 1720 and SB 1093 - Criminal Background Checks

AB 1855 and SB 707 – affect RCFE's and/or CCRC's

AB 1663 – Conservatorships

SB 1044 – Employer Related

AB 895 – affects RCFE's

# AB 1720 – Effective January 1, 2023

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Bill goals\*:

1. To simplify the background check process for caregivers;
2. Assist previously incarcerated persons or people with minor prior convictions with employment opportunities in DSS-licensed facilities; and
3. To speed up the simplified exemption process.

\*Source: California Assisted Living Association

# AB 1720

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How does this affect our facilities?

- Health & Safety Codes for both RCFE's and ARF's have been amended (see next slide....)
- DSS **no longer** requires the LIC 508 form to be completed:
  - When submitting an Initial Administrator Application
  - Through the Guardian system when fingerprinting
  - BUT.....facilities CAN still ask applicants to complete an LIC 508 (but the facility would simply not send it to DSS). *Discussion question – why continue to ask the potential employee for this if DSS doesn't require it?*

*(Answer: Licensees can still ask applicants to disclose criminal history at any point in the hiring process because RCFE's and ARF's are exempt from "Ban the Box" legislation.)*

## Health & Safety Code additions:

- Adds “simplified exemption requirements” to the Codes and expands the current regulatory criteria for granting simplified exemptions
- What are crimes that will be considered for a “simplified exemption”? (See following slide). Those that will NOT qualify for an exemption:

<https://www.cdss.ca.gov/Portals/9/CCLD/CBCB/NonExemptible-Crimes-List.pdf>

## Simplified Exemption requirements:

DSS may grant a simplified exemption if the applicant meets all the following requirements:

- They have not been convicted of a violent crime.
- They have not been convicted of a crime within the last 5 years.
- They have not been convicted of a felony within the last 10 years.
- They have 5 or fewer misdemeanor convictions.
- They have no more than 1 felony conviction.
- They have not been convicted of a non-exemptible crime.

How does this process work?

- Upload the information on the potential employee into Guardian for the background check.
- The Licensee is not required to upload the LIC 508 form.
- The applicant must wait until cleared through Guardian, which entails the FBI, DOJ and Administrative Action Registry System (AARS) search, **before they can begin working**. *NOTE: Do not allow them to work until this is cleared - this will be an A citation with DSS!*
- Be patient. There is an average 3-week turn-around time for these.

# AB 1720

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Be aware – just because the applicant qualifies for a simplified exemption, DSS has the right to require that person to go through the standard exemption process (which takes much longer).

# SB 1093

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## Senate Bill 1093\* regarding background checks:

- Effective January 1, 2023
- Pertains to transferring fingerprints (background clearances) between facilities and streamlines the process (no longer have to submit written transfer requests to DSS).
- Done through Guardian. Can also transfer non-conditional exemptions (in most cases) through Guardian.
- Facilities can verify the individuals' identity as part of the transfer process.
- Discussion: has anyone used Guardian to transfer an employee exemption? Discussion of the process.....
- \*Source: <https://openstates.org/ca/bills/20212022/SB1093/> and CALA

# AB 1855\*

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During the pandemic, many facilities were not allowing the Long-Term Care Ombudsmen to enter the facility. Therefore, this Senate Bill reiterated the law that the Ombudsmen have the right to enter ARF's, RCFE's and SNF's – they can never be denied entry unless....a State or local Health Officer limits contact with residents or staff to limit or prevent the spread of disease (i.e., COVID-19).

Note: during a declared State or local emergency, an ARF, RCFE or SNF may require Ombudsmen to adhere to their infection control protocols that are no more stringent than what is required for staff.

\*Source: <https://openstates.org/ca/bills/20212022/AB1855/> and CALA

# AB 1855 – a Summary of the Ombudsman Rights

## SB 345 - Ombudsman Bill

Back on January 1, 2013, SB 345 was enacted entitling long-term care Ombudsman ("LTCO") to documents and facility access that was not granted in the past. Effective back in 2013, Ombudsman are entitled to:

1. The roster, census or other list of resident names, and room/apartment numbers, upon request;
2. Unescorted, unhindered movement within the facility, for purposes of:
  - identifying, hearing, investigating and resolving complaints;
  - observing and monitoring conditions; and/or
  - assisting residents in protecting their health, safety, welfare and rights; and

# AB 1855 – a Summary of the Ombudsman Rights

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Ombudsman entitled to (cont'd):

3. The name and phone number of the resident's conservator, legal representative or next-of-kin within 24 hours (previously, the timeframe was not identified).

# AB 1855 – a Summary of the Ombudsman Rights

What the Ombudsman is NOT entitled to:

- Time alone in the medication room;
- Control over the Administrator's office;
- Participate in a resident or family council meeting without the invitation of a resident or family\*; or
- The right to enter a resident's room without consent of that resident.

If it is your current policy to have all visitors sign in and out, then the Ombudsman must abide by this.

\*Not part of AB 345

# AB 1855 – a Summary of the Ombudsman Rights

You must give an Ombudsman resident records for review or copying when:

- ✓ the resident or responsible party says it is OK;
- ✓ the resident is unable to consent to the review and has no legal representative; or
- ✓ access to the records as is necessary to investigate a complaint.

# SB 707 regarding CCRC's

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- Effective January 1, 2023
- Pertains only to CCRC's
- New reporting requirements ("triggers"):
  1. A CCRC must notify DSS within 2 weeks after the end of a calendar month in which the overall average occupancy of all levels of care is below 80% AND one of the following occurs:
    1. The operator fails to maintain the minimum required reserve
    2. The operator fails to meet one or more of its debt covenants from a 3<sup>rd</sup>-party lender, a bond issue or a 3<sup>rd</sup>-party lender and a bond issue
    3. The operator has a net operating loss for a period of 3 consecutive months.

# AB 1663 regarding Conservatorships

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- Effective January 1, 2023
- More applicable to ARF's rather than RCFE's
- Driven by the Britney Spears conservatorship issue
- Adds a statute that allows an individual with a disability to enter into formal supported decision-making agreements with one or more adult to help make life decisions based on that person's preferences, such as where to live.
- Adds protections for those individuals with a disability against potential abuse by a supporter.

Here is the link from the California Legislative Information website:

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1663](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1663)

# SB 1044 regarding unsafe working conditions

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THANKFULLY, this Senate Bill does not pertain to RCFE's, ARF's and SNF's!

It prohibits employers from taking acting against employees who walk off the job or fail to show up because they feel unsafe (i.e., COVID-19).

Again, thankfully it exempts residential care facilities specifically! It also exempts emergency responders, skilled nursing and others.



# AB 895 regarding Admission Policy Additions

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- Effective January 1, 2023
- Amends Health & Safety Code Section 1569.885
- RCFE's must add to their admission policies/agreements:
  1. A written notice that is included in, or as an attachment to, all admission agreements. This written notice includes the:
    1. Current telephone number, internet website address and email address for the local long-term care Ombudsman; and
    2. Internet website address for the CCL Division of DSS.
  2. A written notice that states that the Ombudsman is intended as a resource for both the following purposes:
    1. Accessing additional information regarding resident care at the facility; and
    2. Reporting resident care complaints.

# SB 1346 regarding Medication Donations

ARF's (along with all DSS-licensed facilities) are now allowed to donate unused medications (defined as a donor organization); until January 1, 2023, only RCFE's with a capacity over 15 could donate.

Example of a donation program: SIRUM.

<https://sirum.org/donate/>



# Stalled 2023 Bills

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## **Assembly Bill 499** regarding referral agencies failed AGAIN!!!

- Stalled but could come up AGAIN next year
- Would require referral agencies to make specific consumer disclosures regarding referral services, such as the fees that are charged to the facilities
- Governor Newsom vetoed it BUT said go back and re-work it so we may see this again in 2024

# Stalled 2023 Bills

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**Assembly Bill 2583** regarding dementia training for police officers – failed due to lack of funds

**Assembly Bill 2619\*** regarding RCFE capacity – failed but may come up again. It would have amended the California Residential Care Facilities for the Elderly Act to allow applicable RCFEs currently serving six or fewer individuals to serve more than six individuals.

\*Source: [https://justiceinaging.org/wp-content/uploads/2022/03/FINAL\\_2022-Legislative-Bills-Related-to-the-Master-Plan-for-Aging.pdf](https://justiceinaging.org/wp-content/uploads/2022/03/FINAL_2022-Legislative-Bills-Related-to-the-Master-Plan-for-Aging.pdf)

# 2023 SSI Rates

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Supplemental Security Income (SSI):	\$ 914.00
State Supplementary Payment (SSP):	<u>578.82</u>
Total NMOHC Payment Standard	\$1,492.82

Amount payable to the facility:	\$1,324.82
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# 2023 Labor Laws

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# 2023 Minimum Wage\*

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California – effective January 1, 2023:

\$15.50 per hour



Note: Some counties and cities have a higher wage

\*Source: <https://www.dds.ca.gov/rc/vendor-provider/minimum-wage/#:~:text=Due%20to%20the%20enactment%20of,employees%20the%20new%20minimum%20wage>.

# SB 1162\* Regarding Mandatory Pay

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## Effective January 1, 2023:

- Employers must provide pay scale information to a job applicant or current employee upon reasonable request.
- Employers with **15 or more** employees must include the pay scale for a position in any job posting. Any job posting must include the salary or hourly wage range that the employer reasonably expects to pay for the position. Note: If an employer engages a third party to announce, post, publish or otherwise make known a job posting, the third party must also include the pay scale in its job posting.

\*Source: <https://www.akingump.com/en/news-insights/california-passes-sb-1162-expanding-pay-data-reporting-and-pay-transparency.html>

# SB 1162 Regarding Mandatory Pay

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## For employers with 100+ employees:

- Effective January 1, 2023, California has added this requirement through an additional report to the California Civil Rights Department (formerly the DFEH) covering the prior calendar year by the 2<sup>nd</sup> Wednesday of May, 2023 and each year thereafter.

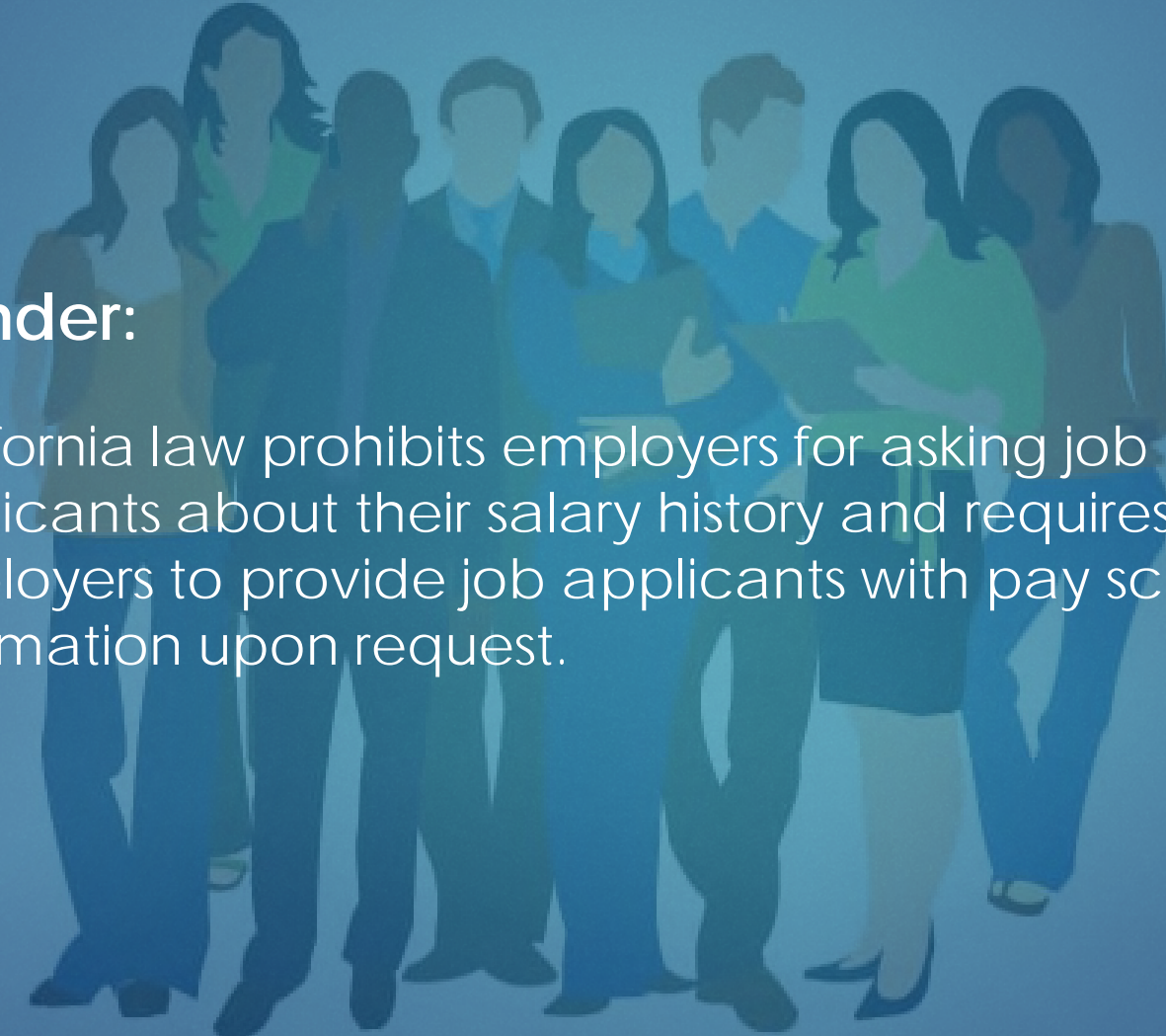
# SB 1162 Regarding Mandatory Pay

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## Reminder:

- California law prohibits employers for asking job applicants about their salary history and requires employers to provide job applicants with pay scale information upon request.



# AB 1949\* – Bereavement Leave

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Effective January 1, 2023, employers with 5+ employees must grant up to 5 days of **unpaid** bereavement leave to an employee (who has been employed by the employer for at least 30 days prior to the commencement of the leave) upon the death of a family member defined as:

- Spouse
- Child
- Parent
- Sibling
- Grandparent
- Grandchild
- Domestic partner
- Parent-in-law



\*Source: <https://www.lcwlegal.com/news/ab-1949-entitles-eligible-employees-to-five-days-of-bereavement-leave-upon-the-death-of-a-family-member-and-expands-small-employer-family-leave-mediation-pilot-program/>

# AB 1949 – Bereavement Leave

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## More information:

- This leave is separate and apart from the 12 weeks of leave employees are eligible to take under the CFRA for their own serious health condition or that of a family member.
- The leave must be taken within 3 months of the family member's death, and can be taken all at once or intermittently.
- Employees may use their available vacation, personal leave, accrued and available sick leave or compensatory time off for the leave.
- The employer may request documentation of the death of the family member and the employee must provide the documentation within 30 days of the first day of the leave.

# AB 1041\* Regarding Leaves

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This Bill expands the class of people for whom an employee may take Caregiver Leave under the California Family Rights Act (CFRA) to include a “designated person”.

The law defines this term to include any individual related by blood or whose association with the employee is the equivalent of a family relationship.

An employer may limit an employee to one designated person per 12-month period and that designation can be made at the time the employee requests the leave.

\*Source: <https://openstates.org/ca/bills/20212022/AB1041/>

# SB 1477\* Regarding Wages

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Prior to January 1, 2023, the law limits the amount of earnings subject to garnishment in a workweek.

Effective January 1, 2023, the new limit is the lesser of 20% of the individual's disposable earnings for that week or 40% of the amount by which the individual's disposable earnings for that week exceed 48 times the state minimum hourly wage in effect at the time the earnings are payable.

\*Source:

<https://openstates.org/ca/bills/20212022/SB1477/>



# New State Holidays

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AB 1655 designates June 19 "Juneteenth" as a State holiday.

AB 1801 designates April 24 "Genocide Remembrance Day" as a State holiday.

# AB 2068\* – Cal/OSHA

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AB 2068 expands employee notice requirements following a Cal/OSHA citation or order.

Starting January 1, 2023, employers must post notice of Cal/OSHA citations, orders or special orders containing the following information:

1. Notice that Cal/OSHA investigated the workplace and found **one or more** workplace safety or health violations;
2. Notice that the investigation resulted in one or more citations or orders, which the employer is required to post at or near the place of the violation for **3 working days**, or until the unsafe condition is corrected, whichever is longer;

\*Source: <https://openstates.org/ca/bills/20212022/AB2068/>

# AB 2068 – Cal/OSHA

57

Starting January 1, 2023, employers must post notice of Cal/OSHA citations, orders or special orders containing the following information (cont'd):

3. Notice that the employer is required to communicate any hazards at the workplace to employees in a language and manner they understand; and
4. Contact information for Cal/OSHA and the internet website\* where employees can search for citations against their employer.

\*Note: this is that website:

<https://www.osha.gov/ords/imis/establishment.html>

# Title 22 Updates

RCFE was updated  
(certain sections) July  
1, 2023

ARF was also  
updated July 1, 2023



# Title 22 Updates - ARF

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PAGE AND SECTION #	DESCRIPTION
Pg 4.1; "Definitions"	Adds "Contagious diseases" definition
Pg 4.2; "Definitions"	Adds to "Health Care Surrogate Decision Maker" description
Pg 4.3; "Definitions"	Adds "Infectious" definition
Pgs 32.2-32.6; Section 85095.5	Adds new Section 85095.5 "Infection Control Requirements"

# Title 22 Updates - RCFE

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PAGE AND SECTION #	DESCRIPTION
Pg 10; "Definitions"	Adds "Contagious diseases" definition
Pg 16; "Definitions"	Adds "Infectious" definition
Pg 17; "Definitions"	Updates "Licensed Professional" definition to include PA's and NP's
Pg 18; "Definitions"	Updates "Medical professional" definition to include RN's and LPN's
Pgs 142.2-142.6; Section 87470	Updates Section 87470 "Infection Control Requirements"

# DSS Form Changes - 2023

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LIC 9163

LIC 9182

LIC 9188

LIC 9214

LIC 9273

LIC 9282

# Form Changes – LIC 9163

Updated March,  
2023

6 pages now

Health & Human Services Agency

California Department of Social Services

## REQUEST FOR LIVE SCAN SERVICE - COMMUNITY CARE LICENSING

Applicant: If you intend to use Guardian, please start this process at the Guardian Applicant site (<https://guardian.dss.ca.gov/Applicant>). Working with your Facility/Organization, you will be able to retrieve a prepopulated Live Scan form which helps ensure accuracy and reduce possible delays.

1. ORI: **A0448**

2. Working Title: (Check one) ☐ Adult Resident other than Client ☐ Employee ☐ RFA Relative  
☐ License, Certification, Applicant ☐ Volunteer ☐ Home Care Aide Registry Applicant

3. Authorized Applicant Type: \_\_\_\_\_  
(Enter from list on Page 2, "DOJ Abbreviated CCLD Facility/Organization Type")

4. Agency Address Set Contributing Agency:

**CA Dept of Social Services**

**03502**

Agency authorized to receive criminal history information

Mail Code (five-digit code assigned by DOJ)

**PO BOX 94244**

**Mail Station T9-15-62**

**N/A**

Street No.

Street or PO Box

Contact Name  
(Mandatory for all school submissions)

**Sacramento**

**CA**

**94244-2430**

**N/A**

City

State

Zip Code

Contact Telephone No.

5. Applicant Information:

Name of Applicant: (Please print) \_\_\_\_\_

Last, First, MI.

AKA's: \_\_\_\_\_

CDL/CA ID No. \_\_\_\_\_

DOB: \_\_\_\_\_ Sex: ☐ Male ☐ Female

Misc No.: **BIL -**  
Agency Billing Number (If applicable)

HT: \_\_\_\_\_ WT: \_\_\_\_\_

Misc No.: \_\_\_\_\_  
Permanent Resident Card,  
Out-of-State Driver's License or I.D.

Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Mailing Address:  
(All applicants must complete)

POB: \_\_\_\_\_

# Form Changes – LIC 9182 and 9188

Related to criminal background  
transfer/exemption requests

Both changed in March, 2023

Most facilities are doing this through  
the Guardian system rather than using  
these forms

## APPLICATION FOR ADMINISTRATION CERTIFICATION

### ADMINISTRATOR CERTIFICATION PROGRAM

**Instructions:** See page 2 for complete instructions.

- 1. Type of Application:** (Check one box only. If renewing, provide certificate number and expiration date.)

☐ New

☐ Renewal Certificate #: \_\_\_\_\_ Expires: \_\_\_\_\_

- 2. Type of Program:** (Check one box only; if applying for more than one certificate, submit a separate application for each.)

☐ ARF (Adult Residential Facility) ☐ RCFE (Residential Care Facility for the Elderly)

☐ STRTP (Short-Term Residential Therapeutic Program) ☐ GH (Group Home)

- 3. Applicant Information:** (Please print.) ☐ Check here if any information has changed since last submittal

Name (First, MI, Last): \_\_\_\_\_

Address (Street Address, City, State, Zip): \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell: \_\_\_\_\_ E-mail: \_\_\_\_\_

Date of Birth: (MM/DD/YY) \_\_\_\_\_

- a. Do you currently hold or have you previously held a license, certification or other approval as a professional in a specified field (e.g., RN, NHA)? If yes, please list the type(s) of license(s) or certificate(s) and their number(s). (Include any Administrator Certificates.) ☐ YES ☐ NO
- b. Do you currently hold or have you previously held a State-issued care facility license? If yes, please list the type of license(s) and license number(s). (Include any community care facility licenses.) ☐ YES ☐ NO
- c. Are you currently employed or were you previously employed by a State-licensed care facility? If yes, please list the facility name(s) and license number(s). (Place an \* by those where currently employed.) ☐ YES ☐ NO

For Office Use Only:	
PRINTS TO DOJ:	_____
DOJ CLEARED:	_____
FBI CLEARED:	_____
CACI:	_____
FACILITY #:	_____
D.O. #:	_____
LIS #:	_____

Form Changes – LIC  
9214

Used for  
Administrator  
Certificates

Updated May, 2023

Now 3 pages

California Health &amp; Human Services Agency

California Department of Social Services

Administrator certification application fees will incrementally increase by ten (10%) percent each year, over a four (4) year period. Administrator Certification Application Fee Schedule is as follows:

Year 1, effective July 1, 2021, Renewal Application: \$110  
 Year 2, effective July 1, 2022, Renewal Application: \$120  
 Year 3, effective July 1, 2023, Renewal Application: \$130  
 Year 4, effective July 1, 2024, Renewal Application: \$140

*(Note: Please include your administrator certificate number on your check or money order. Paper clip your payment to your documents; do not staple or glue.)*

- ☐ Proof of completion copies of certificates of completion from course vendors of forty (40) hours of continuing education (OR twenty (20) hours for RCFE-NHA certificate holders) approved by the department and provided by approved vendors per program regulations. The total units must include:
  - ☐ At least four (4) hours of instruction in laws, regulations, policies and procedural standards that impact your type of care facility (e.g., ARF, GH, RCFE)
  - ☐ For RCFE (and RCFE-NHA) certificate holders, at least eight (8) hours in subjects related to serving residents with Alzheimer's Disease or other dementias
  - ☐ If applicable, for RCFE applicants only, a copy of your current **Nursing Home Administrator** license.

## Form Changes – LIC 9214

Make sure you are completing the form, where required (and in its entirety) and send in the correct fee! Otherwise, it will be rejected and sent back to you.

# Form Changes – LIC 9273

Updated July, 2023

Pertains to CCRC's  
only

State of California – Health and Human Services Agency

California Department of Social Services

## CONTINUING CARE RETIREMENT COMMUNITY DISCLOSURE STATEMENT

Date Prepared: \_\_\_\_\_

Facility Name: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Provider Name: \_\_\_\_\_

Facility Operator: \_\_\_\_\_

Religious Affiliation: \_\_\_\_\_

Year Opened: \_\_\_\_\_

# of Acres: \_\_\_\_\_

Miles to Shopping Center: \_\_\_\_\_

Miles to Hospital: \_\_\_\_\_

☐ Single Story

☐ Multi-Story

☐ Other: \_\_\_\_\_

### Number of Units:

Residential Living	Number of Units	Health Care	Number of Units
Apartments – Studio:	_____	Assisted Living:	_____
Apartments – 1 Bdrm:	_____	Skilled Nursing:	_____
Apartments – 2 Bdrm:	_____	Special Care:	_____
Cottages/Houses:	_____	Description:	_____

RLU Occupancy (%) at Year End: \_\_\_\_\_

Type of Ownership: ☐ Not for Profit  
☐ For Profit

Accredited? ☐ Yes By: \_\_\_\_\_  
☐ No

Form of Contact: ☐ Continuing Care ☐ Life Care ☐ Entrance Fee ☐ Fee for Service  
(Check all that apply) ☐ Assignment of Assets ☐ Equity ☐ Membership ☐ Rental

# Form Changes – LIC 9282

- Required for RCFE's and ARF's

Replaces the LIC 808 form

Complete this form or use it to create your own Plan

- The Plan must be in writing and made available upon request to residents/clients onsite, any responsible party for a resident/client, the local Long-Term Care Ombudsman, and DSS. The Infection Control Plan shall be included in the Plan of Operation and reviewed at least annually, updated as required and kept on file in the facility.

**RESIDENTIAL INFECTION CONTROL PLAN** - Adult Residential Facilities, Enhanced Behavioral Supports Homes, Community Crisis Homes, Residential Care Facilities for the Elderly, Residential Care Facilities for the Chronically Ill, and Social Rehabilitation Facilities

**EXPLANATION:** This form is provided as a courtesy to the following adult/senior care facility applicants and licensees: Adult Residential Facility (ARF), Enhanced Behavioral Support Home (EBSH), Community Crisis Home (CCH), Residential Care Facility for the Elderly (RCFE), Residential Care Facility for the Chronically Ill (RCFCI), and Social Rehabilitation Facility (SRF). An applicant seeking a license for a new ARF, EBSH, CCH, RCFE, RCFCI, and SRF must submit an Infection Control Plan with their initial license application and keep it updated and may choose to either provide the required information on this form or on a separate written submission. This form is provided as a courtesy and its use is voluntary.

A licensee is required to have an Infection Control Plan pursuant to the applicable Infection Control Requirements section of the California Code of Regulations (CCR), Title 22: [Section 81095.5](#) for SRFs; [Section 85095.5](#) for ARFs, CCHs and EBSHs; [Section 87470](#) for RCFEs; and [Section 87895.5](#) for RCFCIs. The plan must be in writing and made available upon request to residents/clients onsite, any responsible party for a resident/client, the local Long-Term Care Ombudsman, and the California Department of Social Services. The Infection Control Plan shall be included in the Plan of Operation required in the applicable CCR Title 22, [Section 81022](#), [Section 85022](#), [Section 87208](#) and [Section 87822](#). For ARFs, EBSHs, CCHs, RCFCIs, and SRFs, any change to the Plan of Operation which affects services to residents/clients shall be reported to the Department within 10 working days pursuant to the applicable CCR Title 22, [Section 80061](#), [Section 81061](#), [Section 85061](#) and [Section 87861](#). RCFEs are required to have a current Plan of Operation pursuant to CCR Title 22, [Section 87208](#). **All resident/client and employee information on this form must be kept confidential.**

The Infection Control Plan shall be reviewed annually, updated as necessary, and maintained on file at the facility, pursuant to CCR Title 22, [Section 81095.5\(c\)\(1\)\(D\)](#) for SRFs, [Section 85095.5\(c\)\(1\)\(D\)](#) for ARFs, CCHs, and EBSHs, [Section 87470\(c\)\(1\)\(D\)](#) for RCFEs and [Section 87895.5\(c\)\(1\)\(D\)](#) for RCFCIs. A licensee or administrator should sign and date the plan to show that it has been reviewed and updated as necessary.

In the case of an emergency as defined in [Government Code Section 8558](#), or a federal emergency for contagious disease is proclaimed or declared, the Emergency Infection Control Plan shall be reviewed and updated as necessary, or whenever new infection control measures are recommended by the federal, state and local public health authorities, or as determined by the Department, until the proclaimed state of emergency is no longer in effect.

# The LIC 508 Form

DUE TO AB 1720, THE USE OF THE LIC 508 HAS BEEN DISCONTINUED....BUT EMPLOYERS ARE STILL ALLOWED TO ASK FOR IT BUT ARE NOT REQUIRED TO SUBMIT IT TO DSS.

## 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](mailto:cclwebmaster@dss.ca.gov)

**CCLD Complaint Hotline**

1-844-LET-US-NO (1-844-538-8766)  
email: [letusno@dss.ca.gov](mailto: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](#)
- [Background Check Process](#)
- [CCLD Policies and Procedures](#)
- [Laws and Regulations](#)
- [Provider Information Notices \(PINs\)](#)
- [Quarterly Updates](#)
- [ASCP Centralized Applications Bureau](#)
- [Register for Online Orientation](#)
- [Health and Safety Information](#)
- [Other Links and Partner Agencies](#)
- [Most Commonly Cited Deficiencies](#)
- [Technical Support Program](#)
- [Parent's Guide to Choosing Child Care](#)

# 2024 and 2023 PIN's

# PIN's

Discussion of PIN's  
released in 2024.....

70



# PIN's



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



[ccldpolicynotification@dss.ca.gov](mailto:ccldpolicynotification@dss.ca.gov)

# 2023 PIN's

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This Section will include a review of the most relevant and pertinent PIN's that affect ARF's and RCFE's, such as:

PIN 23-16-ASC regarding training requirements for Administrators, staff, etc.

PIN 23-12-ASC outlining the revised Infection Control Regulations

PIN 23-09-ASC outlining the End of Life Option Act Updates

# Quarterly Updates



# DSS Quarterly Updates

- ▶ Review and discussion of the latest Updates (i.e., Winter, 2023/24)



# The Insider

# The Insider

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

Although these really focus on the DSS Education Vendors, there is valuable information included for Administrators.

Review and discussion of the latest Insiders which can be found at:

<https://www.cdss.ca.gov/inforesources/community-care/administrator-certification/the-insider>

A person wearing a dark long-sleeved shirt is holding a white ceramic mug with both hands. The mug has the text "LIKE A BOSS" printed on it in a black, hand-drawn style font. The person's left hand has a gold ring on the ring finger. The background is a solid light gray.

# Administrators

# Administrators

## Becoming an Administrator and Renewing your Certificate:

As of February 28, 2023, Governor Newsom has proclaimed the end of the State of Emergency, therefore we are back to the requirement of 60 “live” classroom hours (plus 20 online) for the Certificate and 20 “live” classroom hours and 20 online (or all live) for renewals.



# Administrators

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As of this class date, the processing time for certificates is as follows:

Initial Certification:    months

Renewals:    months

# 2022 Labor Laws

Source:  
<https://www.natlawreview.com/article/2022-california-employment-law-round>

# 2022 Labor Law Changes

**SB 331**: required that all employees—even those under 40 years of age—must be provided with at least five days to consider a **severance agreement** and to be advised that they have the right to consult an attorney regarding the agreement.

An employee can sign prior to the five-day period as long as the shortened period is “knowing and voluntary,” and not induced by the employer’s “fraud, misrepresentation, or threat to withdraw or alter the offer.”



Source:  
<https://www.natlawreview.com/article/2022-california-employment-law-round>

# 2022 Labor Law Changes

**SB 807:** required employers to maintain personnel records for **four years** from the date of creation, instead of the prior two years, and also **four years** from the date of termination of an employee or *non-hire of an applicant*.

\*Source: <https://www.natlawreview.com/article/2022-california-employment-law-round>

# 2022 Labor Law Changes

**SB 657** provided employers with alternative posting options as more employees work remotely.

SB 657 allows employers to provide certain workplace postings to employees via email. Nonetheless, employers still must comply with existing California posting requirements and physically post documents in their workplace. Examples of such required postings include the appropriate California Wage Orders, regular payday schedules and the time and place of payment notices, safety rules, and employee rights under whistleblower laws, among others. This law also does not change federal posting requirements, such as the minimum wage and posting requirements under the Family Medical Leave Act ("FMLA").

\*Source: <https://www.natlawreview.com/article/2022-california-employment-law-round>

# 2022 Labor Law Changes

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## Assembly Bill 1003 – Wage Theft

Starting January 1, 2022, AB 1003 adds section 487m to the California Penal Code, which specifically provides for criminal penalties for wage theft by an employer. This new law defines the “theft of wages” as “intentional deprivation of wages” as defined in Labor Code section 200. Under this provision of the penal code, an independent contractor is included within the definition of an “employee.” The bill specifies that the intentional theft of wages in an amount above \$950 from any single employee, or \$2,350 in the aggregate from two or more employees, by an employer in any consecutive 12-month period, may be punished as grand theft under state law.

\*Source: <https://www.natlawreview.com/article/2022-california-employment-law-round>

# Other Important Information



# The Guardian System

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This is the link to get set up with Guardian:

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

Because of the confusion with this program, the Care Provider Management Bureau (CPMB) has created a PowerPoint on how to use Guardian.

<https://www.cdss.ca.gov/Portals/9/CPMB/122022%20All%20Provider%20Webinar.pdf>

# The Guardian System

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Processing time is averaging 2-4 weeks for clearances. Group discussion: What are you experiencing?

Tips/tools for using Guardian:

1. Check to see if there is already a profile for the prospective employee.
2. Review your input carefully for typos before submitting.
3. Employees are not required to provide their CDL or social security number to YOU but they are required to give it to the LiveScan operator.

# The Guardian System

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Group discussion: What kind of challenges are you facing when using Guardian and how are you overcoming them?

# Admission Agreements

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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

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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.

# Admission Agreements

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How old is your current Agreement? Does it still state that “death is a 30-day notice”???

Does it state there are no refunds upon death?

If so, you **MUST** update your Agreement and notify your LPA.

Reminder: **ANYTIME** you change admission policies and procedures, you must notify your LPA.



# Video Surveillance Cameras

92

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Are surveillance cameras allowed in facilities???

# Video Surveillance Cameras

93

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- ❖ Allowed in public areas, such as the entryway or dining room, but ONLY with an approved waiver from DSS (see upcoming slides on waiver).
- ❖ DSS now allows cameras in resident rooms – with a waiver from DSS IF the facility is the one installing it; a waiver is not required if the resident/resident's family installs it.
- ❖ BUT.....audio is not allowed. Why not?

# Video Surveillance Cameras

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Why is audio not allowed? California law forbids recording or audio surveillance without the permission of all parties involved (staff, residents, guests, etc.).

What about Alexa or other two-way communication systems? Ask DSS for a waiver and post a visible sign on the resident's door stating that the device is in use and they may be subject to audio surveillance.

# Video Surveillance Cameras

95

Why are these cameras so controversial?

1. The Licensee is responsible for “the promotion and protection of clients’ or residents’ right to privacy and dignity as required by existing regulations.\*” Are the cameras violating these rights – are you spying on them?
2. Some Licensees are using these cameras as a substitute for staff. This is not allowed.

\*Source: DSS Evaluator Manual – *Office Functions*; page 20.11; July, 2018

# Video Surveillance Cameras

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## Waiver vs. Update to the Facility's Plan of Operation

Waiver – required if video surveillance exists outside of common areas (bedrooms, private room, etc.). *Note: the resident has the 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.*

# Video Surveillance Cameras

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You decide you DO want a camera(s) in your facility. Now you must prepare the following and submit this to your LPA (as part of your facility's Plan of Operation):

1. Admission Agreement and Policies:
  1. Description of how video surveillance would not be utilized in any private area if the resident or resident's legally authorized representative did not sign a statement of informed consent or revoked a signed statement of informed consent.
  2. Informed consent, specific to the facility's use of video surveillance and specific to the area(s) under video surveillance, must be signed by the resident or the resident's legally authorized representative, if applicable.

# Video Surveillance Cameras

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Add (cont'd):

## 2. Personnel Policies:

1. Address training requirement for staff using the video surveillance equipment;
2. Address how staff will protect the privacy and confidentiality of residents; and
3. Clarification that the facility personnel must be sufficient in numbers to meet the residents' needs as video surveillance does not substitute for adequate staff.

# Video Surveillance Cameras

99

Add (cont'd):

## 3. Facility sketch:

1. Provide a description of the physical signs that will be posted in the areas that will be subject to video surveillance; and
2. Sketch where each camera will be located and the area captured by each camera.

# Video Surveillance Cameras

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Add (cont'd):

## 4. B7 – Facility Program Description:

1. Video surveillance – a description 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:
  1. Private communication;
  2. Designated private areas required by regulations;
  3. When there is an expectation of privacy;
  4. Handling of recordings (encrypted, password protection, storage system, retention schedule, destruction methods, etc.);

# Video Surveillance Cameras

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Add (cont'd):

4. B7 – Facility Program Description (cont'd):
  5. Explain how the Licensee will secure the internet (i.e., password protections) feed of resident images in the event the Licensee allows for remote viewing of residents, such as to adult children monitoring their parent in an RCFE;
  6. Explain that video surveillance equipment cannot have audio capability; and
  7. Specify steps taken to secure the system from unauthorized access.

# LPA Inspections

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Effective January 1, 2019, LPA's were required to conduct annual inspections of RCFE's, but this was hampered by COVID-19.

They are now using the new Inspection Tools called "Compliance and Regulatory Enforcement (CARE) Tools".

Click on this link to review these Tools and prepare for your audit!

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



# 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 Department 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!!
- ▶ Infection Control Inspections started 5/10/21 and are annual. Over 17,000 (per CALA) inspections have been conducted with the new Infection Control domain.

# 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

105

- ▶ 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

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- ▶ 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

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- ▶ 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

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

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

# Training Reminders

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Are your caregivers trained properly?



```
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?];
```

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?

# Additional Sources

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DSS website: <https://www.cdss.ca.gov/inforesources/community-care-licensing>

California Assisted Living Association: <http://caassistedliving.org/>

California Legislative Information : <https://leginfo.legislature.ca.gov/>

The National Law Review: <https://www.natlawreview.com/article/2022-california-employment-law-round>

KTLA News: <https://ktla.com/news/local-news/new-california-laws-taking-effect-in-2022/>

# Conclusion

Assisted Living Education thanks  
you for attending this Course.

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

