



DSS Laws, Regulations and Policies 2024

2 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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Assisted Living Education

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

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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

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 120th day of employment;
- An additional 16 hours of PSL by the 200th 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

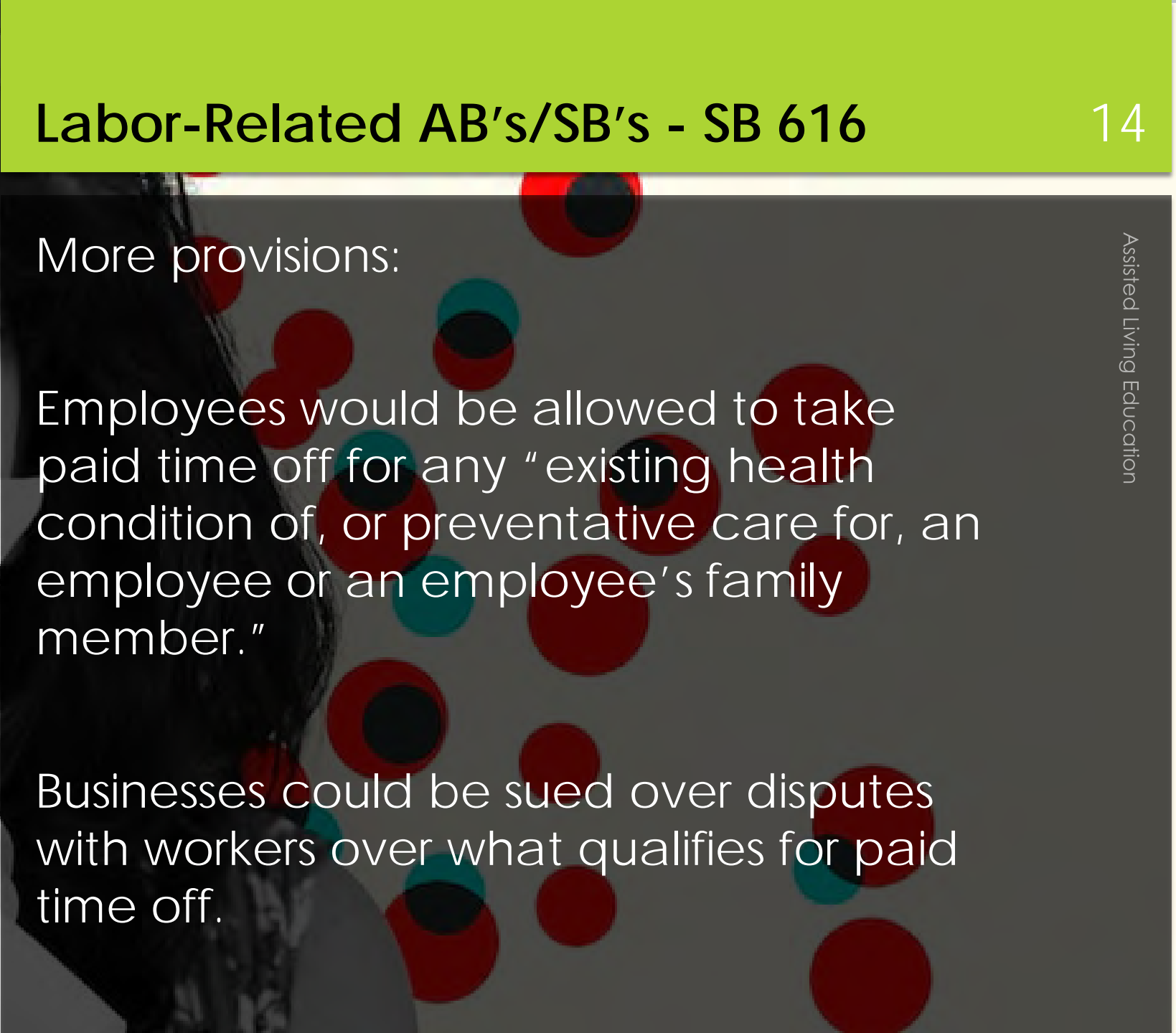
More provisions:

- 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

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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

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

Supplemental Security Income (SSI):	\$ 943.00
State Supplementary Payment (SSP):	_____
Total NMOHC Payment Standard	\$_____
Amount payable to the facility:	\$_____

Update to Dementia Regulations

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.....



Title 22 Updates

RCFE was updated
(certain sections) July
1, 2023

ARF was also
updated July 1, 2023



Title 22 Updates - ARF

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

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

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
City	State	Zip Code
		N/A
		Contact Telephone No.

5. Applicant Information:

Name of Applicant: (Please print) _____	Last, First, MI. _____
AKA's: _____	CDL/CA ID No. _____
DOB: _____ Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Misc No.: BIL - _____
HT: _____ WT: _____	Agency Billing Number (if applicable)
Eye Color: _____ Hair Color: _____	Misc No.: _____
POB: _____	Permanent Resident Card, Out-of-State Driver's License or I.D.
	Mailing Address: (All applicants must complete)

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 & 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

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



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](#)
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- [Provider Information Notices \(PINs\)](#)
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- [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.....



Additional Sources

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>

Conclusion

Assisted Living Education
thanks you for attending this
Course.

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

