

Amend Section 80001 to read:

80001 DEFINITIONS (Continued)

80001

(a) through (t)(1) (Continued)

(u) (1) "Universal Precautions" means an approach to infection control that treats all human blood and body fluids as if they are infectious. Generally, Universal Precautions consist of regular hand-washing after coming into contact with another person's body fluids (mucous, saliva, urine, etc.) and includes the use of gloves when handling blood or body fluids that contain blood. Specifically, Universal Precautions consist of the following four basic infection guidelines: (Continued)

(B) Gloves - Staff should always wear gloves: (Continued)

3. When assisting with incontinent care or when cleaning up urine, stool, or vomit, ~~if the client has blood in the stool~~. (Continued)

Authority Cited: Sections 1502.2, 1522.41(j), 1524(e), 1530, and 1530.9, Health and Safety Code.

Reference: Sections 1501, 1502, ~~1502(a)(7) and (8)~~, 1502.2, 1502.5, 1503, 1503.5, 1505, 1507, 1508, 1509, 1511, 1520, 1522, 1524, ~~1524(e)~~, 1525, 1525.5, 1526, 1527, 1530, 1530.5, 1531, 1531.1, 1533, 1534, 1536.1, 1537, 1538.5, 1550, 1551, 1556, 1569.699(a) and 11834.11, Health and Safety Code; Sections 5453, 5458, 11006.9, and 17736(a) and (b), Welfare and Institutions Code; and 29 CFR 1910.1030.

Amend Section 80061 to read:

80061 REPORTING REQUIREMENTS (Continued)

80061

(b) Upon the occurrence, during the operation of the facility, of any of the events specified in (1) below, a report shall be made to the licensing agency within the agency's next working day during its normal business hours. In addition, a written report containing the information specified in (2) below shall be submitted to the licensing agency within seven days following the occurrence of such event.

(1) Events reported shall include, but not be limited to the following: (Continued)

(B) In a residential facility, death of any client ~~from any cause~~ as a result of injury, abuse, or other than a natural causes, regardless of where the death occurred, ~~including~~ This includes a death that occurred outside the facility such as at a day program, a workshop, a job, a hospital, en route to or from a hospital, or visiting away from the facility. (Continued)

Authority Cited: Sections 1530 and 1538.5, Health and Safety Code.

Reference: Sections 1501, 1507, 1531, and 1538.5, Health and Safety Code.

Amend Section 80065 to read:

80065 PERSONNEL REQUIREMENTS (Continued) 80065

(f) All personnel shall be given on-the-job training or shall have related experience which provides knowledge of and skill in the following areas, as appropriate to the job assigned and as evidenced by safe and effective job performance. (Continued)

(7) For adult CCFs, Universal Precautions as defined in Section 80001(u)(1).

(A) Training in Universal Precautions may be provided in the facility or staff may attend training provided by a local health facility, county health department, or other local training resources.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Health and Safety Code; Sections 1501, 1502(a)(7), 1522, 1531 and 1562, Health and Safety Code; and Section 42001, Vehicle Code.

Amend Section 80068.3 to read:

80068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN

80068.3

- (a) The licensee shall ~~update~~ ensure that each client's written Needs and Services Plan is updated as required in Sections 81068.3, 82068.3, 82568.3, or 85068.3 often as necessary to assure its accuracy, but at least annually. These modifications shall be maintained in the client's file. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

Amend Section 80071 to read:

80071 REGISTER OF CLIENTS

80071

(a) In all licensed facilities, the following shall apply:

- (1) The licensee shall maintain in the facility a ~~current~~ register of all clients. The register that must be maintained, shall be updated as needed, shall be immediately available to, and copied for, licensing staff upon request; and must contain ~~the following~~ current information on the following: (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1507 and 1557.5, Health and Safety Code.

Amend Section 80075 to read:

80075 HEALTH-RELATED SERVICES

80075

(a) The licensee shall ensure that:

(1) ~~E~~each client receives necessary first aid and other needed medical or dental services, including

(A) ~~This shall include~~ arrangement for and/or provision of transportation to the nearest available facility ~~that can provide the needed medical or dental services.~~

(2b) Clients ~~are~~ shall be assisted as needed with self-administration of prescription and nonprescription medications.

(A1) In adult CCFs, fFacility staff who receive ~~supervision and training from a licensed professional~~ may assist clients with metered-dose inhalers, and dry powder inhalers if provided both of the following requirements are met:

(A) In ARFs and SRFs, facility staff must receive training from a licensed professional.

1. The licensee shall obtains written documentation from the licensed professional ~~written documentation~~ outlining the procedures and the names of facility staff who ~~received the training~~ have been trained in those procedures. (Continued)

(B) In ADCFs and ADSCs, staff may be trained by the client's family or primary caregiver if the following requirements are met: ~~The same documentation and supervision requirements specified in Section 80075(a)(2)(A)1. and 2. shall apply.~~

1. The licensee obtains written documentation from the client's family or primary caregiver outlining the procedures and the names of facility staff whom they have trained in those procedures.

2. The licensee ensures that the client's family or primary caregiver reviews staff performance as necessary, but at least annually.

(C) All staff training shall be documented in the facility personnel files.

(E2) (Continued)

~~(D)~~3) (Continued)

~~(b)~~4) (Continued)

~~(e)~~5) (Continued)

~~(1)~~A) (Continued)

~~(2)~~B) (Continued)

~~(3)~~C) (Continued)

~~(d)~~6) (Continued)

~~(1)~~A) (Continued)

~~(2)~~B) (Continued)

~~(3)~~C) (Continued)

~~(e)~~7) (Continued)

~~(1)~~A) (Continued)

~~(2)~~B) (Continued)

~~(3)~~C) (Continued)

~~(4)~~D) (Continued)

~~(f)~~c) (Continued)

~~(g)~~d) (Continued)

~~(h)~~e) In adult CCFs, ~~w~~When a client requires oxygen the licensee is responsible for the following:

(1) Monitoring the client's ongoing ability to operate and care for the equipment in accordance with the physician's instructions, or if the client is unable to do so:

(A) ~~In ARFs and SRFs, e~~Ensuring that an adequate number of facility staff persons are designated to operate and care for the equipment and that those staff persons receive ~~supervision and training from a licensed professional.~~

1. The licensee ~~obtains from the licensed professional written documentation outlining the procedures and the names of facility staff~~

~~who received the training shall comply with all of the requirements for training in Sections 80075(b)(1)(A) through (C).~~

~~2. The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~

~~(B) In ADCFs and ADSCs, ensuring that an adequate number of facility staff persons are designated to operate and care for the equipment and that those staff persons receive training from the client's family or primary caregiver.~~

~~1. The licensee shall maintain, in the client's file, documentation of the training and which staff members were trained.~~

(2) (Continued)

~~(E) Oxygen tanks ~~which~~ that are not portable are secured either in a stand or to the wall. (Continued)~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, 1530 and 1531, Health and Safety Code.

Amend Section 80077.2 to read:

80077.2 CARE FOR CLIENTS WHO RELY UPON OTHERS TO 80077.2
PERFORM ALL ACTIVITIES OF DAILY LIVING (Continued)

(b) Prior to accepting a client into care, the licensee shall complete the following: (Continued)

(2) A Needs and Services Plan, as required by the facility-specific regulations, that includes all of the following: (Continued)

(G) A description of the client-specific training that facility staff will receive.

1. The training must be provided by the client's health care provider (physician or nurse), the client's physical or mental health therapist, social worker, and placement worker, within their individual scopes of practice, ~~in the following areas:~~

~~1. Client needs.~~

2. ~~The training must include the client's needs and~~ Objective symptoms indicating that indicate when the licensee is to contact obtain health care and or other type of assistance.

3. In an ADCF or ADSC, the training may be provided by the client's primary ~~care-giver~~ caregiver, including the client's family or the administrator of the client's residential or health facility providing the primary caregiver has received training as specified in Sections 80077.2(b)(2)(G)1. and 2.

(H) In an ARF or SRF, an agreement, signed by the ~~Regional Center or other~~ placement agency, or authorized representative, to review the client's care at least once a month. A copy of the agreement shall be maintained in the client's file. (Continued)

~~(d) If the client has one or more of the restricted health conditions specified in Section 80092, the licensee shall also comply with all requirements of Article 8.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, and 1530, Health and Safety Code.

Amend Section 80077.3 to read:

80077.3 CARE FOR CLIENTS WHO LACK HAZARD AWARENESS 80077.3
OR IMPULSE CONTROL

- (a) If a client requires protective supervision because of running/wandering away, supervision may be enhanced by fencing yards, using self-closing latches and gates, and installing operational bells, buzzers, or other auditory devices on exterior doors to alert staff when the door is opened. The fencing and devices must not substitute for appropriate staffing.
(Continued)
- (2) The licensee of an ARF, GH, SFH, FFH, or CFH may use a delayed-egress device if the client lacks hazard awareness or impulse control and only as specified in Health and Safety Code Section 1531.1 ~~and as long as the facility complies with Residential Care Facility for the Elderly RCFE regulation Sections 87101(d)(2) and 87724(e).~~
(Continued)
- (3) The following initial and continuing requirements must be met for the licensee to utilize delayed egress devices on exterior doors or perimeter fence gates:
- (A) The licensee shall notify the Department immediately after determining the date that the device will be installed.
- (B) The licensee shall ensure that the fire clearance includes approval of delayed egress devices.
- (C) Following the disaster and mass casualty plan specified in Section 80023, fire and earthquake drills shall be conducted at least once every three months on each shift and shall include, at a minimum, all facility staff who provide or supervise client care and supervision.
- (D) Without violating Section 80072(a)(6), facility staff shall attempt to redirect a client who lacks hazard awareness or impulse control and who attempts to leave the facility.
- (E) Clients who continue to indicate a desire to leave the facility following an egress delay shall be permitted to do so.
- (F) Without violating Section 80072(a)(6), facility staff shall ensure the continued safety of clients when they leave the facility.

(G) The licensee shall report to the Department, to the client's responsible representative, if any, and to any family member who has requested notification, each incident in which a client leaves the facility unassisted. The report shall be made by telephone no later than the next working day and in writing within seven calendar days.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, 1530, 1531, and 1531.1, Health and Safety Code.

Amend Section 80077.4 to read:

80077.4 CARE FOR CLIENTS WITH INCONTINENCE (Continued) 80077.4

- (b) If a licensee accepts a client who has bowel and/or bladder incontinence, the licensee is responsible for all of the following: (Continued)
 - (5) Ensuring that, where prescribed, bowel and/or bladder programs are designed by a licensed professional or designee. The person designing the program must have training and experience in care of persons with bowel and/or bladder dysfunctions and development of retraining programs for establishing normal patterns of continence. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

Amend Section 80087 to read:

80087 BUILDINGS AND GROUNDS (Continued)

80087

- (d) The licensee of an ADC or ADSF shall provide an isolation room or area for use by ill clients. (Continued)
- (h) Disinfectants, cleaning solutions, poisons, firearms and other items ~~which~~ that could pose a danger if readily available to clients shall be stored where inaccessible to clients. (Continued)
- (i) Medicines shall be stored as specified in Section 80075(~~h~~m) and (~~h~~n) and separately from other items specified in Section 80087(h) above. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Article 8., to read:

Article 8. ~~HEALTH RELATED SERVICES~~ INCIDENTAL MEDICAL SERVICES

Amend Section 80092.1 to read:

80092.1 GENERAL REQUIREMENTS FOR RESTRICTED HEALTH CONDITIONS (Continued) 80092.1

- (f) Prior to admission of a client with a restricted health condition specified in Section 80092, the licensee shall:
- (1) ~~e~~Communicate with all other persons who provide care to that client to ensure consistency of care for the medical condition.
 - (g~~2~~) ~~Prior to the admission of a client with a restricted health condition, all~~ Ensure that all facility staff who will participate in meeting the client's specialized care needs shall complete training provided by a licensed professional sufficient to meet those needs. ~~These staff shall complete the training prior to providing services to the client.~~
 - (2) ~~All new staff shall complete the required training prior to providing services.~~
 - (3A) Training shall include hands-on instruction in both general procedures and client-specific procedures.
- (g) All new facility staff who will participate in meeting the client's specialized care needs shall complete the training prior to providing services to the client.
- (h) The licensee shall ensure that facility staff receive instruction from the client's physician or ~~designee, who is also a licensed professional, or~~ other licensed professional to recognize objective symptoms, observable by a lay person, and how to respond to that client's health problems, including who to contact ~~for that client.~~ (Continued)
- (g)(1)
- (j) Should the condition of the client change, all staff providing care and services shall complete any additional training required to meet the client's new needs, as determined by the client's physician or ~~designee, who is also a licensed professional~~ a licensed professional designated by the physician.
- (k) If the licensed health professional delegates routine care, the following requirements must be met for health conditions specified in Sections 80092.3, 80092.4 and 80092.6 through 80092.11:
- (1) The licensee shall obtain written documentation from the licensed professional outlining the procedures and the names of the facility staff who have been trained in those procedures.
 - (2) The licensee ensures that the licensed professional reviews staff performance as often as necessary, but at least annually.

~~(g)~~(4)

(l) All training shall be documented in the facility personnel files.

~~(j)~~m) (Continued)

~~(k)~~n) (Continued)

~~(t)~~o) (Continued)

~~(m)~~p) (Continued)

~~(n)~~q) (Continued)

~~(o)~~r) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

Amend Section 80092.2 to read:

80092.2 RESTRICTED HEALTH CONDITION CARE PLAN

80092.2

- (a) If the licensee of an ARF or SRF chooses to care for a client with a restricted health condition, as specified in Section 80092, the licensee shall develop and maintain, as part of the Needs and Services Plan, a written Restricted Health Condition Care Plan. The licensee of an ADSC or ADCF who chooses to care for a client with a restricted health condition may use a copy of the Restricted Health Care Plan from the client's residential setting providing the information required in Section 80092.2(a)(4), specific to the day program, is added. If the client does not have a Restricted Health Condition Care Plan, the ADSC or ADCF must develop a plan. The plan must be written and include all of the following:
- (1) Documentation that the client and the client's authorized representative, if any, the client's physician or ~~designee, who is also~~ a licensed professional designated by the physician, and the placement agency, if any, participated in the development of the plan.
 - (2) Documentation by the client's physician or ~~designee, who is also~~ a licensed professional designated by the physician, of the following: (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

Amend Section 80092.3 to read:

80092.3 INHALATION-ASSISTIVE DEVICES

80092.3

(a) A licensee of an adult CCF may accept or retain a client who requires the use of an inhalation-assistive device if all of the following conditions are met: (Continued)

(3) The licensee ensures that either: (Continued)

(B) The device can legally be operated by an unlicensed person and is cared for by facility staff who receive ~~supervision and~~ training from a licensed professional as specified in Sections 80092.1(k) through (k)(2).

~~1. The licensee obtains from the licensed professional written documentation outlining the procedures and the names of facility staff who received the training.~~

~~2. The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~

(4) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

Amend Section 80092.4 to read:

80092.4 COLOSTOMY/ILEOSTOMY

80092.4

- (a) A licensee of an adult CCF may accept or retain a client who has a colostomy or ileostomy if all of the following conditions are met: (Continued)
- (2) ~~Assistance in the care of the ostomy is provided by a licensed professional.~~ A licensed professional provides assistance in the care of the ostomy. (Continued)
- (5) The licensee ensure that:
- (A) ~~Ostomy care is provided by a licensed professional~~ A licensed professional provides ostomy care when the client is unable to provide self-care.
- (B) The ostomy bag and adhesive may be changed by facility staff who receive ~~supervision and~~ training from the licensed professional as specified in Sections 80092.1(k) through (k)(2).
1. ~~The licensee obtains from the licensed professional written documentation outlining the procedures and the names of facility staff who received the training.~~
2. ~~The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~
- (6) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

Amend Section 80092.6 to read:

80092.6 INDWELLING URINARY CATHETER/CATHETER
PROCEDURE

80092.6

- (a) A licensee of an adult CCF may accept or retain a client who requires an indwelling catheter if all of the following conditions are met: (Continued)
- (4) The licensee ensures that either catheter care is provided by a licensed professional when the client is unable to provide self-care, or the catheter bag and tubing are changed and bags are emptied by facility staff who receive ~~supervision and~~ training from the licensed professional as specified in Sections 80092.1(k) through (k)(2).
- ~~(A) The licensee obtains from the licensed professional written documentation outlining the procedures and the names of facility staff who received the training.~~
- ~~(B) The licensee shall ensure that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~
- (5) The licensee ensures that insertion, removal and irrigation of the catheter, or any other required catheter care other than that specified in Section 80092.6(a)(4)(A) are performed by a licensed professional. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

Amend Section 80092.7 to read:

80092.7 STAPH OR OTHER SERIOUS, COMMUNICABLE INFECTIONS 80092.7

- (a) A licensee of an adult CCF may accept or retain a client who has a staph or other serious communicable infection if ~~the condition is being medically managed and~~ if all of the following conditions are met: (Continued)
- (3) The licensee monitors the client's ongoing ability to care for his/her own condition by complying with the instructions of the licensed professional who is managing the client's care.
- (A) The licensed professional may delegate certain aspects of the care ~~if all of the following conditions are met:~~ providing the facility staff responsible for providing the care receive training from a licensed professional as specified in Sections 80092.1(k) through (k)(2) prior to providing care.
- ~~1. Facility staff responsible for providing care for an infection receive supervision and training from a licensed professional prior to providing care.~~
 - ~~2. The licensee obtains from the licensed professional written documentation outlining the procedures and the names of facility staff who received the training.~~
 - ~~3. The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~
- (4) The licensee ensures that ~~the infection is assessed by~~ a licensed professional assesses the infection and evaluates the treatment at intervals set by the physician or ~~designee, who is also a licensed professional, to evaluate the treatment of the infection~~ designated by the physician.
- (5) The licensee ensures that prior to providing care, staff are ~~instructed~~ trained in and follow ~~u~~Universal pPrecautions and any other procedures recommended by the licensed professional ~~that need to be followed~~ for the protection of the client who has the infection, ~~and~~ other clients and staff.

~~(A) Training must occur prior to facility staff providing care to these clients.~~

~~(B) Training in universal precautions may be provided in the facility or staff may attend training provided by a local health facility, county health department, or other local training resources.~~

(6) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

Amend Section 80092.8 to read:

80092.8 INSULIN-DEPENDENT DIABETES

80092.8

(a) A licensee of an adult CCF may accept or retain a client who has insulin-dependent diabetes if all of the following conditions are met: (Continued)

(2) Either the client is mentally and physically capable of performing his/her own glucose testing and of administering his/her own medication, or a licensed professional administers the tests and injections.

(A) The licensed professional may delegate to trained facility staff glucose testing provided all of the following conditions are met:

1. The blood glucose-monitoring test is performed with a blood glucose-monitoring instrument that has been approved by the federal Food and Drug Administration for over-the-counter sale.
2. The licensee ensures that facility staff responsible for glucose testing receive training ~~and supervision~~ from a licensed professional as specified in Sections 80092.1(k) through (k)(2).
- ~~3. The licensee obtains from the licensed professional written documentation outlining the procedures and the names of facility staff who received the training.~~
- ~~4. The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~
- ~~5~~3. Facility staff comply with the instructions of the licensed professional regarding the performance of the test and the operation of the blood glucose-monitoring instrument.
- ~~6~~4. (Continued)
- ~~7~~5. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

Amend Section 80092.9 to read:

80092.9 WOUNDS

80092.9

- (a) A licensee of an adult CCF may accept or retain a client who has a serious wound if all of the following conditions are met: (Continued)
- (2) The wound is either an unhealed, surgically closed incision or wound, or determined by the physician or a licensed professional designated by the physician to be a Stage 1 or 2 dermal ulcer and the wound is expected by the physician or designated professional to return to a normal state completely heal.
 - (3) The licensee ensures that ~~the wound care is provided by~~ a licensed professional in accordance with the physician's instructions provides the wound care.
 - (A) The licensed professional may delegate simple dressing to ~~trained~~ facility staff if all of the following conditions are met: who receive training from a licensed professional as specified in Sections 80092.1(k) through (k)(2).
 1. ~~Facility staff responsible for changing dressings receive supervision and training from a licensed professional.~~
 2. ~~The licensee obtains from the licensed professional written documentation outlining the procedures and names of facility staff who received the training.~~
 3. ~~The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~
 - (B) In ADCFs and ADSCs, ~~facility staff responsible for changing dressings may be trained by the client's family or primary caregiver~~ may train the day program staff responsible for changing dressings if the requirements in Section 80075(b)(1)(B)1. and 2. are met.
 - (4) The licensee ensures that ~~the wound is assessed by~~ a licensed professional assesses the wound at intervals set by the physician, or ~~designee who is also a licensed professional~~ a licensed professional designated by the physician, to evaluate treatment and progress toward healing. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, 1530, Health and Safety Code.

Amend Section 80092.10 to read:

80092.10 GASTROSTOMY FEEDING, HYDRATION, AND CARE

80092.10

- (a) A licensee of an adult CCF may accept or retain a client who requires gastrostomy care, feeding, and/or hydration if all of the following conditions are met: (Continued)
- (4) The licensee ensures that gastrostomy feeding, hydration, medication administration through the gastrostomy, and stoma cleaning are provided by a licensed professional when the client is unable to provide his/her own feeding, hydration and care.
- (A) The licensed professional may delegate the following tasks to facility staff who receive ~~supervision and~~ training from a licensed professional as specified in Sections 80092.1(k) through (k)(2): (Continued)
- ~~(B) The licensee shall obtain from the licensed professional written documentation outlining the procedures and the names of facility staff who received training.~~
- ~~(C) The licensee shall ensure that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

Amend Section 80092.11 to read:

80092.11 TRACHEOSTOMIES

80092.11

- (a) A licensee of an adult CCF may accept or retain a client who has a tracheostomy if all of the following conditions are met: (Continued)
- (2) Either the client is mentally and physically capable of providing all routine care for his/her tracheostomy and the physician has documented that the tracheostomy opening (stoma) is completely healed, or assistance in the care of the tracheostomy is provided by a licensed professional.
- ~~(4)~~
- (A) The licensed professional may delegate routine care for the tracheostomy to facility staff who receive training from the licensed professional as specified in Sections 80092.1(k) through (k)(2).
1. Suctioning shall not be delegated to facility staff. (Continued)
- ~~(B) The licensee obtains from the licensed professional written documentation outlining the procedures and the names of facility staff who received the training.~~
- ~~(C) The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, 1530, Health and Safety Code.

Repeal Section 80095 to read:

80095 CLIENTS IN CARE AT TIME OF FINAL ADOPTION 80095
 OF REGULATIONS

- (a) ~~If a client in care at the time of final adoption of these regulations has a prohibited health condition the client may remain in the facility for up to six months after these regulations are adopted as final regulations if retention of the client will not endanger the client's or other clients' health, safety, or welfare.~~
- (b) ~~The Department may grant an exception to allow the client to remain in care of the facility for an additional six months if:
 - (1) ~~The condition requiring the client to be relocated is temporary and, according to the client's physician, is expected to be resolved within the additional six month period, or~~
 - (2) ~~The client has identified a facility to which the client prefers to be permanently relocated, but the new facility cannot take the client into care within the first six month period and will commit to accepting the client into care within the additional six month period.~~~~
- (c) ~~The licensee may request a Department review of a denial of an exception by completing the following:
 - (1) ~~A written request for a review.~~
 - (2) ~~The reason(s) the licensee disagrees with the denial.~~
 - (3) ~~Documentation of the client's current medical records, including prognosis, current medical assessment, Needs and Services Plan, and any modifications to the Needs and Services Plan.~~
 - (4) ~~The licensee's plan for ensuring that the client's health-related needs are met by the facility.~~
 - (5) ~~The licensee's plan for minimizing the impact on other clients.~~~~
- (d) ~~Clients currently residing in an adult CCF pursuant to an agreement or court order with the Department, may remain in care of that facility until the agreement or court order is modified with approval of the parties or the court.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, and 1531, Health and Safety Code.