

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 10, 2001

Regulation Packages 0999-22

CDSS MANUAL LETTER NO. CCL-01-04

TO: HOLDERS OF COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6, CHAPTER 8,
RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

Regulation Package #0999-22**Effective 3/12/01**

Sections 87100, 87101, 87102, 87218, 87561, 87563, 87564, 87564.2, 87564.3, 87564.4, 87564.5, 87566, 87730, 87730.1, 87730.2, 87731, 87731.1, 87731.2, 87731.3, and 87731.4

These amended regulations implement, clarify and make specific provisions of Health and Safety Code Section 1569.616, which establishes a certification program for the administrators and licensees of residential care facilities for the elderly (RCFE). The initial certification of administrators began in 1991. As the program developed, the Department adopted procedures regarding the details of initial- and re-certification, the approval of initial training vendors and continuing education training vendors and courses, and the denial or revocation of certificates and vendor and course approvals. Other parts of the program, such as forfeitures and fees, were administered based solely upon statute, which is not readily available to the average individual governed by the program. These amendments put into regulation those procedures that have been developed administratively in the RCFE administrator certification program since 1991.

These regulations were considered at the Department's public hearings held on March 14, 15, and 16, 2000.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-01-03. The latest prior manual letter containing Residential Care Facilities for the Elderly changes was Manual Letter No. CCL-00-22.

<u>Page(s)</u>	<u>Replace(s)</u>
1 through 4	Pages 1 through 4
6 through 15.1	Pages 6 through 15.1
29 and 30	Pages 29 through 32
33 and 34	Pages 33 and 34
76 through 82	Pages 76 through 82
84.1	Page 84.1
148 through 151.9	Pages 148 through 151

Attachment

JTP

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Article 1. Definitions**87100 GENERAL****87100**

The provisions of Chapter 1, Division 6, shall not apply to the provisions of Chapter 8, Residential Care Facilities for the Elderly (RCFE).

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Section 1569.2, Health and Safety Code.

87101 DEFINITIONS**87101**

For purposes of this chapter the following definitions shall apply:

- (a) (1) Administrator. "Administrator" means the individual designated by the licensee to act in behalf of the licensee in the overall management of the facility. The licensee, if an individual, and the administrator may be one and the same person.
- (2) Adult. "Adult" means a person who is eighteen (18) years of age or older.
- (3) Advance Directive. Advance Directive means a written instruction that relates to the provision of health care when the individual is incapacitated. Advance directives include, but are not limited to, a Durable Power of Attorney for Health Care and a Declaration pursuant to the Natural Death Act (Health and Safety Code Section 7185 et seq.). In an advance directive, a person states choices for medical treatment and/or designates who should make treatment choices if the person creating the advance directive should lose decision-making capacity.
- (4) Ambulatory Person. "Ambulatory Person" means a person who is capable of demonstrating the mental competence and physical ability to leave a building without assistance of any other person or without the use of any mechanical aid in case of an emergency.
- (5) Applicant. "Applicant" means any individual, firm, partnership, association, corporation, county, city, public agency or other government entity that has made application for a residential care facility for the elderly license, administrator certificate, or special permit.
- (6) Appropriately Skilled Professional: Means an individual that has training and is licensed to perform the necessary medical procedures prescribed by a physician. This includes but is not limited to the following: Registered Nurse (RN), Licensed Vocational Nurse (LVN), Physical Therapist (PT), Occupational Therapist (OT) and Respiratory Therapist (RT). These professionals may include, but are not limited to, those persons employed by a home health agency, the resident, or facilities and who are currently licensed in California.
- (b) (1) Basic Rate. "Basic Rate" means the SSI/SSP established rate, which does not include that amount allocated for the recipient's personal and incidental needs.

87101 DEFINITIONS (Continued)**87101**

- (2) Basic Services. "Basic Services" means those services required to be provided by the facility in order to obtain and maintain a license and include, in such combinations as may meet the needs of the residents and be applicable to the type of facility to be operated, the following: safe and healthful living accommodations; personal assistance and care; observation and supervision; planned activities; food service; and arrangements for obtaining incidental medical and dental care.
- (c) (1) Capacity. "Capacity" means that maximum number of persons authorized to be provided services at any one time in any licensed facility.
- (2) Care and Supervision. "Care and Supervision" means those activities which if provided shall require the facility to be licensed. It involves assistance as needed with activities of daily living and the assumption of varying degrees of responsibility for the safety and well-being of residents. "Care and Supervision" shall include, but not be limited to, any one or more of the following activities provided by a person or facility to meet the needs of the residents:
- (A) Assistance in dressing, grooming, bathing and other personal hygiene;
 - (B) Assistance with taking medication; as specified in Section 87575;
 - (C) Central storing and distribution of medications, as specified in Section 87575;
 - (D) Arrangement of and assistance with medical and dental care. This may include transportation, as specified in Section 87575;
 - (E) Maintenance of house rules for the protection of residents;
 - (F) Supervision of resident schedules and activities;
 - (G) Maintenance and supervision of resident monies or property;
 - (H) Monitoring food intake or special diets.
- (3) Certificate holder. "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in a residential care facility for the elderly.
- (4) Certified administrator. "Certified administrator" means an administrator who has been issued a residential care facility for the elderly administrator certificate by the Department and whose certificate is current.
- (5) Classroom hour. "Classroom Hour" means sixty (60) minutes of classroom instruction with or without a break. It is recommended that no more than twenty (20) minutes of break time be included in every four (4) hours of instruction. No credit is given for meal breaks.

87101 DEFINITIONS (Continued)**87101**

- (6) Close friend. "Close friend" means a person who is attached to another by feelings of personal regard as indicated by both parties involved.
- (7) Co-locate. "Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for Continuing Education Training Program vendors only.
- (8) Community Care Facility. "Community Care Facility" means any facility, place or building providing nonmedical care and supervision, as defined in Section 87101c.(2).
- (9) Complete request. "Complete request" means the vendor applicant has submitted, and the Department has received, all required information and materials necessary to approve or deny the request for certification program and/or course approval.
- (10) Conservator. "Conservator" means a person appointed by the Superior Court pursuant to the provisions of Section 1800 et seq. of the Probate Code or Section 5350 of the Welfare and Institutions Code, to care for the person, or estate, or person and estate, of another.
- (11) Consultant. "Consultant" means a person professionally qualified by training and experience to provide expert information on a particular subject.
- (12) Continuing Education Training Program Vendor. "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide continuing education training courses to residential care facility for the elderly administrators and certificate holders to qualify them for renewal of their residential care facility for the elderly administrator certificate.
- (13) Control of Property. "Control of Property" means the right to enter, occupy, and maintain the operation of the facility property within regulatory requirements. Evidence of control of property shall include, but is not limited to, the following:
- (A) A Grant Deed showing ownership; or
 - (B) The Lease Agreement or Rental Agreement; or
 - (C) A court order or similar document which shows the authority to control the property pending outcome of probate proceeding or estate settlement.
- (14) Course. "Course" means either, (1) a quarter- or semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop, or lecture of varying duration.

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87101 DEFINITIONS (Continued)**87101**

- (d) (1) Day. "Day" means calendar day unless otherwise specified.
- (2) Deficiency. "Deficiency" means any failure to comply with any provision of the Residential Care Facilities Act for the Elderly and regulations adopted by the Department pursuant to the Act.
- (3) Delayed Egress Device. "Delayed Egress Device" means a special egress-control device of the time delay type as specified in Health and Safety Code Section 1569.699(a).

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- (A) Health and Safety Code Section 1569.699(a) reads:

When approved by the person responsible for enforcement as described in Section 13146, exit doors in facilities classified as Group R, Division 2 facilities under the California Building Standards Code, licensed as residential care facilities for the elderly, and housing clients with Alzheimer's disease or dementia, may be equipped with approved listed special egress-control devices of the time-delay type, provided the building is protected throughout by an approved automatic sprinkler system and an approved automatic smoke-detection system. The devices shall conform to all of the following requirements:

- (1) Automatic deactivation of the egress-control device upon activation of either the sprinkler system or the detection system.
- (2) Automatic deactivation of the egress-control device upon loss of electrical power to any one of the following: The egress-control device; the smoke-detection system; exit illumination as required by Section 1012 of the California Building Code.
- (3) Be capable of being deactivated by a signal from a switch located in an approved location.

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HANDBOOK CONTINUES

- (4) Initiate an irreversible process that will deactivate the egress-control device whenever a manual force of not more than 15 pounds (66.72N) is applied for two seconds to the panic bar or other door-latching hardware. The egress-control device shall deactivate within an approved time period not to exceed a total of 15 seconds, except that the person responsible for enforcement as described in Section 13146 may approve a delay not to exceed 30 seconds in residential care facilities for the elderly serving patients with Alzheimer's disease. The time delay established for each egress-control device shall not be field adjustable.
- (5) Actuation of the panic bar or other door-latching hardware shall activate an audible signal at the door.
- (6) The unlatching shall not require more than one operation.
- (7) A sign shall be provided on the door located above and within 12 inches (305mm) of the panic bar or other door-latching hardware reading:
- KEEP PUSHING, THIS DOOR WILL OPEN IN ____ SECONDS, ALARM WILL SOUND.
- Sign letters shall be at least one inch (25mm) in height and shall have a stroke of not less than 1/8 inch (3.3mm).
- (8) Regardless of the means of deactivation, relocking of the egress-control device shall be by manual means only at the door.

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- (4) "Dementia" means a deterioration of intellectual function and other cognitive skills, leading to a decline in one's ability to perform activities of daily living.
- (5) Department. "Department" is defined in Health and Safety Code, Section 1569.2(b).

87101 DEFINITIONS (Continued)

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"Department" means the State Department of Social Services.

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- (6) Dietitian. "Dietitian" means a person who is eligible for registration by the American Dietetic Association.
- (7) Director. "Director" is defined in Health and Safety Code, Section 1569.2(c).

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"Director" means the Director of the State Department of Social Services.

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- (8) Do-Not-Resuscitate (DNR) Order. A Do-Not-Resuscitate Order means the order of the resident's physician to alert appropriately skilled professionals and prehospital emergency medical services personnel to the resident's wish to forego resuscitative measures in the event of the resident's cardiac or respiratory arrest.
- (9) Documentation. "Documentation" means written supportive information including but not limited to the Licensing Report (Form LIC 809).
- (e) (1) Egress Alert Device. An Egress Alert Device means a wrist band or other device which may be worn by a resident or carried on a resident's person, which triggers a visual or auditory alarm when the resident leaves the facility building or grounds.
- (2) Elderly Person. "Elderly Person" means, for purposes of admission into a residential care facility for the elderly, a person who is sixty (60) years of age or older.
- (3) Emergency Approval to Operate. "Emergency Approval to Operate" (EAO) means a temporary approval to operate a facility for no more than 60 days pending the issuance or denial of a license by the licensing agency.
- (4) Evaluator. "Evaluator" means any person who is a duly authorized officer, employee or agent of the Department including any officer, employee or agent of a county or other public agency authorized by contract to license community care facilities.

87101 DEFINITIONS (Continued)**87101**

- (5) Evidence of Licensee's Death. "Evidence of Licensee's Death" shall include, but is not limited to, a copy of the death certificate, obituary notice, certification of death from the decedent's mortuary, or a letter from the attending physician or coroner's office verifying the death of the licensee.
- (6) Exception. "Exception" means a variance to a specific regulation based on the unique needs or circumstances of a specific resident or staff person. Requests for exceptions are made to the licensing agency by an applicant or licensee. They may be granted for a particular facility, resident or staff person, but cannot be transferred or applied to other individuals.
- (7) Existing Facility. "Existing Facility" means any facility operating under a valid unexpired license on the date of application for a new or renewal license.
- (f) (1) Facility Hospice Care Waiver. A Facility Hospice Care Waiver means a waiver from the limitation on retention of residents who require more care and supervision than other residents and residents who are bedridden other than for a temporary illness. The Hospice Care Waiver granted by the Department will permit the retention in a facility of a designated maximum number of terminally ill residents who are receiving hospice services from a hospice agency. The Facility Hospice Care Waiver will apply only to those residents who are receiving hospice care in compliance with a hospice care plan meeting the requirements of Section 87716.
- (g) (1) Guardian. "Guardian" means a person appointed by the Superior Court pursuant to the provisions of Section 1500 et seq. of the Probate Code to care for the person, or person and estate, of another.
- (h) (1) Healing wounds include cuts, stage one and two dermal ulcers as diagnosed by a physician, and incisions that are being treated by an appropriate skilled professional with the affected area returning to its normal state. They may involve breaking or laceration of the skin and usually damage to the underlying tissues.
- (2) Health Care Provider. A Health Care Provider means those persons described in Probate Code Section 4615: A person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or practice of a profession.
- (3) Health Care Surrogate Decision Maker. A Health Care Surrogate Decision Maker means an individual who participates in health care decision making on behalf of an incapacitated resident. Health care surrogate decision maker may be formally appointed (e.g., by the resident in a Durable Power of Attorney for Health Care or by a court in a conservatorship proceeding) or, in the absence of a formal appointment, may be recognized by virtue of a relationship with the resident (e.g., the resident's next of kin). The licensee or any staff member of the facility shall not be appointed health care surrogate decision maker.

87101 DEFINITIONS (Continued)**87101**

- (4) Health Condition Relocation Order. "Health Condition Relocation Order" means written notice by the Department to a licensee requiring the relocation of a resident from a residential care facility for the elderly because the resident has a health condition which cannot be cared for within the limits of the license, requires inpatient care in a health facility or has a prohibited health condition as specified in Section 87701.
 - (5) Home Economist. "Home Economist" means a person who holds a baccalaureate or higher degree in home economics and who specialized in either food and nutrition or dietetics.
 - (6) Hospice or Hospice Agency. AHospice or Hospice Agency≅ means an entity which provides hospice services to terminally ill persons, is Medicare certified for hospice, and holds either a Hospice license or a Home Health Agency license from the California Department of Health Services. Any organizations, appropriately skilled professionals, or other professional persons or entities that are subcontracted by the hospice or hospice agency for the provision of specified hospice services to the resident are included within the definition. The hospice agency providing services in an RCFE shall not subcontract with the licensee or any facility staff for the provision of services.
 - (7) Hospice Care Plan. AHospice Care Plan≅ means the hospice agency=s written plan of care for a terminally ill resident. The hospice shall retain overall responsibility for the development and maintenance of the plan and quality of hospice services delivered.
- (i) (1) Immediate Need. "Immediate Need" means a situation where prohibiting the operation of the facility would be detrimental to a resident's physical health, mental health, safety, or welfare. Examples of immediate need include but are not limited to:
- (2) Initial Certification Training Program Vendor. "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial forty (40) hour certification training program to persons who do not possess a valid residential care facility for the elderly administrator certificate.
 - (3) Initial Vendor Application. "Initial Vendor Application" means the application form, LIC 9141, used to request approval from the Department to become a vendor for the first time.

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87101 DEFINITIONS (Continued)**87101**

- (A) A change in facility location when residents are in need of services from the same operator at the new location;
- (B) A change of facility ownership when residents are in need of services from the new operator.
- (4) Instruction: Means to furnish an individual with knowledge or to teach, give orders, or direction of a process or procedure.
- (5) Interdisciplinary Team. "Interdisciplinary Team" means a team that shall assist the Department in evaluating the need for relocating a resident of a residential care facility for the elderly when the resident has requested a review of the Department's health-condition relocation order. This team shall consist of the Department's nurse consultant and a social worker, designated by the Department, with experience in the needs of the elderly. Persons selected for an interdisciplinary team review shall not have been involved in the initial decision to issue a relocation order for the resident in question.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) License. "License" is defined in Health and Safety Code Section 1569.2(g).

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87101 DEFINITIONS (Continued)

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(A) Health and Safety Code Section 1569.2(g) reads:

"License" means a basic permit to operate a residential care facility for the elderly.

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- (2) Licensee. "Licensee" means the individual, firm, partnership, corporation, association or county having the authority and responsibility for the operation of a licensed facility.
- (3) Licensing Agency. "Licensing Agency" means a state, county or other public agency authorized by the Department to assume specified licensing, approval or consultation responsibilities pursuant to Section 1569.13 of the Health and Safety Code.
- (4) Life Care Contract. "Life Care Contract" is defined in Health and Safety Code, Section 1771(m).

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"Life Care Contract" means a contract to provide to a person for the duration of his life, or for a term in excess of one year, nursing services, medical services, or health related services, board and lodging and care as necessary, or any combination of such services, for the person, in a facility. The service may be conditioned upon the transfer of an entrance fee to the provider of the services, in addition to or in lieu of the payment of regular periodic charges for the care and services involved.

HANDBOOK ENDS HERE

(m) (Reserved)

- (n) (1) New Facility. "New Facility" means any facility applying for an initial license whether newly constructed or previously existing for some other purpose.
- (2) Nonambulatory Person. "Nonambulatory Person" means a person who is unable to leave a building unassisted under emergency conditions. It includes, but is not limited to, those persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. It also includes persons who are unable, or likely to be unable, to respond physically or mentally to an oral instruction relating to fire danger and, unassisted, take appropriate action relating to such danger.
- (3) Nutritionist. "Nutritionist" means a person holding a master's degree in food and nutrition, dietetics, or public health nutrition, or who is employed by a county health department in the latter capacity.

87101 DEFINITIONS (Continued)

87101

(o) (Reserved)

- (p) (1) Physician. "Physician" means a person licensed as a physician and surgeon by the California Board of Medical Examiners or by the California Board of Osteopathic Examiners.
- (2) Placement Agency. "Placement Agency" as defined in Health and Safety Code Section 1569.47(a), means any county welfare department, county social services department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, state-funded program or private agency providing placement or referral services, and regional center for persons with developmental disabilities which is engaged in finding homes or other places for the placement of elderly persons for temporary or permanent care.
- (3) "PRN Medication" (pro re nata) means any nonprescription or prescription medication which is to be taken as needed.
- (4) Provision or Provide. Whenever any regulation specifies that provision be made for or that there be provided any service, personnel or other requirement, it means that if the resident is not capable of doing so himself, the licensee shall do so directly or present evidence satisfactory to the licensing agency of the particular arrangement by which another provider in the community will do so.
- (5) Provisional License. "Provisional License" means a temporary, nonrenewable license, issued for a period not to exceed twelve months which is issued in accordance with the criteria specified in Section 87231.

(q) (Reserved)

- (r) (1) Relative. "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great", or the spouse of any of the persons specified in this definition, even if the marriage has been terminated by death or dissolution.
- (2) Renewal Vendor Application. "Renewal Vendor Application" means the application form, LIC 9141, used to request approval from the Department to continue another two (2) years as an approved vendor.

87101 DEFINITIONS (Continued)

87101

- (3) Request to Forego Resuscitative Measures. A Request to Forego Resuscitative Measures is defined in Probate Code Section 4753(b).

HANDBOOK BEGINS HERE

- (A) Probate Code Section 4753(b) reads:

A request to forego resuscitative measures shall be a written document, signed by the individual, or a legally recognized surrogate health care decisionmaker and a physician and surgeon, that directs a health care provider to forego resuscitative measures. For the purpose of this section, a request to forego resuscitative measures shall include a prehospital Do not resuscitate form as developed by the Emergency Medical Services Authority or other substantially similar form. A request to forego resuscitative measures may also be evidenced by a medallion engraved with the words Do not resuscitate or the letters ADNR, a patient identification number, and a 24-hour toll-free telephone number, issued by a person pursuant to an agreement with the Emergency Medical Services Authority.

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- (4) Residential Care Facility for the Elderly. "Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75 percent of the residents are sixty years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents.
- (5) Responsible Person. "Responsible Person" means that individual or individuals, including a relative, health care surrogate decision maker, or placement agency, who assist the resident in placement or assume varying degrees of responsibility for the resident's well-being.
- (6) Room and Board. "Room and Board" means a living arrangement where care and supervision is neither provided nor available.
- (s) (1) Serious Deficiency. "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health, or safety of the residents or clients of a community care facility.
- (2) Shall. "Shall" means mandatory. "May" means permissive.
- (3) Singular-Plural. Whenever in these regulations the singular is used, it can include the plural.
- (4) Social Worker. "Social Worker" means a person who has a graduate degree from an accredited school of social work or who has equivalent qualifications as determined by the Department.

87101 DEFINITIONS (Continued)**87101**

- (5) SSI/SSP. "SSI/SSP" means the Supplemental Security Income/State Supplemental Program.
- (6) Substantial Compliance. "Substantial Compliance" means the absence of any deficiencies which would threaten the physical health, mental health, safety or welfare of the residents. Such deficiencies include, but are not limited to, those deficiencies referred to in Section 87451 and the presence of any uncorrected serious deficiencies for which civil penalties could be assessed.
- (7) Supervision: Means to oversee or direct the work of an individual or subordinate but does not necessarily require the immediate presence of the supervisor.
- (t) (1) Terminally Ill Resident. A Terminally Ill Resident means that the resident has a prognosis by his/her attending physician that the resident's life expectancy is six months or less if his/her illness or condition runs its normal course.
- (2) Transfer trauma. "Transfer trauma" means the consequences of the stress and emotional shock caused by an abrupt, involuntary relocation of a resident from one facility to another.
- (u) (1) "Unlicensed Residential Facility for the Elderly" means a facility as defined in Health and Safety Code Section 1569.44.

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- (A) Health and Safety Code Section 1569.44 provides in part:

A facility shall be deemed to be an "unlicensed residential care facility for the elderly" and "maintained and operated to provide residential care" if it is unlicensed and not exempt from licensure, and any one of the following conditions is satisfied:

- (1) The facility is providing care and supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (2) The facility is held out as, or represented as, providing care and supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (3) The facility accepts or retains residents who demonstrate the need for care and supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (4) The facility represents itself as a licensed residential facility for the elderly.

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87101 **DEFINITIONS** (Continued) **87101**

- (B) A facility which is "providing care and supervision" as defined in Section 87101c.(2) includes, but is not limited to, one in which individual has been placed by a placement agency or family members.
- (C) A facility which is "held out as or represented as providing care and supervision" includes, but is not limited to:
- (1) A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs.
 - (2) A facility where change of ownership has occurred and the same clients are retained.
 - (3) A licensed facility that moves to a new location.
 - (4) A facility which advertises as providing care and supervision.
- (D) A facility which "accepts or retains residents who demonstrate the need for care and supervision" includes, but is not limited to:
- (1) A facility with residents requiring care and supervision, even though the facility is providing board and room only, or board only, or room only.
 - (2) A facility where it is apparent that care and supervision are being provided by virtue of the client's needs being met.
- (v) (1) Vendor. "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program and/or a Continuing Education Training Program.
- (2) Vendor applicant. "Vendor applicant" means any institution, association, individual(s), or other entity that submits a request for approval of an Initial Certification Training Program and/or a Continuing Education Training Program.
- (3) Voluntary. "Voluntary" means resulting from free will.
- (w) (1) Waiver. "Waiver" means a variance to a specific regulation based on a facility-wide need or circumstance which is not typically tied to a specific resident or staff person. Requests for waivers are made to the licensing agency, in advance, by an applicant or licensee.

87101 DEFINITIONS (Continued)**87101****(x)** (Reserved)**(y)** (Reserved)**(z)** (Reserved)

NOTE: Authority cited: Sections 1569.23(d), 1569.30, 1569.616(j), and 1569.698(c), Health and Safety Code. Reference: 42 CFR 418.3; Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.153, 1569.157, 1569.158, 1569.17, 1569.19, 1569.191(e), 1569.193(a) and (c), 1569.20, 1569.21, 1569.23, 1569.30, 1569.31, 1569.312, 1569.38, 1569.44, 1569.47, 1569.54, 1569.616, 1569.699(a), 1569.73, 1569.74, 1569.82, 5350, and 7185 et seq., Health and Safety Code; and Sections 1800, 4615, and 4753, Probate Code.

87102 DEFINITIONS - FORMS**87102**

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly).

- (a) LIC 9139 (7/00) - Renewal of Continuing Education Course Approval, Administrator Certification Program.
- (b) LIC 9140 (7/00) - Request for Course Approval, Administrator Certification Program.
- (c) LIC 9141 (7/00) - Vendor Application/Renewal, Administrator Certification Program.
- (d) Core of Knowledge Guidelines (10/05/00) - RCFE 40-Hour Initial Certification.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1530 and 1569.616(i), Health and Safety Code; and Section 15376, Government Code.

Article 3. Application Procedures**87218 APPLICATION FOR LICENSE****87218**

- (a) Any individual, firm, partnership, association, corporation or governmental entity desiring to obtain a license shall file with the licensing agency a verified application on forms furnished by the licensing agency. For renewal applications, the information submitted on the previous application shall be verified and updated where appropriate. The licensee shall cooperate with the licensing agency in providing verification and/or documentation as requested by the licensing agency. The application and supporting documents shall contain the following:
- (1) Name or proposed name and address of facility.
 - (2) Name and address of the applicant and documentation verifying completion by the applicant of certification requirements as specified in Section 87564.2.
 - (A) This section shall apply to all applications for license, unless the applicant has a current license for another residential care facility for the elderly which was initially licensed prior to July 1, 1989 or has successfully completed an approved certification program within the prior five years.
 - (B) If the applicant is a firm, partnership, association, or corporation, the chief executive officer or person serving in a like capacity or the designated administrator of the facility shall meet the requirements of this section.
 - (3) If the applicant is a partnership, the name, signature and principal business address of each partner.
 - (4) If the applicant is a corporation or association, the name, title and principal business address of each officer, executive director, and member of the governing board. The application shall be signed by the chief executive officer or authorized representative. In addition, a copy of the Articles of Incorporation, Constitution and By-laws, and the name and address of each person owning more than 10 percent of stock in the corporation shall be provided.
 - (5) If the applicant is a corporation, each member of the board of directors, executive director, and any officer shall list the name of all facilities which they have been licensed to operate, employed by or a member of the board of the directors, executive director or an officer.
 - (6) Procedures as required pursuant to Section 1569.175 of the Health and Safety Code.

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- (A) Health and Safety Code Section 1569.175 provides:
- (a) In addition to any other requirements of this chapter, any residential care facility for the elderly providing residential care for six or fewer persons at which the owner does not reside shall provide a procedure approved by the licensing agency for immediate response to incidents and complaints. This procedure shall include a method of assuring that the owner, licensee, or person designated by the owner or licensee is notified of the incident, that the owner, licensee, or person designated by the owner or licensee has personally investigated the matter, and that the person making the complaint or reporting the incident has received a response of action taken or a reason why no action needs to be taken.
 - (b) In order to assure the opportunity for complaints to be made directly to the owner, licensee, or person designated by the owner or licensee, and to provide the opportunity for the owner, licensee, or person designated by the owner or licensee to meet residents and learn of problems in the neighborhood, any facility with a nonresident owner shall establish a fixed time on a weekly basis when the owner, licensee, or person designated by the owner or licensee will be present.
 - (c) Facilities with nonresident owners shall establish procedures to comply with the requirements of this section on or before July 1, 1987.

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- (7) Name and address of owner of facility premises if applicant is leasing or renting.
- (8) The category of facility to be operated.
- (9) Maximum number to be served.
- (10) The name, residence and mailing addresses of the facility administrator, a description of the administrator's background and qualifications, and documentation verifying the required education and administrator certification.

87218 APPLICATION FOR LICENSE (Continued) 87218

- (15) Information concerning insurance carried by the applicant relating to the operation of the facility.
 - (16) Plan of Operation as specified in Section 87222.
 - (17) The fee for processing the application or renewal for the requested capacity as specified in Section 87224.
 - (18) Name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction in the area where the facility is located.
 - (19) Such other information as may be required by the licensing agency for the proper administration and enforcement of the licensing law and regulations.
- (b) An application shall be filed with the licensing agency which serves the area in which the facility is located.

NOTE: Authority cited: Sections 1569.18, 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.15, 1569.151, 1569.1515(a), 1569.16, 1569.17, 1569.175, 1569.18, 1569.19, 1569.20, 1569.21, 1569.22, 1569.23, 1569.24, 1569.30, 1569.312, 1569.45, 1569.60, 1569.615, 1569.616, and 1569.62, Health and Safety Code.

87219 CRIMINAL RECORD CLEARANCE 87219

- (a) The Department shall conduct a criminal record review of all individuals specified in Health and Safety Code Section 1569.17 and shall have the authority to approve or deny a facility license, or employment, residence, or presence in the facility, based upon the results of such review.
- (b) Prior to the Department issuing a license, the applicant, administrator and any adults other than a client, residing in the facility shall have a California criminal record clearance or exemption.

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- (1) Section 1569.17(a) of the Health and Safety Code provides in part:

Before issuing a license to any person or persons to operate or manage a residential care facility for the elderly, the department shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other person specified in subdivision (b) has ever been convicted of a crime other than a minor traffic violation, or arrested for any crime specified in Section 290 of the Penal Code or arrested for violating Section 245, 273.5 subdivision (b) of Section 273a, or prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department cannot grant an exemption if the person was convicted and the person has not been exonerated. That criminal history information shall include the full criminal record, if any, of those persons and subsequent arrest information pursuant to Section 11105.2 of the Penal Code. The following shall apply to the criminal record information.

- (A) If the California Department of Social Services finds that the applicant or any other person specified in subdivision (b) has been convicted of a crime, other than a minor traffic violation, the application shall be denied, unless the director grants an exemption pursuant to subdivision (f).
- (B) If the California Department of Social Services finds that the applicant, or any person specified in subdivision (b) is awaiting trial for a crime other than a minor traffic violation, the California Department of Social Services shall cease processing the application until the conclusion of the trial.
- (C) If no criminal record information has been recorded, the Department of Justice shall provide the applicant and the California Department of Social Services with a statement of that fact.
- (D) If the California Department of Social Services finds after licensure that the licensee, or any other person specified in paragraph (2) of subdivision (b), has been convicted of a crime other than a minor traffic violation, the license may be revoked, unless the director grants an exemption pursuant to subdivision (f).
- (E) An applicant and any person specified in subdivision (b) shall submit a second set of fingerprints to the Department of Justice, for the purpose of searching the records of the Federal Bureau of Investigation, in addition to the search required by subdivision (a).

- (2) Section 1569.17(b) of the Health and Safety Code provides in part:

In addition to the applicant, the provisions of this section shall be applicable to criminal convictions of the following persons:

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Article 6. Continuing Requirements**87560 GOVERNING BODY****87560**

- (a) The licensee, whether an individual or other entity, shall exercise general supervision over the affairs of the licensed facility and establish policies concerning its operation in conformance with these regulations and the welfare of the individuals it serves.
- (b) If the licensee is a corporation or an association, the governing body shall be active, and functioning in order to assure accountability.
- (c) Any change in the chief corporate officer of an organization, corporation or association shall be reported to the Department or licensing agency in writing within fifteen (15) working days following such change. Such notification shall include the name, address and the fingerprint card of the new chief executive officer as required by Section 87219.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.15, 1569.16, 1569.17, 1569.30, 1569.31 and 1569.312, Health and Safety Code.

87561 REPORTING REQUIREMENTS**87561**

- (a) Each licensee shall furnish to the licensing agency such reports as the Department may require, including, but not limited to, the following:
 - (1) A written report shall be submitted to the licensing agency and to the person responsible for the resident within seven days of the occurrence of any of the events specified in (A) through (C) below. This report shall include the resident's name, age, sex and date of admission; date and nature of event; attending physician's name, findings, and treatment, if any; and disposition of the case.
 - (A) Death of any resident from any cause.
 - (B) Any serious injury as determined by the attending physician and occurring while the resident is under facility supervision.
 - (C) Any incident which threatens the welfare, safety or health of any resident, such as physical or psychological abuse of a resident by staff or other residents, or unexplained absence of any resident.
 - (2) Occurrences, such as epidemic outbreaks, poisonings, catastrophes or major accidents which threaten the welfare, safety or health of residents, personnel or visitors, shall be reported within 24 hours either by telephone or telegraph to the licensing agency and to the local health officer when appropriate.

87561 REPORTING REQUIREMENTS (Continued)**87561**

- (3) Fires or explosions which occur in or on the premises shall be reported immediately to the local fire authority; in areas not having organized fire services, within 24 hours to the State Fire Marshal; and no later than the next working day to the licensing agency.
- (b) The licensee shall notify the Department, in writing, within thirty (30) days of the hiring of a new administrator. The notification shall include the following:
 - (1) Name and residence and mailing addresses of the new administrator.
 - (2) Date he/she assumed his/her position.
 - (3) Description of his/her background and qualifications, including documentation of required education and administrator certification.
 - (A) A photocopy of the documentation is acceptable.

NOTE: Authority cited: Section 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.30, 1569.31, 1569.312, and 1569.616, Health and Safety Code.

87562 FINANCES**87562**

The licensee shall have a financial plan which conforms to the requirements of Section 87218, and which assures sufficient resources to meet operating costs for care of residents; shall maintain adequate financial records; and shall submit such financial reports as may be required upon the written request of the Department of licensing agency. Such request shall explain the need for disclosure. The Department or licensing agency reserves the right to reject any financial report and to request additional information or examination including interim financial statements.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, and 1569.15, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

87564 ADMINISTRATOR - QUALIFICATIONS AND DUTIES

87564

- (a) All facilities shall have a certified administrator. The licensee and the administrator may be one and the same person. The administrator shall have sufficient freedom from other responsibilities and shall be on the premises a sufficient number of hours to permit adequate attention to the management and administration of the facility as specified in this section. When the administrator is not in the facility, there shall be coverage by a designated substitute who shall have qualifications adequate to be responsible and accountable for management and administration of the facility as specified in this section. The Department may require that the administrator devote additional hours in the facility to his/her responsibilities when the need for such additional hours is substantiated by written documentation.
- (b) The administrator of a facility or facilities shall have the responsibility and authority to carry out the policies of the licensee.
- (c) Failure to comply with all licensing requirements pertaining to certified administrators may constitute cause for revocation of the license of the facility.
- (d) The administrator shall have the qualifications specified in Sections 87564(d)(1) through (7). If the licensee is also the administrator, all requirements for an administrator shall apply.
- (1) Knowledge of the requirements for providing care and supervision appropriate to the residents.
 - (2) Knowledge of and ability to conform to the applicable laws, rules and regulations.
 - (3) Ability to maintain or supervise the maintenance of financial and other records.
 - (4) When applicable, the ability to direct the work of others.
 - (5) Good character and a continuing reputation of personal integrity.
 - (6) Have a high school diploma or equivalent, such as a General Education Development (GED) certificate.
 - (7) Be at least 21 years of age.

87564 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued)**87564**

- (e) The administrator of a facility licensed for sixteen (16) to forty-nine (49) residents shall have completed, with a passing grade, at least fifteen (15) college or continuing education semester or equivalent quarter units; and shall have at least one year's experience providing residential care to the elderly; or equivalent education and experience as approved by the Department.
- (f) The administrator in facilities licensed for fifty (50) or more shall have two years of college; at least three years experience providing residential care to the elderly; or equivalent education and experience as approved by the licensing agency.
- (g) All administrators shall be required to complete at least 20 clock hours of continuing education per year in areas related to aging and/or administration.
- (h) Administrators employed/licensed prior to July 1, 1982, shall not be required to comply with the college and continuing education requirements in Section 87564(e) or the college requirements in Section 87564(f) provided that they have no break in employment as an RCFE administrator exceeding three (3) consecutive years.
- (i) The administrator shall have the responsibility to:
 - (1) Administer the facility in accordance with these regulations and established policy, program and budget.
 - (2) Where applicable, report to the licensee on the operation of the facility, and provide the licensee with necessary interpretations of recognized standards of care and supervision.
 - (3) Develop an administrative plan and procedures to ensure clear definition of lines of responsibility, equitable workloads, and adequate supervision.
 - (4) Recruit, employ and train qualified staff, and terminate employment of staff who perform in an unsatisfactory manner.
 - (5) Provide or ensure the provision of services to the residents with appropriate regard for the residents' physical and mental well-being and needs, including those services identified in the residents' pre-admission appraisal, specified in Section 87583.
 - (6) Make special provisions for the safety and guidance of residents with visual or auditory deficiencies.

87564 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued) 87564

- (7) Make provision for the resident with unmet needs to attend available community programs, including but not limited to, arranging for transportation.
- (8) Have the personal characteristics, physical energy and competence to provide care and supervision and, where applicable, to work effectively with social agencies.
- (j) In those cases where the individual is both the licensee and the administrator of a residential care facility for the elderly, the individual shall comply with all of the licensee and certified administrator requirements.

NOTE: Authority cited: Section 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.17, 1569.30, 1569.31, 1569.312, 1569.315, 1569.613, 1569.616, and 1569.62, Health and Safety Code.

87564.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS 87564.2

- (a) All individuals shall be certificate holders prior to being employed as an administrator, or shall have submitted to the Department the documentation required to obtain a certificate pursuant to Section 87564.2(b).
 - (1) Administrators who possess a valid Nursing Home Administrator license, issued by the California Board of Nursing Home Administrators, shall be exempt from completing an approved Initial Certification Training Program and taking a written test, provided the individual completes twelve (12) hours of classroom instruction in the following uniform Core of Knowledge areas:
 - (A) Laws, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly.
 - (B) The use, misuse, and interaction of medication commonly used by the elderly in a residential setting.
 - (C) Resident admission, retention, and assessment procedures.
 - (2) Individuals who were both the licensee and administrator on or before July 1, 1991, shall complete an Initial Certification Training Program but shall not be required to take the written test. Individuals exempted from the written test shall be issued a conditional certification valid only for the administrator of the facility for which the exemption was granted.

87564.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued) 87564.2

- (A) As a condition to becoming a certified administrator of another facility, a holder of a conditional certificate issued pursuant to Section 87564(a)(2) shall be required to pass the written test.
- (B) As a condition to applying for a new facility license, the holder of a conditional certificate issued pursuant to Section 87564(a)(2) shall be required to pass the written test.
- (3) An applicant for licensure shall be subject to the same application process for Initial Certification of Administrators as set forth in Section 87564.2(b).
- (b) To receive his/her certificate an applicant shall:
- (1) Unless exempted by Section 87564.2(a)(1), successfully complete a Department-approved Initial Certification Training Program.
- (2) Unless exempted by Section 87564.2(a)(1) or (a)(2), pass a written test administered by the Department within sixty (60) days of completion of an Initial Certification Training Program.
- (3) Submit an application to the Department's certification section within thirty (30) days of being notified of having passed the test, or if the applicant is exempt from taking the written test, within 30 days of completing the certification training. The application shall contain the following:
- (A) Proof that the applicant has successfully completed a Department-approved Initial Certification Training Program or, in the case of a Nursing Home Administrator, proof of completion of 12 hours of classroom instruction as specified in Section 87564.2(a)(1).
- (B) Documentation of passing the written test or qualifying for an exemption pursuant to Section 87564.2(a)(1) or (a)(2).
- (C) A statement certifying that the applicant is at least twenty-one (21) years of age.
- (D) Fingerprint cards, or evidence that the applicant has submitted fingerprints to the Department of Justice at a livescan facility, or a statement that the applicant has a current criminal record clearance on file with the Department.
- (E) A one hundred dollar (\$100) processing fee.
- (F) A copy of the front and back of his/her current nursing home wallet license, or equivalent, if the applicant is a current Nursing Home Administrator.

87564.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued) 87564.2

- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance pursuant to Health and Safety Code Section 1569.17 or is able to transfer a current criminal record clearance pursuant to Health and Safety Code Section 1569.17(g)(1).
- (d) It shall be unlawful for any person not certified under this section to hold himself or herself out as a certified administrator. Any person willfully making any false representation as being a certified administrator is guilty of a misdemeanor.
- (e) Certificates issued under this section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements.
- (f) Certificates shall be valid for a period of two (2) years and expire on either the anniversary date of initial issuance or on the individual's birthday during the second calendar year following certification.
- (1) The certificate holder shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two (2) years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification.
- (g) Time deadlines specified in Sections 87564.2(b)(2) and (3) may be extended for good cause as determined by the Department. Any request for an extension of time shall be in writing and shall contain a statement of all facts the applicant believes constitute good cause to extend a time deadline.

NOTE: Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1569.17, 1569.171, 1569.23, 1569.30, 1569.315, 1569.613, and 1569.616, Health and Safety Code.

87564.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS 87564.3

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during the two-year certification period. Continuing education hours must be related to the Core of Knowledge and be completed through any combination of the following:
- (1) Courses provided by vendors approved by the Department, or
- (2) Accredited educational institutions offering courses that are consistent with the requirements of this section, or

87564.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 87564.3**HANDBOOK BEGINS HERE**

- (A) Examples of accredited educational institutions are community colleges and state colleges.

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- (3) Courses offered by vendors approved by other California State agencies provided that:
- (A) The approval and enforcement procedures of the state agency are comparable to the approval and enforcement procedures of the Department, and
- (B) The course relates to the Core of Knowledge as specified in Sections 87730(h)(1)(A) through (H).

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- (C) Prior to taking a course from one of the entities specified in Sections 87564.3(a)(2) or (3), the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Sections 87730(h)(1)(A) through (H). If the course does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement.
- (D) Examples of other California State agencies that meet the requirements specified in Section 84064.3(a)(3) are the Department of Developmental Services, Department of Rehabilitation, Board of Behavioral Science Examiners and Board of Psychology.

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- (b) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, except that:
- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable.
- (c) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit:
- (1) A written request to recertify post-marked on or before the certificate expiration date.
- (2) Evidence of completion of forty (40) continuing education hours as specified in Section 87564.3(a).
- (3) Payment of a one hundred dollar (\$100) processing fee.

87564.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 87564.3

- (d) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit:
- (1) A written request to recertify.
 - (2) Evidence of completion of the required continuing education hours as specified in Section 87564.3(a). The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if they had remained certified. The date of computation shall be the date the written request for recertification is received by the Department.
 - (3) Payment of a delinquency fee equal to three times the renewal fee, or three hundred dollars (\$300).
- (e) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.
- (1) Holders of certificates not renewed within four (4) years of their expiration date shall complete an Initial Certification Training Program as specified in Section 87564.2(b).
- (f) Certificate holders who possess a valid Nursing Home Administrator license shall be required to complete only twenty (20) of the required forty (40) hours of continuing education.
- (g) Certificate holders, as a condition of recertification, shall have a current criminal record clearance.
- (h) A processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (i) A certificate holder shall report any change of mailing address within thirty (30) days of the change to the Department's administrator certification section.
- (j) Whenever a certified administrator assumes or relinquishes responsibility for administering a residential care facility for the elderly, he or she shall provide written notice, within thirty (30) days, to:
- (1) The licensing District Office responsible for receiving information regarding personnel changes at the licensed facility with whom the certificate holder is or was associated, and
 - (2) The Department's administrator certification section.

NOTE: Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1569.17, 1569.171, 1569.613 and 1569.616, Health and Safety Code.

87564.4 DENIAL OR REVOCATION OF A CERTIFICATE**87564.4**

- (a) The Department may deny or revoke any administrator certificate for violation of licensing regulations or for any of the following grounds:
- (1) The certificate holder procured a certificate by fraud or misrepresentation.
 - (2) The certificate holder knowingly made or gave a false statement or information in conjunction with the application for a certificate.
 - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:
 - (A) The certificate holder did not appeal the exclusion order, or
 - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
 - (4) The certificate holder does not have a current criminal record clearance.
 - (5) The certificate holder fails to comply with certificate renewal requirements.
 - (A) The Department may reinstate a certificate that has been revoked for failure to comply with certificate renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.
 - (6) The certificate holder engaged in conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code Section 1569.51.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code Section 1569.16.

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Health and Safety Code Section 1569.16, in pertinent part, provides that:

(a)(1) If an applicant for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3 (commencing with Section 1500), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation.

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application until one year has elapsed from the date of the denial letter. In those circumstances where denials are appealed and upheld at an administrative hearing, review of the application shall cease for one year from the date of the decision and order being rendered by the department. The cessation of review shall not constitute a denial of the application.

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NOTE: Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1569.16, 1569.51, 1569.613, and 1569.616, Health and Safety Code.

87564.5 FORFEITURE OF A CERTIFICATE**87564.5**

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
- (1) The Department has revoked any license held by the certificate holder after the Department issued the certificate.
 - (2) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58, or 1596.8897 after the Department issued the certificate, and:
 - (A) The certificate holder did not appeal the exclusion order or,
 - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code Sections 1569.16 and/or 1569.58(h).

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Health and Safety Code Section 1569.16, in pertinent part, provides that:

(a)(1) If an applicant for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3 (commencing with Section 1500), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation.

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application until one year has elapsed from the date of the denial letter. In those circumstances where denials are appealed and upheld at an administrative hearing, review of the application shall cease for one year from the date of the decision and order being rendered by the department. The cessation of review shall not constitute a denial of the application.

Health and Safety Code Section 1569.58(h), in pertinent part, provides that:

(1)(A) In cases where the excluded person appealed the exclusion order and there is a decision and order of the department upholding the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(1)(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(2)(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.

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NOTE: Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1558, 1568.092, 1569.16, 1569.58, 1569.616 and 1569.8897, Health and Safety Code.

87565 PERSONNEL REQUIREMENTS - GENERAL**87565**

- (a) Facility personnel shall at all times be sufficient in numbers, and competent to provide the services necessary to meet resident needs. In facilities licensed for sixteen or more, sufficient support staff shall be employed to ensure provision of personal assistance and care as required in Section 87578. Additional staff shall be employed as necessary to perform office work, cooking, house cleaning, laundering, and maintenance of buildings, equipment and grounds. The licensing agency may require any facility to provide additional staff whenever it determines through documentation that the needs of the particular residents, the extent of services provided, or the physical arrangements of the facility require such additional staff for the provision of adequate services.
- (b) All persons who supervise employees or who supervise or care for residents shall be at least eighteen (18) years of age.
- (c) All personnel shall be given on the job training or have related experience in the job assigned to them. This training and/or related experience shall provide knowledge of and skill in the following, as appropriate for the job assigned and as evidenced by safe and effective job performance:
- (1) Principles of good nutrition, good food preparation and storage, and menu planning.
 - (2) Housekeeping and sanitation principles.
 - (3) Skill and knowledge required to provide necessary resident care and supervision, including the ability to communicate with residents.
 - (4) Knowledge required to safely assist with prescribed medications which are self-administered.
 - (5) Knowledge necessary in order to recognize early signs of illness and the need for professional help.
 - (6) Knowledge of community services and resources.
- (d) In facilities licensed for sixteen (16) or more there shall be a planned on the job training program in the areas above including orientation, skill training and continuing education.
- (e) All personnel, including the licensee and administrator, shall be in good health, and physically and mentally capable of performing assigned tasks. Good physical health shall be verified by a health screening, including a chest x-ray or an intradermal test, performed by a physician not more than six (6) months prior to or seven (7) days after employment or licensure. A report shall be made of each screening, signed by the examining physician. The report shall indicate whether the person is physically qualified to perform the duties to be assigned, and whether he/she has any health condition that would create a hazard to him/herself, other staff members or residents. A signed statement shall be obtained from each volunteer affirming that he/she is in good health. Personnel with evidence of physical illness or emotional instability that poses a significant threat to the well-being of residents shall be relieved of their duties.

87566 **PERSONNEL RECORDS** (Continued) **87566**

- (b) For all persons working in the facility, including the licensee, the administrator and employees, there shall be a record of the health screening or volunteer statement specified in Section 87565.
- (c) The licensee shall maintain documentation that an administrator has met the certification requirements specified in Section 87564.2.
- (d) All personnel records shall be retained for at least three (3) years following termination of employment.
- (e) In all cases, personnel records shall demonstrate adequate staff coverage necessary for facility operation by documenting the hours actually worked.

NOTE: Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1569.30, 1569.31, 1569.312, 1569.613, and 1569.616, Health and Safety Code.

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Article 9. Administrator Certification Training Programs**87730 INITIAL CERTIFICATION TRAINING PROGRAM APPROVAL REQUIREMENTS 87730**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants for licensure or administrator certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department using the forms LIC 9140 and LIC 9141, or a replica. The request shall be signed under penalty of perjury and contain the following:
- (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
 - (3) Written description and educational objectives for each component.
 - (4) Qualifications of each proposed instructor as specified in Section 87730(i)(6).
 - (5) Geographic areas in which the Training Program will be offered.
 - (6) Types of records to be maintained, as required by Section 87730(i)(4).
 - (7) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (8) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the facility number.
 - (9) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 87730(b)(7) and (8).
 - (10) A processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the program is approved.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department using the forms LIC 9140 and LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 87730(b).

**87730 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****87730**

- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Initial Certification Training Program shall consist of the following components:
- (1) A minimum of forty (40) classroom hours with the following Core of Knowledge curriculum:
 - (A) Twelve (12) hours of instruction in laws, including residents' personal rights, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly.
 - (B) Three (3) hours of instruction in business operations.
 - (C) Three (3) hours of instruction in management and supervision of staff.
 - (D) Five (5) hours of instruction in the psychosocial needs of the elderly.
 - (E) Five (5) hours of instruction in the physical needs of the elderly.
 - (F) Two (2) hours of instruction in the use of community and support services to meet residents' needs.
 - (G) Five (5) hours of instruction in the use, misuse and interaction of drugs commonly used by the elderly.
 - (H) Five (5) hours of instruction on admission, retention, and assessment procedures.

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**INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS** (Continued)

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- (I) Topics within the basic curriculum may include, but not be limited to, topics as specified in the Department's Core of Knowledge Guideline for each of the eight (8) Core of Knowledge components specified in Sections 87730(h)(1)(A) through (H). The guideline is available from the Department upon request.
- (J) Core of Knowledge information is derived from a variety of sources governing the operation of licensed residential care facilities for the elderly, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 87100 et. seq.

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- (2) A standardized test administered by the Department.
 - (A) Individuals completing an Initial Certification Training Program must pass the test with a minimum score of seventy percent (70%).
 - (B) The test questions shall reflect the hour value of the eight (8) Core of Knowledge areas specified in Sections 87730(h)(1)(A) through (H).

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87730 INITIAL CERTIFICATION TRAINING PROGRAM APPROVAL REQUIREMENTS (Continued) 87730

- (i) Initial Certification Training Program vendors shall:
- (1) Offer all forty (40) of the classroom hours required for certification.
 - (2) Establish a procedure to allow participants to make up any component necessary to complete the program.
 - (3) Within seven (7) days of determination that an individual has completed 40 hours of class instruction, submit the participant's name to the Department.
 - (4) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. These records shall include the following information:
 - (A) Class schedules, dates and descriptions.
 - (B) List of instructors and documentation of qualifications of each, as specified in Section 87730(i)(6).
 - (C) Names of registered participants and documentation of completion of the program.
 - (D) Evaluations by participants of courses and instructors.
 - (5) Ensure that all classes are open to monitoring and inspection by Department representatives.
 - (6) Have persons as instructors who have knowledge and/or experience in the subject area to be taught and who meet at least one of the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years' experience relevant to the course(s) to be taught, or
 - (B) Four (4) years' experience relevant to the course(s) to be taught, or
 - (C) Be a professional, in a related field, with a valid license to practice in California, or
 - (D) Have at least four (4) years' experience in California as an administrator of a residential care facility for the elderly, within the last eight (8) years, and with a record of administering facilities in substantial compliance, as defined in Section 87101(s)(6).
 - (7) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meet(s) the criteria specified in Section 87730(i)(6)(D).

**87730 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****87730**

- (A) Where good faith efforts to employ an instructor who meets the criteria specified in Section 87730(i)(6)(D) are unsuccessful, vendors may apply to the administrator certification section for a waiver of this requirement.
- (j) Initial Certification Training Program Vendors shall allow Department representatives to monitor and inspect Training Programs.
- (k) Initial Certification Training Program Vendors shall not instruct or "co-locate" more than one program type (ARF, RCFE, GH) at one time.
- (l) Initial Certification Training Program Vendors that are also seeking certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

NOTE: Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code.
Reference: Sections 1569.616 and 1569.23, Health and Safety Code.

87730.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL CERTIFICATION TRAINING PROGRAM**87730.1**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1569.616(i)(l) of the Health and Safety Code. The Department shall provide the applicant with a written notice of denial.

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Health and Safety Code Section 1569.616(i)(l) provides in part:

The department may deny vendor approval to any agency or person that has not provided satisfactory evidence of their ability to meet the requirements of vendorization set out in the regulations adopted pursuant to subdivision (j).

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- (b) The applicant may appeal the denial of the application in accordance with Section 1569.51 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1569.16(b).

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Health and Safety Code Section 1569.16(b) provides:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application until one year has elapsed from the date of the denial letter. In those circumstances where denials are appealed and upheld at an administrative hearing, review of the application shall cease for one year from the date of the decision and order being rendered by the department. The cessation of review shall not constitute a denial of the application.

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NOTE: Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code.
Reference: Sections 1569.16, 1569.23, and 1569.616, Health and Safety Code.

87730.2 REVOCATION OF AN INITIAL CERTIFICATION TRAINING PROGRAM**87730.2**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 87730, or
- (1) Is unable to provide training due to lack of staff, funds or resources, or
 - (2) Misrepresents or makes false claims regarding the training provided, or
 - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
 - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1569.51.
- (c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1569.16.

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Health and Safety Code Section 1569.16 in pertinent part provides:

(a)(1) If an application for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3 (commencing with Section 1500), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation.

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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NOTE: Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code. Reference: Sections 1569.16, 1569.51, and 1569.616, Health and Safety Code.

**87731 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS****87731**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department using the forms LIC 9140 and LIC 9141, or a replica. The request shall be signed under penalty of perjury and contain the following:
- (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
 - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
 - (3) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (4) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 87731(b)(2) and (3).
 - (5) A processing fee of one hundred dollars (\$100).
- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program shall be submitted to the Department using the forms LIC 9140 and LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 87731(b).
- (e) If a request for approval or renewal of a Continuing Education Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.

**87731 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS** (Continued)**87731**

- (h) Continuing Education Training Program vendors shall:
- (1) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following:
 - (A) Course schedules, dates and descriptions.
 - (B) List of instructors and documentation of qualifications of each as specified in Section 87731(h)(2).
 - (C) Names of registered participants and documentation of completion of the courses.
 - (D) Evaluations by participants of courses and instructors.
 - (2) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet at least one of the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course to be taught, or
 - (B) Four (4) years experience relevant to the course to be taught, or
 - (C) Be a professional, in a related field, with a valid license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of a residential care facility for the elderly, within the last eight (8) years, and with a record of administering facilities in substantial compliance as defined in Section 87101(s)(6).
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, except that:
- (1) The Department may approve courses where the technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable.
- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Programs.
- (l) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (ARF, RCFE, GH), may provide "multiple crediting," that is, more than one certification for the course, to those who complete the course satisfactorily.

87731 CONTINUING EDUCATION TRAINING PROGRAM VENDOR REQUIREMENTS (Continued) 87731

- (m) Continuing Education Training Program vendors that the Department has approved for more than one program type (ARF, RCFE, GH), may "co-locate" or instruct specified courses for more than one program type.
- (n) Continuing Education Training Program vendors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

NOTE: Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code.
Reference: Section 1569.616, Health and Safety Code.

87731.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE APPROVAL REQUIREMENTS 87731.1

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
- (1) At the sole discretion of the Department, continuing education credit may be granted for training provided by the Department's licensing staff.
- (b) Any vendor applicant seeking approval of a Continuing Education Training Program course shall submit a written request to the Department using the forms LIC 9140 and LIC 9141, or a replica. The request shall be signed under penalty of perjury and contain the following:
- (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor of each course.
- (2) Written description and educational objectives for each course, teaching methods, course content and a description of evaluation methods.
- (3) Qualifications of each proposed instructor, as specified in Section 87731(h)(2).
- (4) Types of records to be maintained, as required in Section 87731(h)(1).
- (5) A statement of whether or not the instructor held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
- (6) A statement of whether or not the instructor held or currently holds a community care facility license or was, or is, employed by a licensed community care facility and the facility number.
- (7) A statement of whether or not the proposed instructor was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 87731.1(b)(5) and (6).

**87731.1 CONTINUING EDUCATION TRAINING PROGRAM
COURSE APPROVAL REQUIREMENTS** (Continued)**87731.1**

- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval, as provided in Section 87731(c).
- (1) To renew a course, the vendor applicant shall submit a written request to the Department using the forms LIC 9139 and LIC 9141, or a replica.
- (d) If a request for approval or renewal of a Continuing Education Training Program course is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (e) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (f) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the course has been approved or denied.
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered, which shall contain the information specified in Section 87731.1(b).
- (h) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect the training courses.

NOTE: Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code.
Reference: Section 1569.616, Health and Safety Code.

87731.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION OF A REQUEST FOR A APPROVAL OF A CONTINUING EDUCATION COURSE 87731.2

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
- (1) The vendor must request administrative review in writing within ten (10) days of the receipt of the Department's notice denying or revoking course approval.
 - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
 - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, he/she shall have the authority to amend the denial or revocation of course approval.
 - (4) The decision of the higher-level staff person shall be final.

NOTE: Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code.
Reference: Section 1569.616, Health and Safety Code.

87731.3 DENIAL OF A REQUEST FOR A APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM 87731.3

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code Section 1569.616(i)(1). The Department shall provide the applicant with a written notice of the denial.

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Section 1569.616(i)(1) of the Health and Safety Code provides in part:

The department may deny vendor approval to any agency or person that has not provided satisfactory evidence of their ability to meet the requirements of vendorization set out in the regulations adopted pursuant to subdivision (j).

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- (b) The vendor applicant may appeal the denial of the application in accordance with Health and Safety Code Section 1569.51.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1569.16(b).

87731.3 DENIAL OF A REQUEST FOR A APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM (Continued)**87731.3****HANDBOOK BEGINS HERE**

Health and Safety Code Section 1569.16(b) provides:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application until one year has elapsed from the date of the denial letter. In those circumstances where denials are appealed and upheld at an administrative hearing, review of the application shall cease for one year from the date of the decision and order being rendered by the department. The cessation of review shall not constitute a denial of the application.

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NOTE: Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code.
Reference: Sections 1569.16, 1569.51, and 1569.616, Health and Safety Code.

87731.4 REVOCATION OF A CONTINUING EDUCATION TRAINING PROGRAM**87731.4**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 87731 and 87731.1 or:
- (1) Is unable to provide training due to lack of staff, funds or resources; or
 - (2) Misrepresents or makes false claims regarding the training provided; or
 - (3) Demonstrates conduct in the administration of the program that is illegal or inconsistent with the intent of the program; or
 - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1569.51.
- (c) Any application for approval of a Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1569.16.

**87731.4 REVOCATION OF A CONTINUING EDUCATION
TRAINING PROGRAM (Continued)****87731.4**

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Health and Safety Code Section 1569.16 in pertinent part provides:

(a)(1) If an application for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3 (commencing with Section 1500), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation.

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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NOTE: Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code.
Reference: Sections 1569.16, 1569.51, and 1569.616, Health and Safety Code.

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