

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 29, 2004

Regulation Package #0903-22

CDSS MANUAL LETTER NO. CCL-04-01

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

Regulation Package #0903-22**Effective 1/1/04**

Sections 87101, 87218, 87561, 87575.1, 87577, 87578, 87691, 87701, 87701.1, 87701.2, 87701.3, 87702, 87702.1, 87703, 87704, 87705, 87707, 87708, 87709, 87710, 87711, and 87713

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Residentia_635.htm.

In consultation with health care professionals, care providers and field offices it was decided that some Residential Care Facilities for the Elderly (RCFE) regulations are inconsistent with current common practice and/or difficult to use. RCFEs are accepting and retaining residents who have certain medical conditions that were previously not allowed. Some aspects of routine care for those medical conditions can be done safely by trained facility staff, however, the facility must first obtain approval from the licensing office. Provision of certain routine care requiring Licensing approval has become more common in facilities and obtaining licensing approval can delay a resident's admission and is time consuming for both the licensee and the licensing office. These amended regulations include the requirements for documentation, staff training and oversight required to obtain licensing approval.

These regulations were adopted on an emergency basis effective January 1, 2004 and were considered at the Department's public hearing held on February 11, 2004.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. 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-03-10. The latest prior manual letter containing Residential Care Facilities for the Elderly regulation changes was Manual Letter No. CCL-03-05.

Page(s)

3 through 5
11 and 12
15 and 15.1
29 and 30

Replace(s)

Pages 3 through 5
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This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries.
- b) Regulations adopted by other State Departments affecting DSS programs.
- c) Statutes from appropriate Codes which govern DSS programs.
- d) Court decisions; and
- e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the change to a new computer system revised language in this manual letter and subsequent community care licensing changes will now be identified by a line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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87101 DEFINITIONS (Continued)**87101**

- (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) Repealed by Manual Letter No. CCL-02-09, effective 8/31/02.
- (m) (1) Medical Professional. "Medical Professional" means an individual who is licensed or certified in California to perform the necessary medical procedures within his/her scope of practice. This includes, but is not limited to, Medical Doctor (MD), Registered Nurse (RN) and Licensed Vocational Nurse (LVN).
- (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) Non-Compliance Conference. "Non-Compliance Conference" means a meeting initiated by the Department that takes place between the licensing agency and the licensee to afford the licensee an opportunity to correct licensing violations other than those that pose an immediate danger to residents. Its purpose is to review the existing deficiencies and to impress upon the licensee the seriousness of the situation prior to the agency requesting administrative action to revoke the license.
- (4) 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.
- (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.

87101 DEFINITIONS (Continued)**87101**

- (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) Rehabilitation. "Rehabilitation" means that period of time, together with any education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service, which assist an individual in reestablishing good character.
- (2) 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.
 - (3) 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.
 - (4) Request to Forego Resuscitative Measures. A "Request to Forego Resuscitative Measures" is defined in Probate Code Section 4753(b).

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, 1569.30, 1569.616, and 1569.698, 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, 1569.193, 1569.20, 1569.21, 1569.23, 1569.31, 1569.312, 1569.38, 1569.44, 1569.47, 1569.54, 1569.616, 1569.699, 1569.73, 1569.74, 1569.82, 1797.196, and 1771, Health and Safety Code; Section 15610.13, Welfare and Institutions Code; and Sections 1800, 4615, 4650, 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 (2/01) - Renewal of Continuing Education Course Approval, Administrator Certification Program.
- (b) LIC 9140 (6/01) - Request for Course Approval, Administrator Certification Program.
- (c) LIC 9141 (5/01) - Vendor Application/Renewal, Administrator Certification Program.
- (d) PUB 325 (3/99) – Your Right To Make Decisions About Medical Treatment.
- (e) Core of Knowledge Guidelines (6/01/01) - 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 an application on forms furnished by the licensing agency. 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.

HANDBOOK BEGINS HERE

- (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.

HANDBOOK ENDS HERE

- (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**

- (11) Copy of the current organizational chart showing type and number of positions and line of authority. However, facilities for less than sixteen persons may furnish, in lieu of an organization chart, a list of positions and the periods of time that persons in these positions will be providing services at the facility.
- (12) Evidence pursuant to Health and Safety Code, Section 1569.15(b).

HANDBOOK BEGINS HERE

Evidence satisfactory to the licensing agency that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, like evidence as to the members or shareholders and the person who will be in charge of the community care facility.

HANDBOOK ENDS HERE

- (13) A financial plan of operation on forms provided or approved by the Department. Start-up funds shall be sufficient to meet a minimum of three (3) months operating costs. In addition:
- (A) Where construction is anticipated to meet the requirements for a license, sufficient financing for the construction shall be available.
- (B) The scope of the applicant's services shall be such that an adequate quality of service will be permitted from available funds. The licensing agency shall have the right to verify the availability of these funds.
- (14) When there is a change of licensee, the required documentation shall include the information specified in Section 87227(k).

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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 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 1569.23, 1569.30, and 1569.616, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.10, 1569.15, 1569.151, 1569.1515, 1569.16, 1569.17, 1569.185, 1569.19, 1569.20, 1569.21, 1569.22, 1569.23, 1569.24, 1569.312, 1569.45, 1569.60, 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 criminal record clearance or exemption.

HANDBOOK BEGINS HERE

- (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).

HANDBOOK CONTINUES

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 (D) 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 regardless of where the death occurred, including but not limited to a day program, a hospital, en route to or from a hospital, or visiting away from the facility.
 - (B) Any serious injury as determined by the attending physician and occurring while the resident is under facility supervision.
 - (C) The use of an Automated External Defibrillator.
 - (D) 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.

87561 REPORTING REQUIREMENTS (Continued)**87561**

- (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 facsimile to the licensing agency and to the local health officer when appropriate.
 - (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, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.616, and 1797.196, 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.

87575.1 ADVANCE HEALTH CARE DIRECTIVES, REQUESTS TO FOREGO RESUSCITATIVE MEASURES, AND DO-NOT RESUSCITATE FORMS (Continued) **87575.1**

HANDBOOK CONTINUES

- (6) Facility staff are prohibited, on behalf of any resident, from signing any directive document as a witness or from being the legally recognized surrogate decision maker.
 - (7) The facility shall provide the resident's physician with a copy of the resident's request to forego resuscitative measures form.
- "(c) Any action by a facility that has established policies pursuant to subdivision (a), to honor a resident's request to forego resuscitative measures as provided for in subdivision (a) may only be taken by a licensed health care provider who is employed by the facility and on the premises at the time of the life threatening emergency."

HANDBOOK ENDS HERE

- (d) After following the procedure in Section 87575.1(c)(1), (2), or (3), facility staff shall notify the resident's hospice agency and health care surrogate decision maker, if applicable.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.74, and 1569.156, Health and Safety Code; and Section 4753, Probate Code.

87575.2 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS) **87575.2**

- (a) A licensee is permitted to maintain and operate an AED at the facility if all of the following requirements are met:
- (1) The licensee shall notify the licensing agency in writing that an AED is in the facility and will be used in accordance with all applicable federal and other state requirements.
 - (2) The AED shall be used in accordance with all applicable federal and other state requirements.

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87577 PERSONAL ACCOMMODATIONS AND SERVICES (Continued) 87577

- (B) Bedroom furniture, which shall include, for each resident, a chair, night stand, a lamp, or lights sufficient for reading, and a chest of drawers.
 - (C) Clean linen, including blankets, bedspreads, top bed sheets, bottom bed sheets, pillow cases, mattress pads, bath towels, hand towels and wash cloths. The quantity shall be sufficient to permit changing at least once per week or more often when indicated to ensure that clean linen is in use by residents at all times. The linen shall be in good repair. The use of common wash cloths and towels shall be prohibited.
 - (D) Hygiene items of general use such as soap and toilet paper.
 - (E) Portable or permanent closets and drawer space in the bedrooms for clothing and personal belongings. A minimum of eight (8) cubic feet (.743 cubic meters) of drawer space per resident shall be provided.
 - (F) Basic laundry service (washing, drying, and ironing of personal clothing).
- (b) Toilets and bathrooms shall be conveniently located. The licensed capacity shall be established based on Section 87229 and the following:
- (1) At least one toilet and washbasin for each six (6) persons, which include residents, family and personnel.
 - (2) At least one bathtub or shower for each ten (10) persons, which includes residents, family and live-in personnel.
- (c) Individual privacy shall be provided in all toilet, bath and shower areas.
- (d) The following space and safety provisions shall apply to all facilities:
- (1) Sufficient room shall be available to accommodate persons served in comfort and safety.
 - (2) The premises shall be maintained in a state of good repair and shall provide a safe and healthful environment.

87577 PERSONAL ACCOMMODATIONS AND SERVICES (Continued)**87577**

- (3) All persons shall be protected against hazards within the facility through provision of the following:
- (A) Protective devices such as nonslip material on rugs.
 - (B) Information and instruction regarding life protection and other appropriate subjects.
- (4) Stairways, inclines, ramps and open porches and areas of potential hazard to residents with poor balance or eyesight shall be made inaccessible to residents unless equipped with sturdy hand railings and unless well-lighted.
- (5) Night lights shall be maintained in hallways and passages to nonprivate bathrooms.
- (6) All outdoor and indoor passageways and stairways shall be kept free of obstruction.
- (7) Fireplaces and open-faced heaters shall be adequately screened.
- (e) Facilities providing services to residents who have physical or mental disabilities shall assure the inaccessibility of fishponds, wading pools, hot tubs, swimming pools, or similar bodies of water, when not in active use by residents, through fencing, covering or other means.

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

87578 PERSONAL ASSISTANCE AND CARE**87578**

- (a) Based on the individual's preadmission appraisal, and subsequent changes to that appraisal, the facility shall provide assistance and care for the resident in those activities of daily living which the resident is unable to do for himself/herself. Postural supports may be used under the following conditions.
- (1) Postural supports shall be limited to appliances or devices such as braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a resident's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a resident from falling out of bed, a chair, etc.
 - (A) Physician-prescribed orthopedic devices such as braces or casts, used for support of a weakened body part or correction of body parts, are considered postural supports.
 - (2) Postural supports shall be fastened or tied in a manner that permits quick release by the resident.
 - (3) A written order from a physician indicating the need for the postural support shall be maintained in the resident's record. The licensing agency shall be authorized to require other additional documentation if needed to verify the order.
 - (4) Prior to the use of postural supports that change the ambulatory status of a resident to non-ambulatory, the licensee shall ensure that the appropriate fire clearance, as required by Section 87220, Fire Clearance has been secured.
 - (5) Under no circumstances shall postural supports include tying, depriving, or limiting the use of a resident's hands or feet.
 - (A) A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed.
 - (B) Bed rails that extend the entire length of the bed are prohibited except for residents who are currently receiving hospice care and have a hospice care plan that specifies the need for full bed rails.

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

87579 PLANNED ACTIVITIES**87579**

- (a) Residents shall be encouraged to maintain and develop their fullest potential for independent living through participation in planned activities. The activities made available shall include:
- (1) Socialization, achieved through activities such as group discussion and conversation, recreation, arts, crafts, music and care of pets.
 - (2) Daily living skills/activities which foster and maintain independent functioning.
 - (3) Leisure time activities cultivating personal interests and pursuits, and encouraging leisure-time activities with other residents.
 - (4) Physical activities such as games, sports and exercise which develop and maintain strength, coordination and range of motion.
 - (5) Education, achieved through special classes or activities.
 - (6) Provision for free time so residents may engage in activities of their own choosing.
- (b) Residents served shall be encouraged to contribute to the planning, preparation, conduct, clean-up and critique of the planned activities.
- (c) The licensee shall arrange for utilization of available community resources through contact with organizations and volunteers to promote resident participation in community-centered activities which may include:
- (1) Attendance at the place of worship of the resident's choice.
 - (2) Service activities for the community.
 - (3) Community events such as concerts, tours and plays.
 - (4) Participation in community organized group activities, such as senior citizen groups, sports leagues and service clubs.
- (d) In facilities licensed for seven (7) or more persons, notices of planned activities shall be posted in a central location readily accessible to residents, relatives, and representatives of placement and referral agencies. Copies shall be retained for at least six (6) months.
- (e) In facilities licensed for sixteen (16) to forty-nine (49) persons, one staff member, designated by the administrator, shall have primary responsibility for the organization, conduct and evaluation of planned activities. This person shall have had at least six (6) months experience in providing planned activities or have completed or be enrolled in an appropriate education or training program.

87691 MAINTENANCE AND OPERATION (Continued)

87691

Licensed Capacity	Analysis Required	Periodic Subsequent Analysis
Under 6	Initial Licensing	Upon evidence of need
7 through 15	Initial Licensing	Annually
16 through 24	Initial Licensing	Every six months
25 or more	Refer to the county health department for compliance with the California Safe Drinking Water Act, Health and Safety Code, Division 5, Part 1, Chapter 7, Water and Water Systems.	

- (2) Faucets used by residents for personal care such as shaving and grooming shall deliver hot water. Hot water temperature controls shall be maintained to automatically regulate the temperature of hot water used by residents to attain a temperature of not less than 105 degree F (41 degree C) and not more than 120 degree F (49 degree C).
 - (3) Taps delivering water at 125 degree F (52 degree C) or above shall be prominently identified by warning signs.
 - (4) Grab bars shall be maintained for each toilet, bathtub and shower used by residents.
 - (5) Non-skid mats or strips shall be used in all bathtubs and showers.
 - (6) Toilet, handwashing and bathing facilities shall be maintained in operating condition. Additional equipment shall be provided in facilities accommodating physically handicapped and/or nonambulatory residents, based on the residents' needs.
- (f) Solid waste shall be stored and disposed of as follows:
- (1) Solid waste shall be stored, located and disposed of in a manner that will not permit the transmission of a communicable disease or of odors, create a nuisance, provide a breeding place or food source for insects or rodents.

87691 MAINTENANCE AND OPERATION (Continued)

87691

- (2) Syringes and needles are disposed of in accordance with the California Code of Regulations, Title 8, Section 5193 concerning bloodborne pathogens.

HANDBOOK BEGINS HERE

- (A) California Code of Regulations, Title 8, Sections 5193(d)(3)(B) through (D) are paraphrased in pertinent part:
1. Shearing or breaking of contaminated needles is prohibited.
 2. Contaminated needles shall not be bent or recapped.
 3. Waste containers shall not be opened or emptied manually.
 4. Immediately or as soon as possible after use, contaminated needles shall be placed in appropriate containers that shall be:
 - a. Rigid;
 - b. Puncture resistant;
 - c. Leakproof on the sides and bottom;
 - d. Portable, if portability is necessary to ensure easy access by the user;
 - e. Labeled as BIOHAZARDOUS WASTE or SHARPS WASTE.

HANDBOOK ENDS HERE

- (3) All containers, except movable bins, used for storage of solid wastes shall have tight-fitting covers on the containers; shall be in good repair; shall have external handles; and shall be leakproof and rodent-proof.
- (4) Movable bins when used for storing or transporting solid wastes from the premises shall have tight-fitting covers on the containers; shall be in good repair; and shall be rodent-proof unless stored in a room or screened enclosure.

87691 MAINTENANCE AND OPERATION (Continued) 87691

- (5) Solid waste containers, including movable bins, receiving putrescible waste shall be emptied at least once per week or more often if necessary. Such containers shall be maintained in a clean and sanitary condition.
- (6) Each movable bin shall provide for suitable access and a drainage device to allow complete cleaning at the storage area.
- (g) Facilities which have machines and do their own laundry shall:
 - (1) Have adequate supplies available and equipment maintained in good repair. Space used to sort soiled linen shall be separate from the clean linen storage and handling area. Except for facilities licensed for fifteen (15) residents or less, the space used to do laundry shall not be part of an area used for storage of anything other than clean linens and/or other supplies normally associated with laundry activities. Steam, odors, lint and objectionable laundry noises shall not reach resident or employee areas.
 - (2) Make at least one machine available for use by residents who are able and who desire to do their own personal laundry. This machine shall be maintained in good repair. Equipment in good repair shall be provided to residents who are capable and desire to iron their own clothes.
- (h) Emergency lighting shall be maintained. At a minimum this shall include flashlights, or other battery powered lighting, readily available in appropriate areas accessible to residents and staff. Open-flame lights shall not be used.
- (i) Facilities shall have signal systems which shall meet the following criteria:
 - (1) All facilities licensed for 16 or more and all residential facilities having separate floors or buildings shall have a signal system which shall:
 - (A) Operate from each resident's living unit.
 - (B) Transmit a visual and/or auditory signal to a central staffed location or produce an auditory signal at the living unit loud enough to summon staff.
 - (C) Identify the specific resident living unit.
 - (2) Facilities having more than one wing, floor or building shall be permitted to have a separate system in each, provided each meets the above criteria.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1 and 1569.31, Health and Safety Code; and California Code of Regulations, Title 8, Section 5193.

87692 STORAGE SPACE**87692**

- (a) Disinfectants, cleaning solutions, poisons, firearms and other items which could pose a danger if readily available to clients shall be stored where inaccessible to clients.
 - (1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.
 - (2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.
 - (A) Firing pins shall be stored and locked separately from firearms.
 - (3) Ammunition shall be stored and locked separately from firearms.
- (b) Medicines shall be stored as specified in Section 87575(c) and separately from other items specified in (a) above.
- (c) The items specified in (a) above shall not be stored in food storage areas or in storage areas used by or for clients.

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

Article 8. Incidental Medical Services**87700 HEALTH AND SAFETY PROTECTION****87700**

- (a) Acceptance by the licensee of residents with incidental medical needs shall be in accordance with the conditions specified in this article.
- (b) The provisions of this article shall be applicable and in conjunction with Articles 1 through 7 of this chapter.
- (c) Licensees who employ or permit health care practitioners to provide care to residents shall post a visible notice in a prominent location that states, "Section 680 of the Business and Professions Code requires health care practitioners to disclose their name and license status on a name tag in at least 18-point type while working in this facility."

NOTE: Authority cited: Section 1569.30(a), Health and Safety Code. Reference: Sections 1569.2; 1569.30; and 1569.312; Health and Safety Code; and Section 680, Business and Professions Code.

87701 PROHIBITED HEALTH CONDITIONS**87701**

- (a) In addition to Section 87582(c), persons who require health services or have a health condition including, but not limited to, those specified below shall not be admitted or retained in a residential care facility for the elderly:
 - (1) Stage 3 and 4 pressure sores (dermal ulcers).
 - (2) Gastrostomy care.
 - (3) Naso-gastric tubes
 - (4) Staph infection or other serious infection.
 - (5) Residents who depend on others to perform all activities of daily living for them as set forth in Section 87584.
 - (6) Tracheostomies.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

87701.1 RESTRICTED HEALTH CONDITIONS**87701.1**

- (a) The licensee may provide care for residents who have any of the following restricted health conditions, or who require any of the following health services:
- (1) Administration of oxygen as specified in Section 87703.
 - (2) Catheter care as specified in Section 87707.
 - (3) Colostomy/ileostomy care as specified in Section 87705.
 - (4) Contractures as specified in Section 87709.
 - (5) Diabetes as specified in Section 87710.
 - (6) Enemas, suppositories, and/or fecal impaction removal as specified in Section 87706.
 - (7) Incontinence of bowel and/or bladder as specified in Section 87708.
 - (8) Injections as specified in Section 87711.
 - (9) Intermittent Positive Pressure Breathing Machine/nebulizer use as specified in Section 87704.
 - (10) Stage 1 and 2 pressure sores (dermal ulcers) as specified in Section 87713(a)(3).
 - (11) Wound care as specified in Section 87713.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

87701.2 GENERAL REQUIREMENTS FOR RESTRICTED HEALTH CONDITIONS 87701.2

- (a) Prior to admission of a resident with a restricted health condition, the licensee shall:
- (1) Communicate with all other persons who provide care to that resident to ensure consistency of care for the condition.
 - (2) Ensure that facility staff who will participate in meeting the resident's specialized care needs complete training provided by a licensed professional sufficient to meet those needs.
 - (A) Training shall include hands-on instruction in both general procedures and resident-specific procedures.
 - (B) Training shall be completed prior to the staff providing services to the resident.
- (b) Should the condition of the resident change, all facility staff providing care to that resident shall complete any additional training required to meet the resident's new needs, as determined by the resident's physician or a licensed professional designated by the physician.
- (c) The licensee shall document any significant occurrences that result in changes in the resident's physical, mental and/or functional capabilities and immediately report these changes to the resident's physician and authorized representative.
- (d) A resident's right to receive or reject medical care or services, as specified in Section 87572, Personal Rights, shall not be affected by this section.
- (1) If a resident refuses medical services the licensee shall immediately notify the resident's physician or licensed professional designated by the physician and the resident's authorized representative, if any, and shall participate in developing a plan for meeting the resident's needs.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

87701.3 HEALTH CONDITION RELOCATION ORDER 87701.3

- (a) If a 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 health condition prohibited by Section 87582(c) or Section 87701, the Department shall order the licensee to relocate the resident.
- (b) When the Department orders the relocation of a resident, the following shall apply:

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87701.3 HEALTH CONDITION RELOCATION ORDER (Continued)**87701.3**

- (1) The Department shall give written notice to the licensee ordering the relocation of the resident and informing the licensee of the resident's right to an interdisciplinary team review of the relocation order as specified in Section 87701.5. Notice of the health condition relocation order and information about the right to request an interdisciplinary team review of the relocation order shall be given to the resident, by the Department, and sent to the resident's responsible person, if any.
 - (A) If the resident has no responsible person, as defined in Section 87101, the relocation order shall be sent to the representative payee, if any. In such cases, the Department shall also notify the State Long-Term Care Ombudsman of the relocation order by telephone.
 - (B) The notice shall advise that the licensee may request an administrative review of the health condition relocation order, and may request that an exception or waiver be granted or reinstated by the Department to allow retention of the resident in the facility.
- (2) The licensee shall prepare a written relocation plan in any instance where the Department does not suspend the facility license. The plan shall contain all necessary steps to be taken to reduce stress to the resident which may result in transfer trauma, and shall include but not be limited to:
 - (A) A specific date for beginning and a specific date for completion of the process of safely relocating the resident. The time frame for relocation may provide for immediate relocation but shall not exceed 30 days.
 - (B) A specific date when the resident and the resident's responsible person, if any, shall be notified of the need for relocation.
 - (C) A specific date when consultation with the resident's physician, and hospice agency, if any, shall occur to obtain a current medical assessment of the resident's health needs, to determine the appropriate facility type for relocation and to ensure that the resident's health care needs continue to be met at all times during the relocation process.
 - (D) The method by which the licensee shall participate in the identification of an acceptable relocation site with the resident and the responsible person, if any. The licensee shall advise the resident and/or the responsible person that if the resident is to be moved to another residential care facility for the elderly, a determination must be made that the resident's needs can be legally met in the new facility before the move is made. If the resident's needs cannot be legally met in the new facility, the resident must be moved to a facility licensed to provide the necessary care.

| 87701.3 HEALTH CONDITION RELOCATION ORDER (Continued)

87701.3

- (E) A list of contacts made or to be made by the licensee with community resources, including but not limited to, social workers, family members, Long Term Care Ombudsman, clergy, Multipurpose Senior Services Programs and others as appropriate to ensure that services are provided to the resident before, during and after the move. The need for the move shall be discussed with the resident and the resident assured that support systems will remain in place.
 - (F) Measures to be taken until relocation to protect the resident and/or meet the resident's health and safety needs.
 - (G) An agreement to notify the Department when the relocation has occurred, including the resident's new address, if known.
- (3) The relocation plan shall be submitted in writing to the Department within the time set forth in the LIC 809 (Rev. 5/88) Licensing Report by the Department that the resident requires health services that the facility cannot legally provide.
 - (4) Any changes in the relocation plan shall be submitted in writing to the Department. The Department shall have the authority to approve, disapprove or modify the plan.
 - (5) If relocation of more than one (1) resident is required, a separate plan shall be prepared and submitted in writing for each resident.
 - (6) The licensee shall comply with all terms and conditions of the approved plan. No written or oral contract with any other person shall release the licensee from the responsibility specified in this section or Section 87342.1 for relocating a resident who has a health condition(s) which cannot be cared for in the facility and/or which requires inpatient care in a licensed health facility, nor from taking all necessary actions to reduce stress to the resident.
 - (7) In cases where the Department determines that the resident is in imminent danger because of a health condition(s) which cannot be cared for in the facility or which requires inpatient care in a licensed health facility, the Department shall order the licensee to immediately relocate the resident.
 - (A) No written relocation plan is necessary in cases of immediate relocation.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1250, 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, and 1569.73, Health and Safety Code.

87702 ALLOWABLE HEALTH CONDITIONS AND THE USE OF HOME HEALTH AGENCIES 87702

- (a) A licensee shall be permitted to accept or retain persons who have a health condition(s) which requires incidental medical services including, but not limited to, the conditions specified in Section 87701.1, Restricted Health Conditions.
- (b) Incidental medical care may be provided to residents through a licensed home health agency provided the following conditions are met:
- (1) The licensee is in substantial compliance with the requirements of Health and Safety Code Sections 1569-1569.87, and of Chapter 8, Division 6, of Title 22, CCR, governing Residential Care Facilities for the Elderly.
 - (2) The licensee provides the supporting care and supervision needed to meet the needs of the resident receiving home health care.
 - (3) The licensee informs the home health agency of any duties the regulations prohibit facility staff from performing, and of any regulations that address the resident's specific condition(s).
 - (4) The licensee and home health agency agree in writing on the responsibilities of the home health agency, and those of the licensee in caring for the resident's medical condition(s).
 - (A) The written agreement shall reflect the services, frequency and duration of care.
 - (B) The written agreement shall include day and evening contact information for the home health agency, and the method of communication between the agency and the facility, which may include verbal contact, electronic mail, or logbook.
 - (C) The written agreement shall be signed by the licensee or licensee representative, and representative of the home health agency, and placed in the resident's file.
- (c) The use of home health agencies to care for a resident's medical condition(s) does not expand the scope of care and supervision that the licensee is required to provide.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.312, and 1569.725, Health and Safety Code.

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87702.1 GENERAL REQUIREMENTS FOR ALLOWABLE HEALTH CONDITIONS**87702.1**

- (a) Prior to accepting or retaining a resident with an allowable health condition as specified in Section 87703, Oxygen Administration - Gas and Liquid; Section 87704, Intermittent Positive Pressure Breathing (IPPB) Machine/Nebulizer; Section 87705, Colostomy/Ileostomy; Section 87709, Contractures; or Section 87713, Healing Wounds; licensees who have, or have had, any of the following within the last two years, shall obtain Department approval:
- (1) Probationary license;
 - (2) Administrative action filed against them;
 - (3) Scheduled date for a Non-Compliance Conference as defined in Section 87101(n); or
 - (4) A notice of deficiency concerning care and supervision of a resident with a health condition.
- (b) The licensee shall complete and maintain a current, written record of care for each resident that includes, but is not limited to, the following:
- (1) Documentation from the physician of the following:
 - (A) Stability of the medical condition(s);
 - (B) Medical condition(s) which require incidental medical services;
 - (C) Method of intervention;
 - (D) Resident's ability to perform the procedure; and
 - (E) An appropriately skilled professional shall be identified who will perform the procedure if the resident needs assistance.
 - (2) The names, address and telephone number of vendors, if any, and all appropriately skilled professionals providing services.
 - (3) Emergency contacts.

87702.1 GENERAL REQUIREMENTS FOR ALLOWABLE HEALTH CONDITIONS (Continued)**87702.1**

- (c) In addition to Section 87565(d), facility staff shall have knowledge and the ability to recognize and respond to problems and shall contact the physician, appropriately skilled professional, and/or vendor as necessary.
- (d) In addition to Section 87587, Reappraisals and Section 87591, Observation of the Resident, the licensee shall monitor the ability of the resident to provide self care for the allowable health condition and document any change in that ability.
- (e) In addition to Sections 87575(a) and 87590(d) the licensee shall ensure that the resident is cared for in accordance with the physician's orders and that the resident's medical needs are met.
- (f) The duty established by this section does not infringe on the right of a resident to receive or reject medical care or services as allowed in Section 87572(a)(16).

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87703 OXYGEN ADMINISTRATION - GAS AND LIQUID**87703**

- (a) Except as specified in Section 87702.1(a), the licensee shall be permitted to accept or retain a resident who requires the use of oxygen gas administration under the following circumstances:
 - (1) If the resident is mentally and physically capable of operating the equipment, is able to determine his/her need for oxygen, and is able to administer it him/herself.
- OR
- (2) If intermittent oxygen administration is performed by an appropriately skilled professional.
 - (b) In addition to Section 87702.1(b), the licensee shall be responsible for the following:
 - (1) Monitoring of the resident's ongoing ability to operate the equipment in accordance with the physician's orders.
 - (2) Ensuring that oxygen administration is provided by an appropriately skilled professional should the resident require assistance.

87703**OXYGEN ADMINISTRATION - GAS AND LIQUID (Continued)****87703**

- (3) Ensuring that the use of oxygen equipment meets the following requirements:
- (A) A report shall be made in writing to the local fire jurisdiction that oxygen is in use at the facility.
 - (B) "No Smoking-Oxygen in Use" signs shall be posted in the appropriate areas.
 - (C) Smoking shall be prohibited where oxygen is in use.
 - (D) All electrical equipment shall be checked for defects which may cause sparks.
 - (E) Oxygen tanks that are not portable shall be secured in a stand or to the wall.
 - (F) Plastic tubing from the nasal canula or mask to the oxygen source is long enough to allow the resident movement within his/her room but does not constitute a hazard to the resident or others.
 - (G) Oxygen from a portable source shall be used by residents when they are outside of their rooms.
 - (H) Equipment shall be operable.
 - (I) Equipment shall be removed from the facility when no longer in use by the resident.
- (4) Determining that room size can accommodate equipment in accordance with Section 87577.
- (5) Ensuring that facility staff have knowledge of, and ability in the operation of the oxygen equipment.

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87703 OXYGEN ADMINISTRATION - GAS AND LIQUID (Continued) 87703

- (c) The licensee shall be permitted to accept or retain a resident who requires the use of liquid oxygen under the following circumstances:
- (1) The licensee obtains prior approval from the licensing agency.
 - (2) If the resident is mentally and physically capable of operating the equipment, is able to determine his/her need for oxygen, and is able to administer it him/herself.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87704 INTERMITTENT POSITIVE PRESSURE BREATHING (IPPB) MACHINE/NEBULIZER 87704

- (a) Except as specified in Section 87702.1(a), the licensee shall be permitted to accept or retain a resident who requires the use of an IPPB machine or a nebulizer under the following circumstances:
- (1) If the resident is mentally and physically capable of operating his/her own equipment and is able to determine his/her own need.

OR

- (2) If the device is operated and cared for by an appropriately skilled professional.
- (b) In addition to Section 87702.1(b), the licensee shall be responsible for the following:
- (1) Monitoring of the resident's ongoing ability to operate the equipment in accordance with the physician's orders.
 - (2) Ensuring that the procedure is administered by an appropriately skilled professional should the resident require assistance.

87704 INTERMITTENT POSITIVE PRESSURE BREATHING (IPPB) MACHINE/NEBULIZER (Continued) 87704

- (3) Ensuring that the use of the equipment meets the following requirements:
 - (A) Equipment shall be operable.
 - (B) Equipment shall be removed from the facility when no longer in use by the resident.
- (4) Determining that room size can accommodate equipment in accordance with Section 87577(a)(2)(A).
- (5) Ensuring that facility staff have knowledge of and ability in the operation of the equipment.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87705 COLOSTOMY/ILEOSTOMY 87705

- (a) Except as specified in Section 87702.1(a), the licensee shall be permitted to accept or retain a resident who has a colostomy or ileostomy under the following circumstances:
 - (1) If the resident is mentally and physically capable of providing all routine care for his/her ostomy, and the physician has documented that the ostomy is completely healed.
- OR
- (2) If assistance in the care of the ostomy is provided by an appropriately skilled professional.
 - (b) In addition to Section 87702.1(b), the licensees shall be responsible for the following:
 - (1) Ensuring that ostomy care is provided by an appropriately skilled professional.
 - (A) The ostomy bag and adhesive may be changed by facility staff who have been instructed by the professional.

87705	COLOSTOMY/ILEOSTOMY (Continued)	87705
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- (B) There shall be written documentation by the professional outlining instruction of the procedure and the names of facility staff receiving instruction.
- (C) The professional shall review the procedures and techniques no less than twice a month.
- (2) Ensuring that used bags are discarded as specified in Section 87691(f)(1).
- (3) Privacy shall be afforded when ostomy care is provided.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87706	ENEMA AND/OR SUPPOSITORY AND FECAL IMPACTION REMOVAL	87706
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- (a) The licensee shall be permitted to accept or retain a resident who requires manual fecal impaction removal, enemas, or use of suppositories under the following circumstances:
 - (1) Self care by the resident.
 - (2) Manual fecal impaction removal, enemas, and/or suppositories shall be permitted if administered according to physician's orders by either the resident or an appropriately skilled professional.
- (b) In addition to Section 87702.1, the licensee shall be responsible for the following:
 - (1) Ensuring that the administration of enemas or suppositories or manual fecal impaction removal is performed by an appropriately skilled professional should the resident require assistance.
 - (2) Privacy shall be afforded when care is being provided.

NOTE: Authority cited: Section 1569.30(a), Health and Safety Code. Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

87707 INDWELLING URINARY CATHETER/CATHETER PROCEDURE**87707**

- (a) The licensee shall be permitted to accept or retain a resident who requires the use of an indwelling catheter under the following circumstances:
- (1) If the resident is physically and mentally capable of caring for all aspects of the condition except insertion and irrigation.
 - (A) Irrigation shall only be performed by an appropriately skilled professional in accordance with the physician's orders.
 - (B) A catheter shall only be inserted and removed by an appropriately skilled professional under physician's orders.
- (b) In addition to Section 87702.1, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following:
- (1) Ensuring that insertion and irrigation of the catheter shall be performed by an appropriately skilled professional.
 - (2) Ensuring that bag and tubing are changed by an appropriately skilled professional should the resident require assistance.
 - (A) The bag may be emptied by facility staff who receive instruction from an appropriately skilled professional.
 - (B) There shall be written documentation by an appropriately skilled professional outlining the instruction of the procedures delegated and the names of the facility staff who have been instructed.
 - (C) The licensee shall ensure that the professional reviews staff performance as often as necessary, but at least annually.
 - (3) Ensuring that waste materials shall be disposed of as specified in Section 87691(f)(1).
 - (4) Privacy shall be maintained when care is provided.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87708 MANAGED BOWEL AND BLADDER INCONTINENCE**87708**

- (a) The licensee shall be permitted to accept or retain a resident who has a manageable bowel and/or bladder incontinence condition under the following circumstances:
- (1) The condition can be managed with any of the following:
 - (A) Self care by the resident.
 - (B) A structured bowel and/or bladder retraining program to assist the resident in restoring a normal pattern of continence.
 - (C) A program of scheduled toileting at regular intervals.
 - (D) The use of incontinent care products.
 - (b) In addition to Section 87702.1, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following:
 - (1) Ensuring that residents who can benefit from scheduled toileting are assisted or reminded to go to the bathroom at regular intervals rather than being diapered.
 - (2) Ensuring that incontinent residents are checked during those periods of time when they are known to be incontinent, including during the night.
 - (3) Ensuring that incontinent residents are kept clean and dry and that the facility remains free of odors from incontinence.
 - (4) Ensuring that bowel and/or bladder programs are designed by an appropriately skilled professional with training and experience in care of elderly persons with bowel and/or bladder dysfunction and development of retraining programs for restoration of normal patterns of continence.
 - (5) Ensuring that the appropriately skilled professional developing the bowel and/or bladder program provide training to facility staff responsible for implementation of the program.

87708 **MANAGED BOWEL AND BLADDER INCONTINENCE (Continued)** **87708**

- (6) Ensuring that re-assessment of the resident's condition and the evaluation of the effectiveness of the bowel and/or bladder program be performed by an appropriately skilled professional.
- (7) Ensuring that the condition of the skin exposed to urine and stool is evaluated regularly to ensure that skin breakdown is not occurring.
- (8) Privacy shall be afforded when care is provided.
- (9) Ensuring that fluids are not withheld to control incontinence.
- (10) Ensuring that an incontinent resident is not catheterized to control incontinence for the convenience of the licensee.

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

87709 **CONTRACTURES** **87709**

- (a) Except as specified in Section 87702.1(a) the licensee shall be permitted to accept or retain a resident who has contractures under the following circumstances:
 - (1) If the contractures do not severely affect functional ability and the resident is able to care for the contractures by him/herself.
- OR
- (2) If the contractures do not severely affect functional ability and care and/or supervision is provided by an appropriately skilled professional.

87709 CONTRACTURES (Continued)**87709**

- (b) In addition to Section 87702.1(b), the licensee shall be responsible for the following:
- (1) Ensuring that range of motion or other exercise(s), if prescribed by the physician or physical therapist, are performed by an appropriately skilled professional or by facility staff who receive instruction from an appropriately skilled professional.
 - (2) Ensuring that prior to facility staff performing range of motion or other prescribed exercises, there shall be written documentation by the appropriately skilled professional, outlining instruction on the procedures and the names of the facility staff receiving instruction.
 - (3) Ensuring that the professional reviews staff performance as often as necessary, but at least annually.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87710 DIABETES**87710**

- (a) The licensee shall be permitted to accept or retain a resident who has diabetes if the resident is able to perform his/her own glucose testing with blood or urine specimens, and is able to administer his/her own medication including medication administered orally or through injection, or has it administered by an appropriately skilled professional.
- (b) In addition to Section 87702.1, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following:
- (1) Assisting residents with self-administered medication as specified in Section 87575.
 - (2) Ensuring that sufficient amounts of medicines, testing equipment, syringes, needles and other supplies are maintained and stored in the facility as specified in Section 87575(c).
 - (3) Ensuring that syringes and needles are disposed of as specified in Section 87691(f)(2).
 - (4) Providing modified diets as prescribed by a resident's physician as specified in Section 87576(b)(7). Substitutions may be made by the facility dietitian.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87711 INJECTIONS**87711**

- (a) The licensee shall be permitted to accept or retain a resident who requires intramuscular, subcutaneous, or intradermal injections if the injections are administered by the resident or by an appropriately skilled professional.
- (b) In addition to Section 87702.1, General Requirements for Allowable Health Conditions, the licensees who admit or retain residents who require injections shall be responsible for the following:
- (1) Ensuring that injections are administered by an appropriately skilled professional should the resident require assistance.
 - (2) Ensuring that sufficient amounts of medicines, test equipment, syringes, needles and other supplies are maintained in the facility and are stored as specified in Section 87575(c).
 - (3) Ensuring that syringes and needles are disposed of as specified in Section 87691(f)(2).

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87712 PROTECTIVE SUPERVISION**87712**

Renumbered to Section 87724 by Manual Letter No. CCL-95-12, effective 11/16/95.

87713 **HEALING WOUNDS** **87713**

- (a) Except as specified in Section 87702.1(a) the licensee shall be permitted to accept or retain a resident who has a healing wound under the following circumstances:
 - (1) When care is performed by or under the supervision of an appropriately skilled professional.
 - (2) When the wound is the result of surgical intervention and care is performed as directed by the surgeon.
 - (3) Residents with a stage one or two pressure sore (dermal ulcer) must have the condition diagnosed by an appropriately skilled professional.
 - (A) The resident shall receive care for the pressure sore (dermal ulcer) from an appropriately skilled professional.
 - (B) All aspects of care performed by the medical professional and facility staff shall be documented in the resident's file.
- (b) A skin tear is not a healing wound.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

87714 **TRANSFER DEPENDENCY** **87714**

Repealed by Manual Letter No. CCL-92-10, effective 7/21/92.

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