

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 87101(b)(3)

Specific Purpose:

The specific purpose of this section is to define “bedridden person.”

Factual Basis:

This definition is necessary to establish the meaning of “bedridden person” for the purposes of this regulation package. It is consistent with the definition of “bedridden” in Health and Safety Code Section 1569.72(b)(1). The reference to “nonambulatory” is necessary to help clarify and amplify the definition of “bedridden person.” A person who meets the definition of “bedridden” in Health and Safety Code Section 1569.72(b)(1) automatically meets the definition of “nonambulatory” in existing Section 87101(n)(2). The definition of “nonambulatory” in existing Section 87101(n)(2) is consistent with Health and Safety Code Section 13131—part of the statute governing the Office of the State Fire Marshal (SFM).

Section 87101(b)(3)(Handbook)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to cite the relevant part of Health and Safety Code Section 1569.72(b)(1) in handbook for clarity. This is necessary to ensure that licensing staff, licensees, providers and the public have easy access to the actual text of the statute.

Section 87202(a)

Specific Purpose:

The specific purpose of these amendments is to make editorial changes and to require that facilities obtain a fire clearance prior to retaining, as well as prior to accepting, a nonambulatory or bedridden person.

Factual Basis:

These amendments are necessary for clarity and consistency.

More specifically, it is necessary to specify that facilities obtain an appropriate fire clearance prior to “retaining,” as well as accepting, a nonambulatory or bedridden person and to clarify that a fire clearance is required in either case. In the case of nonambulatory persons, it is understood that if a resident becomes nonambulatory AFTER being admitted to a facility, the facility is still required to have or obtain an appropriate fire clearance in order to retain that resident. Thus, adding the term “or retaining” is, in part, a technical correction to existing regulatory language. In the case of the bedridden, Health and Safety Code Section 1569.72(c) specifically requires a Residential Care Facility for the Elderly (RCFE) to obtain an appropriate fire clearance to admit or retain a bedridden person.

In addition, it is necessary to make editorial changes to correct the terminology used to refer to the entity or entities responsible for granting fire clearances. The SFM informed the California Department of Social Services (CDSS) that “fire authority having jurisdiction” is the correct terminology to use in that context. The deleted terms—“city or county fire department, the district providing fire protection services, or the State Fire Marshal”—have been subsumed under the single term “fire authority having jurisdiction.”

Section 87202(a)(1) (Repealed)

Specific Purpose:

The specific purpose of this amendment is to repeal existing Section 87202(a)(1).

Factual Basis:

This section is being repealed because it is unnecessary. For the purposes of obtaining a fire clearance for a licensed RCFE, the pivotal factor is the nonambulatory and/or bedridden status of residents. Age alone is not necessarily a factor as long as a person is nonambulatory. Moreover, when obtaining fire clearances, the CDSS understands that many RCFEs have extra bedrooms cleared for nonambulatory occupancy in anticipation of caring for residents as they age in place and become more frail.

Section 87202(a)(1) (Renumbered)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this amendment is to renumber existing Section 87202(a)(2) to Section 87202(a)(1) to accommodate the repeal of former Section 87202(a)(1).

Section 87202(a)(2)

Specific Purpose:

The specific purpose of this section is to require facilities, prior to accepting or retaining bedridden persons, other than for a temporary illness or recovery from surgery, to obtain an appropriate fire clearance as specified in existing Section 87202(a).

Factual Basis:

This section is necessary for clarity and for consistency with Health and Safety Code Section 1569.72(c). The cross-references to proposed Sections 87714(d) and (e) are necessary to refer the reader to provisions governing the care of temporarily bedridden residents in RCFEs.

Section 87202(a)(2) (Handbook)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to cite the relevant part of Health and Safety Code Section 1569.72(c) in handbook for clarity. This is necessary to ensure that licensing staff, licensees, providers and the public have easy access to the actual text of the statute.

Section 87202(a)(2)(A)

Specific Purpose:

The specific purpose of this section is to reference statutory provisions in the Health and Safety Code that pertain to the SFM and apply to licensed RCFEs that care for six or fewer residents.

Factual Basis:

This section is necessary for clarity and consistency. The reference to Health and Safety Code Section 1569.72(h)(2)(B)(ii) is necessary to ensure that licensees of facilities that care for six or fewer residents are aware that they can request a written opinion from the SFM concerning the interpretation of relevant SFM regulations in the case of a factual dispute. The reference to Health and Safety Code Section 1569.72(i) is necessary to ensure that licensees of facilities that care for six or fewer residents are aware of the impact of local fire safety requirements versus regulations promulgated by the Office of SFM.

Section 87202(a)(2)(A) (Handbook)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to cite Health and Safety Code Sections 1569.72(h)(2)(B)(ii) and 1569.72(i) in handbook for clarity. This is necessary to ensure that licensing staff, licensees, providers and the public have easy access to the actual text of these statutes.

Section 87208(a)(7)(A)

Specific Purpose:

The specific purpose of this amendment is to require a facility's floor plan to include a designation of the rooms to be used for residents who are bedridden, other than for a temporary illness or recovery from surgery.

Factual Basis:

This amendment is necessary for clarity and for consistency with the existing requirement in Section 87208(a)(7)(A), for rooms designated for nonambulatory residents. This amendment is also consistent with proposed Section 87202(a)(2), which requires that facilities contact the licensing agency about obtaining an appropriate fire clearance prior to accepting or retaining a bedridden person, other than for a temporary illness or recovery from surgery. The designation on the floor plan of which rooms will be for nonambulatory and bedridden residents allows licensing staff to see at a glance how the facility is configured and which rooms may require particular attention in terms of obtaining an appropriate fire clearance, as required in Section 87202(a).

Section 87208(d)

Specific Purpose:

The specific purpose of this section is to require a licensee who accepts or retains bedridden persons to include additional information in the plan of operation as specified in proposed Section 87714, Care of Bedridden Persons.

Factual Basis:

This section is necessary for clarity and for consistency with existing Section 87208(a), which requires that any significant changes in a facility's plan of operation be submitted to the licensing agency for approval. This section is also consistent with existing Sections 87705(b), 87705(c), and 87706(a)(2)—which require that a facility's plan of operation include services to be provided to residents with dementia, another segment of the RCFE population with significant special needs. In addition, the plan of operation is accessible to the public and represents an important way of keeping the public informed about a facility's programs.

Section 87212(b)(2)(A) (Renumbered)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this amendment is to correct the numbering in Barclays as filed on March 5, 2008 pursuant to Section 100, Title 2, California Code of Regulations (Register 2008, No. 10), by renumbering existing Section 87212(b)(3)(A) to Section 87212(b)(2)(A). This is done for clarity and consistency.

Section 87212(b)(2)(B) (Renumbered)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this amendment is to correct the numbering in Barclays as filed on March 5, 2008 pursuant to Section 100, Title 2, California Code of Regulations (Register 2008, No. 10), by renumbering existing Section 87212(b)(3)(B) to Section 87212(b)(2)(B). This is done for clarity and consistency.

Section 87212(b)(2)(C) (New)

Specific Purpose:

The specific purpose of this section is to require that facilities include in their Emergency Disaster Plan a predetermined evacuation site to assemble residents and identify that all residents have been safely accounted for.

Factual Basis:

Community Care Licensing Division's interpretation of the statute, Health and Welfare Section 1569.72, is that it gives the Department the discretion to develop regulations that protect the health and safety of residents who are in care. This discretionary requirement adds value to the protection of residents.

Section 87212(b)(2)(D) (Renumbered)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this amendment is to correct the numbering in Barclays as filed on March 5, 2008 pursuant to Section 100, Title 2, California Code of Regulations (Register 2008, No. 10), by renumbering existing Section 87212(b)(3)(C) to Section 87212(b)(2)(D). This is done for clarity and consistency.

Section 87212(b)(2)(E) (Renumbered)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this amendment is to correct the numbering in Barclays as filed on March 5, 2008 pursuant to Section 100, Title 2, California Code of Regulations (Register 2008, No. 10), by renumbering existing Section 87212(b)(3)(D) to Section 87212(b)(2)(E). This is done for clarity and consistency.

Section 87212(b)(2)(F) (Renumbered)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this amendment is to correct the numbering in Barclays as filed on March 5, 2008 pursuant to Section 100, Title 2, California Code of Regulations (Register 2008, No. 10), by renumbering existing Section 87212(b)(3)(E) to Section 87212(b)(2)(F). This is done for clarity and consistency.

Section 87212(b)(2)(G) (Renumbered)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this amendment is to correct the numbering in Barclays as filed on March 5, 2008 pursuant to Section 100, Title 2, California Code of Regulations (Register 2008, No. 10), by renumbering existing Section 87212(b)(3)(F) to Section 87212 (b)(2)(G). This is done for clarity and consistency.

Sections 87455(b)(6) and (b)(7)

Specific Purpose:

The specific purpose of Section 87455(b)(6) is to establish that bedridden persons may be accepted and retained in an RCFE provided specified criteria are met. Section 87455(b)(7) is renumbered to accommodate the addition of Section 87455(b)(6).

Factual Basis:

This section is necessary for clarity and for consistency with Health and Safety Code Section 1569.72, which permits RCFEs to accept and retain bedridden persons if certain criteria are met. This section is also necessary to provide a cross-reference to proposed Section 87714, Care of Bedridden Persons, which contains the actual criteria for the care of bedridden persons in RCFEs. The renumbering is included for clarity and consistency.

Section 87455(c)(2)

Specific Purpose:

The specific purpose of this section is to provide the citation for the statutory prohibition against accepting or retaining residents who require 24-hour, skilled nursing or intermediate care.

Factual Basis:

This amendment is necessary to clarify that the prohibition against an RCFE accepting or retaining residents who require 24-hour, skilled nursing or intermediate care is based on statute. Currently, without the reference to statute, it appears to the reader that this is a regulatory prohibition only. Making the distinction between statutory and regulatory provisions is important because waivers and exceptions can be granted to regulatory requirements, but not to statutory requirements. As defined in existing Section 87101(w)(1), a waiver is a variance to a specific regulation based on a facility-wide need or circumstance. As defined in existing Section 87101(e)(6), an exception is a variance to a specific regulation based on the unique needs or circumstance of a specific resident or staff person.

Thus, this amendment is necessary to clarify for licensees and the public that the licensing agency cannot grant waivers or exceptions to the prohibition against accepting or retaining residents who require 24-hour, skilled nursing or intermediate care unless statute is changed. Facilities that offer 24-hour, skilled nursing or intermediate care are licensed by the California Department of Public Health.

Section 87455(c)(2) (Handbook)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to cite the relevant parts of Health and Safety Code Sections 1569.72(a) and (a)(1) in handbook for clarity. This is necessary to ensure that licensing staff, licensees, providers and the public have easy access to the actual text of the statute.

Section 87455(c)(4) (Repealed)

Specific Purpose:

The specific purpose of this amendment is to repeal this section.

Factual Basis:

It is necessary to repeal this section because it has been superseded by statute. Health and Safety Code Section 1569.72 now permits RCFEs to accept and retain bedridden persons if certain criteria are met.

Sections 87455(d), (d)(1) and (d)(2) (Repealed)

Specific Purpose:

The specific purpose of these amendments is to repeal these sections.

Factual Basis:

It is necessary to repeal these sections because the definition of “bedridden” that appears in Health and Safety Code Section 1569.72—which supersedes the regulatory definition in these sections—has been incorporated into proposed Section 87101(b)(3).

Section 87455(e) (Repealed)

Specific Purpose:

The specific purpose of this amendment is to repeal this section.

Factual Basis:

It is necessary to repeal this section because it is a duplication of Health and Safety Code Section 1569.72(d)(1), which has been cited and incorporated into handbook in proposed Section 87714(d).

Sections 87455(f) through (f)(3) (Repealed)

Specific Purpose:

The specific purpose of these amendments is to repeal these sections.

Factual Basis:

It is necessary to repeal these sections because they constitute a duplication of Health and Safety Code Sections 1569.72(e), (e)(1), (e)(2) and (e)(3), which have been cited and incorporated into handbook in proposed Section 87714(e).

Section 87455(g) (Repealed)

Specific Purpose:

The specific purpose of this amendment is to repeal this section.

Factual Basis:

It is necessary to repeal this section because it is a duplication of Health and Safety Code Section 1569.72(f), which has been cited and incorporated into handbook in proposed Section 87714(b).

Sections 87455(d) through (f) (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered because of the repeal of Sections 87455(d) through (g). This is done for clarity and consistency.

Section 87508(a)(1)

Specific Purpose:

The specific purpose of this amendment is to require facilities to develop a categorical list that identifies the room location used for bedridden and nonambulatory residents. This amendment is also necessary for clarity and for consistency with the amendment in Section 87208(a)(7)(A).

Factual Basis:

The categorical list identifying which rooms will be for bedridden and nonambulatory residents allows licensing staff to see at a glance how the facility is configured and which residents may require particular attention in terms of obtaining an appropriate fire clearance, as required in Section 87202(a).

Section 87508(a)(4)

Specific Purpose:

The specific purpose of this amendment is to require licensees who accept or retain bedridden and nonambulatory persons to maintain a categorical list of the name and room number of these residents which shall be made available immediately. This list shall be made available to licensing or emergency personnel upon request, or in the event of any emergency requiring the assistance of emergency personnel as specified in proposed Section 87714, Care of Bedridden Persons.

Factual Basis:

It is necessary to add this section for clarity and for consistency with existing Section 87208, which requires that any significant change in a facility's plan of operation be submitted to the licensing agency for approval. This section is also consistent with existing Sections 87705(b), 87705(c), and 87706(a)(2)—which require that a facility's plan of operation include services to be provided to residents with dementia, another segment of the RCFE population with significant special needs. Additionally, having a current register of resident names and ambulatory status readily available, particularly for bedridden and nonambulatory residents will expedite knowing immediately where assistance is needed during an emergency.

#### Section 87633(l)

##### Specific Purpose:

The specific purpose of these amendments is to correct a cross-reference, to delete language that is no longer necessary, and to refer the reader to other relevant sections of the regulations.

##### Factual Basis:

These amendments are necessary for clarity and for consistency with other proposed changes being made to the regulations. More specifically, these amendments are necessary to accomplish the following:

- Section 87455(d) has been repealed. Please see the justification for Sections 87455(d), (d)(1) and (d)(2). The new cross-section is necessary to refer the reader to the definition of “bedridden person” in proposed Section 87101(b)(3).
- As already noted, this regulation package creates proposed Section 87714 to consolidate requirements relating to the care of the bedridden in RCFEs. Thus, it is necessary to incorporate a cross-reference to that section to clarify that the requirements in proposed Section 87714 apply to all bedridden residents, even those on hospice. The requirement relating to notification of the local fire authority that is being deleted in existing Section 87633(l) is now contained in proposed Section 87714(b).

#### Section 87633(l)(1)

##### Specific Purpose:

The specific purpose of this section is to establish that the provisions in the care plan required for each bedridden resident in proposed Section 87714(g)(1) shall be incorporated into the hospice care plan required in existing Section 87633(b).

##### Factual Basis:

This section is necessary for clarity, and to avoid redundancy. Hospice residents may be bedridden during the end stage of life, and related care is currently included in the resident's hospice care plan.

Section 87705(b)(3)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to clarify that the needs of bedridden residents who have dementia must be included in a facility's plan of operation; and to add a related cross-reference to proposed Section 87714.

Sections 87714 and 87714(a)

Specific Purpose:

The specific purpose of these amendments is two-fold: 1) to adopt a new Section 87714, Care of Bedridden Residents; and 2) to establish that this section applies to licensees who wish to accept or retain bedridden persons.

Factual Basis:

These amendments are necessary to create a new section that applies to the care of bedridden residents in RCFEs. This section is necessary for clarity, consistency and ease of use. It will consolidate or cross-reference regulations pertaining to the care of the bedridden, making it easier for licensees and the public to access this information, and for licensing staff to monitor facilities for compliance with bedridden requirements. The creation of this separate section is consistent with existing Section 87705, which consolidates requirements for the care of persons with dementia, and existing Section 87633, which consolidates requirements for hospice care of terminally ill residents.

Section 87714(b)

Specific Purpose:

The specific purpose of this section is to establish that a facility must notify the local fire jurisdiction within 48 hours of accepting or retaining any bedridden person.

Factual Basis:

This section is necessary for clarity and for consistency with Health and Safety Code Section 1569.72(f). The provisions of this section were previously contained in Section 87455(g), which was repealed because it was a duplication of Health and Safety Code Section 1569.72(f). In addition, this section was moved and incorporated into newly created Section 87714 in order to consolidate requirements regarding the care of the bedridden for clarity and ease of use.

Section 87714(b) (Handbook)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to incorporate Health and Safety Code Section 1569.72(f) into handbook for clarity. This is necessary to ensure that licensing staff, licensees, providers and the public have easy access to the actual text of the statute.

Section 87714(c)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to provide a cross-reference to Section 87202(a)(2) for clarity and consistency. Section 87202(a)(2) cites the fire-clearance requirements in Health and Safety Code Section 1569.72(c) and in handbook Section 87202(c) for facilities that want to accept and retain bedridden persons.

Section 87714(d)

Specific Purpose:

The specific purpose of this section is to define “temporary illness” for the purposes of this regulation package—and for clarity and for consistency with Health and Safety Code Section 1569.72(d)(1).

Factual Basis:

The definition of “temporary illness” was previously contained in Section 87455(c)(4), which was repealed because it was a duplication of Health and Safety Code Section 1569.72(d)(1). In addition, this definition was moved and incorporated into newly created Section 87714 in order to consolidate requirements regarding the care of the bedridden for clarity and ease of use.

Section 87714(d) (Handbook)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to incorporate Health and Safety Code Section 1569.72(d)(1) into handbook for clarity. This is necessary to ensure that licensing staff, licensees, providers and the public have easy access to the actual text of the statute.

Section 87714(e)

Specific Purpose:

The specific purpose of this section is to establish the criteria under which a resident who is bedridden for more than 14 days may be retained in an RCFE.

Factual Basis:

This section is necessary for clarity and for consistency with Health and Safety Code Sections 1569.72(e) through (e)(4).

The requirements in Health and Safety Code Sections 1569.72(e) through (e)(3) were previously contained in Sections 87455(f) through (f)(3), which were repealed because they were a duplication of statute. In addition, these requirements were moved and incorporated into newly created Section 87714 in order to consolidate requirements regarding the care of the bedridden for clarity and ease of use.

Section 87714(e) (Handbook)

Specific Purpose/Factual Basis:

The specific purpose/factual basis of this section is to incorporate Health and Safety Code Sections 1569.72(e) through (e)(4) into handbook for clarity. This is necessary to ensure that licensing staff, licensees, providers and the public have easy access to the actual text of the statute.

Section 87714(e)(1)

Specific Purpose:

The specific purpose of this section is to require the facility, in the case of a resident that will be bedridden for more than 14 days, to notify the fire authority having jurisdiction of the revised estimated length of time that the resident will be bedridden.

Factual Basis:

This section is necessary for clarity and to ensure that the facility complies on an ongoing basis with the notification requirements in proposed Section 87714(b) and Health and Safety Code Section 1569.72(f).

Section 87714(f) et seq.

Specific Purpose:

The specific purpose of this section is to require that the facility's plan of operation address the needs of bedridden residents.

Factual Basis:

These sections are necessary for clarity and consistency, and to ensure that the plan of operation addresses the specific needs of bedridden residents, a particularly vulnerable segment of the RCFE population. Proposed Sections 87714(f) et seq. are consistent with the following: existing Section 87202(a), which requires that any significant changes to the plan of operation be submitted to the licensing agency for approval; existing Section 87202(a)(1), which requires the plan of operation to include a statement of purposes and program goals; and existing Sections 87705(b)(1) and (b)(2), which require the plan of operation to address the care of residents with dementia, another particularly vulnerable segment of the RCFE population. Please also see the justification for proposed Section 87208(d).

Section 87714(f)(1) is necessary to ensure that the plan of operations describes the type of care that will be provided to bedridden residents in the facility, including goals and objectives.

Section 87714(f)(2) is necessary to ensure that the licensee describes how the requirements of Section 87714(g) et seq. will be met. These requirements are designed to ensure the health and safety of bedridden residents in care. Please also see the justifications below for each of the requirements in Section 87714(g) et seq.

Section 87714(f)(3) is necessary to ensure that the appropriate parties are notified when the resident's condition changes including the resident's physician and family or other responsible parties. This proposed section is consistent with existing Section 87705(b)(1) for the care of persons with dementia.

Section 87714(g)

Specific Purpose:

The specific purpose of this section is to specify that licensees who wish to accept or retain bedridden persons must meet certain criteria.

Factual Basis:

This section is necessary for clarity and to establish that the licensee must meet the specific requirements that follow.

Section 87714(g)(1) et seq.

Specific Purpose:

The specific purpose of these sections is to require that a care plan that meets certain criteria is developed for each bedridden resident.

Factual Basis:

These sections are necessary for clarity; and for consistency with existing Section 87467, among other statutory and regulatory provisions. A care plan for each bedridden resident is critical to ensuring that the resident receives adequate care—and that everyone involved in caring for the resident understands what needs to be done to reach that goal. The requirement for a bedridden care plan is consistent with Health and Safety Code Section 1569.80, which requires that specified parties, including the resident when possible, prepare a written record of the care the resident is to receive in an RCFE. It is also consistent with the following existing regulation sections:

- Existing Section 87465(a), which requires that each facility develop a plan for providing incidental medical and dental care to residents.
- Existing Section 87457(c), which requires that a pre-admission appraisal of each prospective resident's individual service needs be conducted.
- Existing Section 87467, mentioned above, which requires—consistent with Health and Safety Code Section 1569.80—that specified parties prepare a written record of the care the resident is to receive in the facility.
- Existing Section 87459, which requires a facility to assess a resident's or prospective resident's need for personal assistance and care by determining his/her ability to perform specified activities of daily living.
- Existing Section 87463, which requires that pre-admission appraisals be updated in subsequent reappraisals to note any changes in the resident's condition.
- Existing Section 87505, which contains documentation requirements for pre-admission appraisals and any reappraisals.
- Existing Section 87466, which requires that residents be regularly observed for any changes in their condition.

Section 87714(g)(1)(A) is necessary to ensure that medical consultation is obtained during the process of developing a bedridden resident's care plan. Bedridden residents may have needs that only a licensed health care professional can adequately identify and address, in terms of planning for the ongoing care of the resident in the facility. This requirement is an enhancement over the requirement in existing Section 87467(a)(2) for the general RCFE population, which specifies only that a resident's written care plan be sent to the resident's

regular physician. It is warranted because of the greater health care needs that bedridden residents generally have.

Section 87714(g)(1)(B) is necessary to ensure that a bedridden resident receives the care he or she is supposed to receive as delineated in the care plan. This section is consistent with existing Section 87633(d), which requires that hospice care plans meet the same requirements.

Section 87714(g)(2)

Specific Purpose:

The specific purpose of this section is to require that a bedridden resident receive an updated medical assessment if necessary and ongoing reappraisals as frequently as necessary.

Factual Basis:

This section is necessary for clarity and for consistency with existing Sections 87458 and 87463.

Section 87714(g)(2)(A)

Specific Purpose:

The specific purpose of this section is to require that any updated medical assessment or reappraisal include an assessment or reassessment of the resident's bedridden care needs.

Factual Basis:

This section is necessary for clarity and to protect the resident by ensuring that any changes in the resident's condition as a result of being bedridden are noted on any medical assessments and reappraisals. This section is consistent in spirit with existing Section 87705(c)(5), which requires that medical assessments and reappraisals include a reassessment of the resident's dementia care needs.

Section 87714(g)(2)(B)

Specific Purpose:

The specific purpose of this section is to require that, when any medical assessment, reappraisal or observation indicates that a resident's bedridden care needs have changed, corresponding changes are made in the resident's care and supervision, and that these changes are reflected in the resident's care plan.

Factual Basis:

This section is necessary for clarity and to protect the resident by ensuring that changes are made in the care provided to the resident when his/her bedridden care needs change. This section is consistent with existing Section 87705(c)(5)(A), which carries the same provisions with respect to the care of persons with dementia.

Section 87714(g)(3) et seq.

Specific Purpose:

The specific purpose of these sections is to specify training requirements for direct care staff that care for bedridden residents.

Factual Basis:

These sections are necessary for clarity and for consistency with existing training requirements. They are also necessary to protect the health and safety of bedridden residents in RCFEs by ensuring that direct care staff who care for them are properly trained.

Section 87714(g)(3) is necessary to ensure that, in addition to the on-the-job training required in existing Section 87411(d), direct care staff who care for bedridden residents also meet the training requirements of existing Section 87613, General Requirements for Restricted Health Conditions. Examples of restricted health conditions in RCFEs include the need for administration of oxygen, the need for catheter care, diabetes, incontinence, pressure sores (dermal ulcers), and wound care. The CDSS considers that the condition of being bedridden is analogous to these restricted conditions, and that a resident who is bedridden may also suffer from one or more of the restricted health conditions identified in existing Section 87612.

This section is also necessary to ensure that direct care staff caring for bedridden residents are trained by a licensed health care professional, as specified in existing Section 87613(a)(2). This training includes hands-on instruction in both general procedures and resident-specific procedures. In addition, if the condition of the resident changed, direct care staff caring for the resident would have to complete any additional training necessary to meet the resident's new needs, as determined by the resident's physician or a licensed health care professional designated by the physician (existing Section 87613(b)). Given the health complications that bedridden residents may suffer, or be prone to suffer, the CDSS considers it necessary and appropriate for direct care staff caring for them to be trained by a licensed health care professional.

Section 87714(g)(3)(A) is necessary to ensure that training for direct care staff includes specific topics pertinent to the care of the bedridden. Licensed health care professionals with the California Department of Health Care Services and the California Department of Public Health suggested and/or concurred with these training topics.

Section 87714(g)(3)(A)1. is necessary to ensure that direct care staff receive training in proper procedures for repositioning residents, when necessary, to help prevent the development of pressure sores (dermal ulcers).

Section 87714(g)(3)(A)2. is necessary to ensure that direct care staff receive training in the evaluation of skin integrity, so that they can recognize the beginning of any breakdown in the skin and thereby help prevent pressure sores or other skin problems.

Section 87714(g)(3)(A)3. is necessary to ensure that direct care staff receive training in infection control. This is especially necessary because bedridden residents, with their limited mobility and generally frailer health, may be more vulnerable to contracting skin or other infections.

Section 87714(g)(3)(A)4. is necessary to ensure that direct care staff receive training in proper nutrition and fluid intake for bedridden residents, whose needs in these areas may differ from those of other residents because of their restricted mobility.

Section 87714(g)(3)(A)5. is necessary to ensure that direct care staff know how to use appropriate assistive devices and equipment for the bedridden, so that bedridden residents in their care can be as safe and comfortable as possible.

Section 87714(g)(3)(A)6. is necessary to ensure that direct care staff are aware of the need for sensory stimulation for bedridden residents and learn some simple techniques to provide it when necessary (e.g., by reading aloud to bedridden residents).

Section 87714(g)(3)(A)7. is necessary to ensure, first of all, that direct care staff are aware of respiratory, gastrointestinal, and bladder complications for which bedridden residents may be at increased risk because of their mobility issues. Secondly, this section is necessary to ensure that direct care staff are made aware of any steps they can take to prevent or alleviate these complications without violating nursing scope of practice.

Section 87714(g)(3)(A)8. is necessary to ensure that direct care staff know how to recognize when a bedridden resident is in distress so that they can obtain the assistance of licensed health care professionals in a timely manner.

Section 87714(g)(3)(A)9. is necessary to ensure that direct care staff are familiar with and have received training on their duties and responsibilities for bedridden residents in the event an emergency or disaster.

#### Section 87714(g)(4)

##### Specific Purpose:

The specific purpose of this section is to require that documentation of the bedridden-related staff training required in proposed Sections 87714(g)(3) and (g)(3)(A) be maintained in the personnel files.

Factual Basis:

This section is necessary for clarity, and for consistency with current requirements for maintaining documentation on staff training in existing Sections 87411(c)(5) and 87412(c)(2). Although there is a reference to existing Section 87412(c)(2) in existing Section 87411(c)(5), the reference to existing Section 87412(c)(2) is reiterated in this section for clarity.

Section 87714(g)(5)

Specific Purpose:

The specific purpose of this section is to establish and reinforce personnel staffing requirements for caring for bedridden residents.

Factual Basis:

This section is necessary to ensure that there is an adequate number of direct care staff to meet each bedridden resident's needs, as identified in the resident's current bedridden care plan. This is consistent with existing Section 87411(a), which requires that RCFEs have a sufficient number of competent staff to meet the needs of residents in care.

Section 87714(g)(6)

Specific Purpose:

The specific purpose of this section is to require that awake night staff on duty or on call in facilities that care for more than 16 residents, as specified in existing Section 87415, are capable of meeting the repositioning and any other needs of bedridden residents, as necessary.

Factual Basis:

This section is necessary to ensure that bedridden residents are adequately cared for at night. For example, licensed health care staff of the California Department of Health Care Services have informed the Department that bedridden residents generally need to be repositioned every two hours to prevent pressure sores (dermal ulcers).

Section 87714(g)(6)(A)

Specific Purpose:

The specific purpose of this section is to establish the criteria for awake night staff in facilities with fewer than 16 residents that care for bedridden residents.

Factual Basis:

This section is necessary to ensure that bedridden residents are adequately cared for at night in facilities with fewer than 16 residents. Currently, as specified in existing Section 87415(a)(1), facilities caring for fewer than 16 residents are only required to have a “qualified” person on call on the premises at night. So as not to be overly burdensome to small facilities and still meet the needs of bedridden residents, this section ties the need for awake night supervision to the care needs identified in a resident’s current bedridden care plan. For example, a temporarily bedridden resident may not need awake night supervision at all; however, a bedridden resident with more intense needs may require awake night supervision, either constantly or at intervals, on a regular basis throughout the night.

Section 87714(g)(7)

Specific Purpose:

The specific purpose of this section is to require facilities licensed for fewer than 16 residents that care for a bedridden resident(s) to have and utilize a signal system or other appropriate means of communication between staff and bedridden residents.

Factual Basis:

This section is necessary to protect the health and safety of bedridden residents in care by ensuring that a bedridden resident(s) of a facility licensed for fewer than 16 residents can summon facility staff immediately when needed. This section is also consistent with existing Section 87303(i), which requires that larger facilities have signal systems as specified. As is the case with proposed Section 87714(g)(6), this section attempts to protect bedridden residents in smaller facilities without being too burdensome on those facilities. By requiring smaller facilities to have and utilize “a signal system or other appropriate means of communication,” this section enables these facilities to choose a system that works well in their circumstances. For example, a facility that cares for a resident temporarily bedridden for 14 days or less may only need to use such devices as a cell phone or patient alarm, whereas a facility that cares for several permanently bedridden residents may or may not need a more sophisticated system. In all cases, the intent is to prevent a scenario in which a bedridden person in a smaller facility is isolated, needs help, and is not able to summon it in a timely manner.

Section 87714(g)(8)

Specific Purpose:

The specific purpose of this section is to require facilities that care for the bedridden to have ongoing access to licensed health care professionals.

Factual Basis:

This section is necessary to ensure that the licensee and direct care staff who care for bedridden residents have adequate access to medical backup when they need it, either in the form of consultation on bedridden issues in general, or to meet the immediate needs of an individual bedridden resident(s). This is necessary to protect bedridden residents, and is especially important for two main reasons: 1) RCFEs are not required to have nursing staff on duty (although nothing precludes them from hiring nursing staff if they choose to do so); and 2) the health-related needs of the bedridden are generally more complicated than those of other residents, and more challenging for trained lay direct care staff to meet. This medical consultation is not intended to be a substitute for actual skilled nursing or emergency medical care for the bedridden when needed.

Section 87714(g)(9) et seq.

Specific Purpose:

The specific purpose of these sections is to require that assistive devices and equipment be available and utilized as necessary to meet the needs of bedridden residents, and to specify various types of assistive devices and equipment that might be useful.

Factual Basis:

Section 87714(g)(9) is necessary to ensure that bedridden residents that reside in RCFEs have access to assistive devices and equipment that facilitate their care and improve the quality of their lives. In addition to protecting bedridden residents, the use of assistive devices and equipment may protect direct care staff as well (e.g., by making it easier to lift bedridden residents with a patient lifting system).

Sections 87714(g)(9)(A) through (g)(9)(K) are necessary to specify certain types of assistive devices and equipment that may be helpful to bedridden residents. For more information on such assistive devices and equipment, please see the following web sites:

- <http://www.allegromedical.com/attr-condition-Bedridden.html>
- [http://ucanhealth.com/goto.php?page+bedridden\\_product.php](http://ucanhealth.com/goto.php?page+bedridden_product.php)
- <http://www.caremedical.com/patient-room.shtml>

Section 87714(g)(10)

Specific Purpose:

The specific purpose of this section is to require RCFEs that care for bedridden residents to have planned activities that address the needs and limitations of bedridden persons.

Factual Basis:

This section is necessary to ensure that bedridden residents of RCFEs have access to planned activities tailored to meet their particular needs. According to a nursing consultant at the California Department of Health Care Services, bedridden residents, especially long-term bedridden residents, often experience sensory deprivation and benefit greatly from several approaches to the use of sensory stimulation. The first approach is to use auditory stimulation, such as audio tapes and the radio, especially talk shows, for the quality of the human voice. This approach is favored for bedridden persons who apparently do not respond to verbal and visual cues. Another approach is to use video tapes, which is especially useful for bedridden persons who visually connect and track. But simple human interaction is always the first and primary method of sensory stimulation (e.g., having volunteers or others talk to bedridden persons or read to them). One of the ultimate goals of this section is to try to avoid situations in which licensees or providers, out of ignorance, fail to realize that bedridden residents need human interaction and other forms of sensory stimulation on a regular basis. In addition, planned activities might also encompass such things as modified exercise routines that may be beneficial for bedridden persons.

Section 87714(h) et seq.

Specific Purpose:

The specific purpose of these sections are to establish reporting requirements for facilities that care for bedridden residents.

Factual Basis:

These sections are necessary to protect bedridden residents and any other affected residents. They expand upon the reporting requirements already contained in existing Section 87211, and are for the most part consistent with reporting requirements in existing Sections 87633(g) et seq. for residents on hospice.

Section 87714(h)(1) is necessary to ensure that the physician, home health care agency, hospice provider and authorized representative or conservator of the resident, if any, are contacted by the licensee when there is any change in a bedridden resident's health condition that threatens the health and safety of the resident.

Section 87714(h)(2) is necessary to establish reporting time frames. The initial reporting time frame it establishes (within one working day) is tighter than the time frame in existing Section 87211, but is consistent with existing Sections 87633(g) et seq. This is appropriate because bedridden residents, like hospice residents, may be significantly frailer than the general RCFE population. The sooner the licensing agency knows about any incident that adversely affects a bedridden resident, the sooner it can intervene to protect the health and safety of the bedridden resident and any other affected residents, if necessary.

Section 87714(h)(2)(A) is necessary to ensure that the report to the licensing agency includes the name, age and sex of each affected resident.

Section 87714(h)(2)(B) is necessary to ensure that the report to the licensing agency includes the date of the incident and any other pertinent information.

Section 87714(h)(2)(C) is necessary to ensure that the report to the licensing agency includes actions taken by the licensee and any other parties to resolve the incident.

Taken together, Sections 87714(h)(2)(A) through (h)(2)(C) above are necessary to ensure that the licensing agency receives enough information about a reportable incident to determine if the facility has successfully resolved the circumstances surrounding the incident, or if the licensing agency needs to intervene further or at all.

#### Section 87714(i)

##### Specific Purpose:

The specific purpose of this section is to require a facility's emergency disaster plan to address the safety needs of bedridden residents.

##### Factual Basis:

This section is necessary to protect bedridden residents by ensuring that a facility's emergency disaster plan takes into consideration the special needs and limitations of bedridden residents. This section is consistent with existing Section 87705(c)(2), which requires that a facility's emergency disaster plan address the safety of residents with dementia, another segment of the RCFE population with special needs and limitations.

#### Section 87714(j)

##### Specific Purpose:

The specific purpose of this section is to reiterate the right of the licensing agency to relocate a bedridden resident whose needs are not being met, or whose needs are beyond the scope of care of a licensed RCFE.

##### Factual Basis:

This section is necessary for clarity. It is also necessary for consistency with Health and Safety Code Sections 1569.54(a)(1) and 1569.72(e)(4); existing Section 87633(m), Hospice Care for Terminally Ill Residents; and existing Section 87637, Health Condition Relocation Order.

b) Identification of Documents Upon Which Department Is Relying

- Health and Safety Code Sections 1569.54, 1569.72, and 1569.80
- Senate Bill 1896 (Ortiz), Chapter 817, Statutes of 2000

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.