

Amend Article 1. title to read:

Article 1. Definitions and Forms

Amend Section 87101 to read:

87101 DEFINITIONS

87101

~~For purposes of this chapter the following definitions shall apply:~~

(a) (1) (Continued)

(3) “Adult protective services agency” means a county welfare department, as defined in Welfare and Institutions Code Section 15610.13.

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(A) Welfare and Institutions Code Section 15610.13 ~~defines~~ provides:

~~“a ‘Adult protective services agency’”~~ ~~to~~ means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.”

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(4) (Continued)

(5) Allowable Health Condition. "Allowable Health Condition" means any health condition that the licensee is allowed to care for either in accordance with a specific regulation, or with an exception approved by the licensing agency. This includes restricted health conditions as specified in Section ~~87701.4~~ 612. (Continued)

(c) (3) (A) (Continued)

(B) Assistance with taking medication; as specified in Section ~~87575~~ 465, Incidental Medical and Dental Care Services;

(C) Central storing and distribution of medications, as specified in Section ~~87575~~ 465, Incidental Medical and Dental Care Services;

(D) Arrangement of and assistance with medical and dental care. This may include transportation, as specified in Section ~~87575~~ 465, Incidental Medical and Dental Care Services; (Continued)

(11) Conservator. “Conservator” means a person appointed by the Superior Court pursuant to the provisions of section 1800 et seq. of the Probate Code or Section 5350 of the Welfare and Institutions Code, to care for the person, or estate, or person and estate, of ~~another~~ an adult. (Continued)

- (13) Continuing Care Contract. “Continuing Care Contract” is defined in Health and Safety Code Section 1771(c)(8).

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- (A) Health and Safety Code Section 1771(c)(8) provides:

“‘Continuing care contract’ means a contract that includes a continuing care promise made, in exchange for an entrance fee, the payment of periodic charges, or both types of payments. A continuing care contract may consist of one agreement or a series of agreements and other writings incorporated by reference.”

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- (14) (Continued)
- (d) (1) (Continued)
- (5) Department. “Department” is defined in Health and Safety Code; ~~s~~Section 1569.2(~~bc~~).

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- (A) Health and Safety Code Section 1569.2(c) provides:

“‘Department’ means the State [California] Department of Social Services.”

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- (6) (Continued)
- (8) Director. “Director” is defined in Health and Safety Code; Section 1569.2(~~ed~~).

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- (A) Health and Safety Code Section 1569.2(d) provides:

“‘Director’ means the Director of the State [California] Department of Social Services.”

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- (e) (Continued)
- (f) (1) Facility Hospice Care Waiver. "Facility Hospice Care Waiver" means a waiver from the limitation on retention of residents who require more care and supervision than other residents and residents who are bedridden other than for a temporary illness. The Hospice Care Waiver granted by the Department will permit the retention in a facility of a designated maximum number of terminally ill residents who are receiving hospice services from a hospice agency. The Facility Hospice Care Waiver will apply only to those residents who are receiving hospice care in compliance with a hospice care plan meeting the requirements of Section 87746 633, Hospice Care for Terminally Ill Residents. (Continued)
- (g) (1) Guardian. "Guardian" means a person appointed by the Superior Court pursuant to the provisions of Section 1500 et seq. of the Probate Code to care for the person, or person and estate, of ~~another~~ a child. (Continued)
- (h) (2) Health Care Provider. "Health Care Provider" means those persons described in Probate Code Section 461521: "~~a person who is an individual~~ licensed, certified, or otherwise authorized or permitted by the law of this state to ~~administer~~ provide health care in the ordinary course of business or practice of a profession." (Continued)
- (4) Health Condition Relocation Order. "Health Condition Relocation Order" means written notice by the Department to a licensee requiring the relocation of a resident from a residential care facility for the elderly because the resident has a health condition which cannot be cared for within the limits of the license, requires inpatient care in a health facility or has a prohibited health condition as specified in Section 87704 615, Prohibited Health Conditions. (Continued)
- (p) (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 87234 162, Provisional License. (Continued)
- (r) (4) Request to Forego Resuscitative Measures. A "Request to Forego Resuscitative Measures" is defined in Probate Code Section 4753(b)80.

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- (A) Probate Code Section 4753(b)80 ~~reads~~ provides in part:

~~“(a)... (1) A “Request to forego resuscitative measures” shall be means a~~ written document, signed by ~~the~~ (A) an individual, or a legally recognized surrogate health care decisionmaker, and (B) a physician ~~and surgeon~~, that directs a health care provider to forego resuscitative measures for the individual. ~~For the purpose of this section,~~

(2) a A “request to forego resuscitative measures” shall include a prehospital “do not resuscitate” form as developed by the Emergency Medical Services Authority or other substantially similar form.

(b) A request to forego resuscitative measures may also be evidenced by a medallion engraved with the words “do not resuscitate” or the letters “DNR”, a patient identification number, and a 24-hour toll-free telephone number, issued by a person pursuant to an agreement with the Emergency Medical Services Authority.”

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(5) (Continued)

- (s) (9) Substantial Compliance. "Substantial Compliance" means the absence of any deficiencies which would threaten the physical health, mental health, safety or welfare of the residents. Such deficiencies include, but are not limited to, those deficiencies referred to in Section ~~87451~~ 758, Serious Deficiencies – Examples, and the presence of any uncorrected serious deficiencies for which civil penalties could be assessed. (Continued)

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, 1569.33, 1569.38, 1569.44, 1569.47, 1569.54, 1569.616, 1569.626, 1569.699, 1569.73, 1569.74, 1569.82, ~~and 1771~~ and 1797.196, and 1774, Health and Safety Code; Sections 5350 and 15610.13, Welfare and Institutions Code; ~~and~~ Sections 1500, 1800, ~~4615, 4650, and 4753~~ 4780, Probate Code.

Amend Section 87102 to read:

87102     ~~DEFINITIONS — FORMS~~ DESCRIPTIONS OF FORMS (Continued)     87102

- (a) LIC 9139 (~~2/04~~5) - Renewal of Continuing Education Course Approval, Administrator Certification Program.
- (b) LIC 9140 (~~6/04~~ 7/04) - Request for Course Approval, Administrator Certification Program.
- (c) LIC 9140A (1/06) - Request to Add or Remove Instructor.
- (~~e~~d) LIC 9141 (~~5/04~~ 3/04) - Vendor Application/Renewal, Administrator Certification Program.
- (~~d~~e) PUB 325 (~~3/99~~ 1/04) - Your Right To Make Decisions About Medical Treatment.
- (~~e~~f) Core of Knowledge Guidelines (6/1/01) - RCFE 40-Hour Initial Certification.

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.

Amend Section 87106 to read:

87106 OPERATION WITHOUT A LICENSE (Continued)

87106

- (d) The licensing agency shall issue an immediate civil penalty pursuant to Sections ~~87310 768,~~ Unlicensed Facility Penalties and Health and Safety Code, Section 1569.485 of the Health and Safety Code. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.10, 1569.19, 1569.335, 1569.35, 1569.40, 1569.405, 1569.41, 1569.42, 1569.43, 1569.44, 1569.45, 1569.47, 1569.485 and 1569.495, Health and Safety Code.

Re-number Section 87113 to Section 87109 and amend to read:

87143 09 TRANSFERABILITY OF LICENSE (Continued)

87143 09

Authority cited: Sections 1569.30 and ~~1569.30(a)~~, Health and Safety Code.

Reference: Sections 1569.11 and 1569.191, Health and Safety Code.

Renumber Section 87114 to Section 87111 and amend to read:

87114 1 CONTINUATION OF LICENSE UNDER EMERGENCY  
CONDITIONS/SALE OF PROPERTY (Continued)

87114 1

(c) (Continued)

(5) (Continued)

(A) Failure to comply with licensing laws and regulations under Section 87114 1(b) as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO.  
(Continued)

Authority cited: Sections 1569.30, Health and Safety Code.

Reference: Sections 1569. 1, 1569.15, 1569.191, and 1569.193, ~~and 1569.30~~, Health and Safety Code.

Renumber Section 87236 to Section 87112 and amend to read:

87236 112 CONDITIONS FOR FORFEITURE OF A ~~RESIDENTIAL CARE~~  
FACILITY FOR THE ELDERLY LICENSE

87236 112

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.19, Health and Safety Code.

Renumber Section 87115 to Section 87113:

871153 POSTING OF LICENSE (Continued)

871153

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.~~30~~45, Health and Safety Code.

Renumber Section 87117 to Section 87114:

87117 4 APPLICANT/LICENSEE MAILING ADDRESS (Continued)

87117 4

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.15, 1569.20, 1569.22, ~~1569.30~~ and 1569.51, Health and Safety Code.

Amend Section 87118 to read:

87118 NONDISCRIMINATION (Continued)

87118

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30 and~~ 1569.31, Health and Safety Code; ~~and~~ Section 51, Civil Code.

Renumber Section 87218 to Section 87155 and amend to read:

Article 3. Application Procedures

~~87218~~ 155 APPLICATION FOR LICENSE

~~87218~~ 155

(a) (Continued)

(1) (Continued)

(2) Name and address of the applicant and documentation verifying completion by the applicant of certification requirements as specified in Section ~~87564.2~~ 406, Administrator Certification Requirements. (Continued)

(14) When there is a change of licensee, the required documentation shall include the information specified in Section ~~87227~~ 17(k). (Continued)

(16) Plan of Operation as specified in Section ~~87222~~ 08.

(17) The fee for processing the application for the requested capacity as specified in Section ~~87224~~ 156, Licensing Fees. (Continued)

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.

Renumber Section 87224 to Section 87156 and amend to read:

~~87224~~156 LICENSING FEES  
(Continued)

~~87224~~156

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.185 and 1569.19, Health and Safety Code.

Renumber Section 87228 to Section 87157:

87228 157 APPLICATION REVIEW (Continued)

87228 157

(a) (Continued)

(1) (Continued)

(2) (Continued)

(3) (Continued)

(b) (Continued)

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(1) Health and Safety Code Section 1569.16 provides in part:

“(a)(1) If an application for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license... ~~under this chapter or under Chapter 1 (commencing with Section 1200), 2 (commencing with Section 1250), 3 (commencing with Section 1500), 3.4 (commencing with Section 1596.70), 3.5 (commencing with Section 1596.90), or 3.6 (commencing with Section 1597.30)~~ and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1569.22 or any other provision of law. ~~...All residential care facilities for the elderly are exempt from the health planning requirements contained in Part 1.5 (commencing with Section 437) of Division 1.~~

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

HANDBOOK ENDS HERE

(2) "Application was denied within the last year" as specified in Health and Safety Code

Section 1569.16(b) shall include initial ~~or renewal~~ applications. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.15, 1569.16, 1569.17, 1569.20, and 1569.205, Health and Safety Code.

Renumber Section 87229 to Section 87158:

~~87229~~ 158 CAPACITY (Continued)

~~87229~~ 158

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.31 and 1569.312, Health and Safety Code.

Re-number Section 87230 to Section 87159:

~~87230~~ 159 WITHDRAWAL OF APPLICATION (Continued)

~~87230~~ 159

Authority cited: Section ~~4530~~ 1569.30, Health and Safety Code.

Reference: Sections 1569.185, 1569.20, 1569.22, ~~1569.30~~, 1569.50, 1569.51 and 1569.52,  
Health and Safety Code.

Renumber Section 87235 to Section 87161:

87235 161 RESUBMISSION OF APPLICATION (Continued)

87235 161

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.3, 1569.10, 1569.11, 1569.15 and 1569.19, Health and Safety Code.

Renumber Section 87231 to Section 87162 and amend to read:

~~87231~~ 162 PROVISIONAL LICENSE (Continued)

~~87231~~162

- (e) If the licensing agency determines after its review, specified in Section ~~87228~~ 157, Application Review, that the licensee does not meet the licensing requirements, the application shall be denied, as specified in Section ~~87340~~ 163, Denial of License Application.
- (f) If the licensing agency denied the application for an initial license, the applicant may appeal the denial, as provided in Section ~~87340~~ 163. Until the Director adopts a decision on the denial action, the facility shall be unlicensed.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.15, 1569.1515(~~b~~), 1569.17, ~~1569.18~~, 1569.20, 1569.21, 1569.22, 1569.23, and 1569.24, Health and Safety Code.

Renumber Section 87340 to Section 87163 and amend to read:

87340 163                    DENIAL OF ~~INITIAL~~ LICENSE APPLICATION                    87340 163

- (a) Except as specified in Section ~~87234~~ 162(a), which provides that the applicant may be issued a provisional license based upon substantial compliance and immediate need, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulations.
- (b) The licensing agency shall have the authority to deny an application for an initial license if the applicant has failed to pay any civil penalty assessments pursuant to Section ~~87457~~ 768, Unlicensed Facility Penalties, and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.
- (c) The licensing agency shall have the authority to deny an initial application if the applicant does not comply with Sections ~~87218~~ 155(a)(2), (a)(9), and Health and Safety Code Sections 1569.1515(b) and 1569.50. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.15, 1569.1515(b), 1569.17, 1569.185, 1569.20, 1569.21, 1569.22, 1569.23(a) and (e), ~~1569.30~~, 1569.485, 1569.49, 1569.50, 1569.51, 1569.52, and 1569.53, Health and Safety Code.

Amend Article 4 title to read:

Article 4. ~~Administrative Actions~~ Operating Requirements

Re-number Section 87220 to Section 87202:

87220 202 FIRE CLEARANCE (Continued)

87220 202

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, ~~1569.30~~ and 1569.312, Health and Safety Code.

Re-number Section 87689 to Section 87203:

87689 203 FIRE SAFETY (Continued)

87689 203

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Renumber Section 87110 to Section 87204:

~~87110~~204 LIMITATIONS - CAPACITY AND AMBULATORY STATUS  
(Continued)

~~87110~~204

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.31 and 1569.312, Health and Safety Code.

Renumber Section 87560 to Section 87205; renumber Section 87560(c) to Section 87211(c), and amend to read:

~~87560~~205 ACCOUNTABILITY OF LICENSEE/GOVERNING BODY(Continued) ~~87560~~205

- (e) ~~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.~~  
Renumbered to Section 87211(c).

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.

Renumber Section 87111 to Section 87206:

~~87111~~206 ADVERTISEMENTS AND LICENSE NUMBER  
(Continued)

~~87111~~206

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.68 and 1569.681, Health and Safety Code.

Re-number Section 87112 to Section 87207:

~~87112~~207 FALSE CLAIMS (Continued)

~~87112~~207

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30 and~~ 1569.44, Health and Safety Code.

Renumber Section 87222 to Section 87208 and amend to read:

8722208 PLAN OF OPERATION

8722208

- (a) (1) (Continued)
- (6) Plan for training staff, as required by Section ~~87565411~~(c). (Continued)
- (9) A statement whether or not the applicant will handle residents' money and/or valuables. If money and/or valuables will be handled, the method for safeguarding pursuant to Sections ~~8722515, Commingling of Money, 8722616, Bonding and 8722717, Safeguards for Resident Cash, Personal Property, and Valuables.~~ (Continued)
- (b) A licensee who advertises or promotes dementia special care, programming, and/or environments shall include additional information in the plan of operation as specified in Section ~~8772506~~(a)(2).
- (c) A licensee who accepts or retains residents diagnosed by a physician to have dementia shall include additional information in the plan of operation as specified in Section ~~8772405~~(b).

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.15, 1569.157, 1569.175, 1569.2, ~~1569.30~~, 1569.31, 1569.312, 1569.313, 1569.316(a), 1569.626, and 1569.627, Health and Safety Code; ~~and Section 11006.9, Welfare and Institutions Code.~~

Re-number Section 87116 to Section 87209:

~~87116~~209 PROGRAM FLEXIBILITY (Continued)

~~87116~~209

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30~~ and 1569.31, Health and Safety Code.

Renumber Section 87561 to Section 87211 and renumber Section 87560(c) to Section 87211(c):

87561211 REPORTING REQUIREMENTS (Continued)

87561211

87560(e)

(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 87355, Criminal Record Clearance.

Authority cited: Sections 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.

Renumber Section 87223 to Section 87212 and amend to read:

8722312 ~~DISASTER AND MASS CASUALTY EMERGENCY DISASTER PLAN~~ 8722312  
(Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, and 13131, Health and Safety Code.

Renumber Section 87562 to Section 87213 and amend to read:

87562213 FINANCES

87562213

The licensee shall have a financial plan ~~which~~ that conforms to the requirements of Section ~~87218~~155, Application for License, and ~~which~~ that 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~~ Department of licensing agency. Such request shall explain the need for disclosure. The ~~Department of~~ Department of licensing agency reserves the right to reject any financial report and to request additional information or examination, including interim financial statements.

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.~~

Re-number Section 87225 to Section 87215:

~~87225~~15 COMMINGLING OF MONEY (Continued)

~~87225~~15

Authority cited: Section ~~1530~~ 1569.30, Health and Safety Code.

Reference: Sections ~~1501, 1530, 1531, 1560, and 1561,~~ 1569.1, 1569.31, 1569.60 and 1569.61, Health and Safety Code.

Renumber Section 87226 to Section 87216:

~~87226~~16 BONDING (Continued)

~~87226~~16

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.15, ~~1569.30~~, 1569.31, 1569.312, 1569.60 and 1569.61,  
Health and Safety Code.

Renumber Section 87227 to Section 87217 and amend to read:

~~87227~~17 SAFEGUARDS FOR RESIDENT CASH RESOURCES, 8722717  
PERSONAL PROPERTY, AND VALUABLES ~~OF RESIDENTS~~  
(Continued)

(d) (Continued)

- (4) become the joint tenant on any account specified in Section ~~87227~~17(h) with a resident.  
(Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.15, ~~1569.30~~, 1569.31, 1569.60 and 1569.61, Health and Safety Code; Section 11006.9, Welfare and Institutions Code; and Title 20 CFR Code of Federal Regulations, Section 416.601.

Renumber Section 87227.1 to Section 87218:

~~87227.1~~18 THEFT AND LOSS (Continued)

~~87227.1~~18

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.152, 1569.153, and 1569.154, Health and Safety Code.

Re-number Section 87579 to Section 87219:

~~87579~~219 PLANNED ACTIVITIES (Continued)

~~87579~~219

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Re-number Section 87592 to Section 87221:

~~87592~~221 RESIDENT COUNCILS (Continued)

~~87592~~221

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Renumber Section 87593 to Section 87222 and amend to read:

~~87593~~222 REQUIREMENTS FOR EMERGENCY ADULT PROTECTIVE SERVICES PLACEMENTS

~~87593~~222

(a) (Continued)

(1) (Continued)

(C) (Continued)

1. (Continued)

- a. The licensee attaches this APS statement of local need [Section ~~87593~~222(a)(1)(C)1.] to the written request, specified in Section ~~87593~~222(a)(1).
- b. The licensee must request a statement each year from the APS agency, indicating a local need still exists as specified in Section ~~87593~~222(a)(1)(C)1., and submit the statement to the Department. (Continued)

(c) The licensee shall comply with the regulations in Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly), unless otherwise stated in Section ~~87593~~222, Requirements for Emergency Adult Protective Services Placements. These regulations include, but are not limited to, the following:

- (1) The licensee shall not exceed the capacity limitations specified on the license and shall not allow rooms approved only for ambulatory residents to be used by nonambulatory residents, as specified in Section ~~8740~~204, Limitations - Capacity and Ambulatory Status.
- (2) The licensee shall meet the requirements in Section ~~8722~~02 on fire clearance if the licensee has accepted a nonambulatory resident, defined in Section 87101(n)~~(2)~~.

(d) (Continued)

(1) Individuals with prohibited health conditions [Section ~~8770~~615].

(2) Individuals with restricted health conditions [Section ~~8770~~1612].

(A) The licensee may accept an APS emergency placement who is incontinent when the requirements in Section ~~8770~~8625, Managed Incontinence, are met.

(3) Individuals who are receiving hospice care [Section ~~8771~~6633].

- (4) Individuals who have active communicable tuberculosis [Section ~~87582455~~(c)(1)].
- (5) Individuals who require 24-hour, skilled nursing or intermediate care [Section ~~87582455~~(c)(2)].
- (6) Individuals whose primary need for care and supervision results from an ongoing behavior, caused by a mental disorder, that would upset the general resident group [Section ~~87582455~~(c)(3)(A)].
- (7) Individuals who are bedridden, as defined in Section ~~87582455~~(d).
- (e) If a licensee accepts an APS emergency placement with dementia, the licensee shall meet the requirements in Section ~~8772405~~, Care of Persons with Dementia. (Continued)
- (h) Within seven calendar days of an APS emergency placement, the licensee shall obtain other resident information specified in Section ~~875706~~, Resident Records.
  - (1) The resident must have a tuberculosis test [Section ~~87569458~~(b)(1)] by the seventh day of placement even though the test results may not be available by the seventh day of placement.
  - (i) The licensee shall contact the resident's attending physician or the person authorized to act for the physician to identify all of the resident's prescribed medications and usage instructions [Section ~~87569458~~(b)(3)] by the next working day, but no later than 72 hours from the initial APS emergency placement. (Continued)
    - (2) If medication verification, as specified in Section ~~87593222~~(i), has not been obtained within 72 hours from the resident's initial placement, the licensee shall contact the APS worker to request that the resident be relocated, as specified in Section ~~87593222~~(j).
  - (j) The licensee shall contact the APS worker to request that the resident be relocated immediately when the licensee identifies that needs cannot be met or that the resident has a condition specified in Section ~~87593222~~(d).
    - (1) A licensee cannot retain a resident under age 60 beyond 30 calendar days from initial placement by the APS agency, unless the acceptance and retention requirement provided in Section ~~87582455~~(b)(6) is met. (Continued)
- (l) All emergency placements are subject to the same record requirements as set forth in Section ~~875706~~(d).

Authority cited: Sections 1569.30 and ~~1569.31~~, Health and Safety Code; and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified.

Reference: ~~Sections 15610.13 and 15763, Welfare and Institutions Code; and Sections 1569.1, 1569.2, 1569.312, 1569.315, 1569.316, 1569.47, 1569.54, 1569.698, 1569.699, 1569.71, 1569.72, and 1569.73, Health and Safety Code; Sections 15610.13 and 15763, Welfare and Institutions Code.~~

Renumber Section 87342.1 to Section 87223 and amend to read:

~~87342.1~~223 RELOCATION OF RESIDENT – ~~GENERAL~~

~~87342.1~~223

- (a) When a resident must be relocated by Department order whether individual health-condition relocations pursuant to Section ~~87701.4~~612, Restricted Health Conditions, or temporary suspension orders pursuant to Section ~~87342~~775(c), the licensee shall not obstruct the relocation process and shall cooperate with the Department in the relocation process. Such cooperation shall include, but not be limited to, the following activities: (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569, 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312 and 1569.54, Health and Safety Code.

Renumber Section 87589 to Section 87224 and amend to read:

~~87589~~224 EVICTION PROCEDURES (Continued)

~~87589~~224

- (i) Nothing in Section ~~87589~~224 precludes the licensee from initiating the urgent relocation to a licensed health facility of a terminally ill resident receiving hospice services when the resident's condition has changed and a joint determination has been made by the Department, the resident or resident's health care surrogate decision maker, the resident's hospice agency, a physician, and the licensee, that the resident's continued retention in the facility poses a health and safety risk to the resident or any other facility resident.
  - (1) The licensee shall follow the procedures specified in Section ~~87701.1637~~1637(b)(2) to reduce the risk of transfer trauma.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312, 1569.315, 1569.54, and 1569.73, and 1770 et seq., Health and Safety Code.

Amend Article 5. title to read:

Article 5. ~~Enforcement Provisions~~ Physical Environment and Accommodations

Re-number Section 87691 to Section 87303:

~~87691~~303 MAINTENANCE AND OPERATION (Continued)

~~87691~~303

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, California Code of Regulations, Section 5193.

Renumber Section 87686 to Section 87305:

~~87686~~305 ALTERATIONS TO EXISTING BUILDINGS OR NEW FACILITIES ~~87686~~305  
(Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.31 and 1569.312, Health and Safety Code.

Renumber Section 87577 to Section 87307 and amend to read:

8757307 PERSONAL ACCOMMODATIONS AND SERVICES  
(Continued)

8757307

- (b) Toilets and bathrooms shall be conveniently located. The licensed capacity shall be established based on Section ~~87229~~158, Capacity, and the following: (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31 and 1569.312, Health and Safety Code.

Re-number Section 87690 to Section 87308:

~~87690~~308 RESIDENT AND SUPPORT SERVICES (Continued)

~~87690~~308

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Renumber Section 87692 to Section 87309 and amend to read:

~~87692~~309 STORAGE SPACE (Continued)

~~87692~~309

- (b) Medicines shall be stored as specified in Section ~~87575~~465(c) and separately from other items specified in (a) above. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Re-number Section 87573 to Section 87311:

87573311 TELEPHONES (Continued)

87573311

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.31 and 1569.312, Health and Safety Code.

Renumber Section 87574 to Section 87312:

~~87574~~312 MOTOR VEHICLES USED IN TRANSPORTING RESIDENTS  
(Continued)

~~87574~~312

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.31 and 1569.312, Health and Safety Code.

Amend Article 6.title to read:

Article 6. ~~Continuing Requirements~~ Background Check

Renumber Section 87219 to Section 87355 and amend to read:

87219355 CRIMINAL RECORD CLEARANCE (Continued)

87219355

(b) (Continued)

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(3) (Continued)

(H) (Continued)

- (iii) The exemptions in Section 87219355(b)(3)(H)(i) or (ii) apply only if the individual is visiting the client or providing direct care and supervision to that client only. (Continued)

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(d) (Continued)

(1) (Continued)

- (A) Declare whether he/she has been convicted of a crime, other than a minor traffic violation as specified in Section 87219355(h) regardless of whether the individual was granted a pardon for the conviction, received an expungement pursuant to Penal Code 1203.4 or the individual's record was sealed as a result of a court order. (Continued)
- (2) If the signed statement indicates a conviction for any crime other than a minor traffic violation for which the fine was \$300 or less, the licensee shall immediately notify the Department and the Department ~~will~~ shall take appropriate action as specified in Section 87219355(h). The Department shall take the same actions as would be taken in Health and Safety Code Section 1569.17(c) if a criminal record transcript had been received.
- (3) The license shall submit these fingerprints to the California Department of Justice, along with a second set of fingerprints for the purpose of searching the records of the Federal Bureau of Investigation, or comply with Section 87219355(c), prior to the individual's employment, residence, or initial presence in the ~~community care~~ facility. (Continued)

(e) (Continued)

- (2) Request a transfer of a criminal record clearance as specified in Section 87219355(c) or

- (3) Request and be approved for a transfer of a criminal record exemption, as specified in Section ~~87219.1356~~(r), unless, upon request for a transfer, the Department permits the individual to be employed, reside or be present at the facility.
- (f) Violation of Section ~~87219.355~~(e) ~~will~~ shall result in a citation of a deficiency and an immediate assessment of civil penalties of one hundred dollars (\$100) per violation by per day for a maximum of five (5) days by the Department. (Continued)
- (g) Violation of Section ~~87219.355~~(e) may result in a denial of the license application or suspension and/or revocation of the license.
- (h) If the criminal record transcript of any of the individuals specified in Health and Safety Code Section 1569.17(b) discloses a plea or verdict of guilty or a conviction following a plea of nolo contendere for any crime other than a minor traffic violation for which the fine was less than \$300 and an exemption pursuant to Section ~~87219.1356~~(a) has not been granted, the Department shall take the following actions specified in Health and Safety Code Section 1569.17(c). (Continued)

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- (5) ~~Section 1569.17(c)(4) of the Health and Safety Code~~ Section 1569.17(c)(4) provides in part:

~~“....If it is determined by~~ the California State Department of Social Services determines, on the basis of the fingerprints images submitted to the Department of Justice, that the person has been convicted of a sex offense against a minor, ~~or has been convicted for an offense specified in Section 243.4, 273a, or 273d, 273g, or subdivision (a) or (b) of Section 368 of the Penal Code, or has been convicted of a felony,~~ the California State Department of Social Services shall notify the licensee in writing within 15 calendar days of receipt of the notification from the Department of Justice to act immediately to terminate the person's employment, remove the person from the residential care facility for the elderly, or bar the person from entering the residential ~~community~~ care facility for the elderly. The California State Department of Social Services may subsequently grant an exemption pursuant to subdivision (f).....”

- (A) ~~Section 243.4 of the Penal Code~~ Section 243.4 provides in part:

~~1.”(a)~~ (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. ~~Such an act is punishable by either imprisonment in the county jail for not more than one year or in the state prison for two, three, or four years. ....”~~

~~2.~~”(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. ~~Such an act is punishable by either imprisonment in the county jail for not more than one year or in the state prison for two, three, or four years....”~~

(B) ~~Penal Code Section 273a of the Penal Code~~ provides in part:

~~1.~~”(a) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer or inflicts thereon unjustifiable physical pain or mental suffering or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits ~~such the person or health of that child to be placed in such a situation that its where his or her person or health is endangered, is punishable shall be punished by imprisonment in the a county jail not to exceeding one year, or in the state prison for 2, 3, or 4~~ two, four, or six years.

~~2.~~”(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits such child to be injured, or willfully causes or permits ~~such that child to be placed in such a situation that its where his or her person or health may be endangered, is guilty of a misdemeanor....”~~

(C) ~~Section 273d of the Penal Code~~ Section 273d provides in part:

~~1.~~”(a) Any person who willfully inflicts upon ~~any a child any~~ any a child any cruel or inhuman corporal punishment or an injury resulting in a traumatic condition is guilty of a felony; and ~~upon conviction thereof~~ shall be punished by imprisonment in the state prison for ~~2, 4, or 6~~ two, four, or six years, or in ~~the a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both....”~~

(D) ~~Section 368 of the Penal Code~~ Section 368 provides in part:

~~1.~~”(b) Any person who, ~~....~~under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult, with knowledge that he or she is an elder or a dependent adult, to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent

adult to be placed in a situation ~~such that~~ in which his or her person or health is endangered, is punishable by imprisonment in ~~the~~ a county jail not exceeding one year, or ..... in the state prison for two, three, or four years.

~~2.~~ 2.(c) Any person who, ..... under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult, ~~with knowledge that he or she is an elder or a dependent adult,~~ to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation ~~such that~~ in which his or her person or health may be endangered, is guilty of a misdemeanor .....”

(6) ~~Section 1569.17(e) of the Health and Safety Code~~ Section 1569.17(c)(3) provides in part:

(A) “If the conviction was for another crime, except a minor traffic violation, the licensee shall, upon notification by the ~~California State~~ State Department of Social Services, act immediately to either (1) terminate the person's employment, remove the person from the residential care facility for the elderly, or bar the person from entering the ~~community residential care facility for the elderly;~~ or (2) seek an exemption pursuant to subdivision (g). The department shall determine if the person shall be allowed to remain in the facility until a decision on the exemption is rendered by the department .....”

(7) Health and Safety Code Section 1569.17(h) ~~of the Health and Safety Code~~ provides:

“If ~~the~~ a licensee or facility is required by law to deny employment or to terminate employment of any employee based written notification from the ~~state~~ department that the employee has a prior criminal conviction or is determined unsuitable for employment under Section 1569.58, the licensee or the facility shall not incur civil liability or unemployment insurance liability as a result of that denial or termination.”

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(i) (Continued)

(j) The licensee shall maintain documentation of criminal record clearances or criminal record exemptions of employees in the individual's personnel file as required in Section ~~87566~~ 412, Personnel Records. (Continued)

Authority cited: Sections 1569.30 and 1569.49(d), Health and Safety Code.

Reference: Sections 1569.17 and 1569.49, Health and Safety Code.

Renumber Section 87219.1 to Section 87356 and amend to read:

~~87219.1356~~

CRIMINAL RECORD EXEMPTION

~~87219.1356~~

- (a) The Department ~~will~~ shall notify a licensee to act immediately to terminate the employment of, remove from the facility or bar from entering the facility any person described in Sections ~~87219.1356~~(a)(1) through (5) below while the Department considers granting or denying an exemption. Upon notification, the licensee shall comply with the notice. (Continued)
- (b) In addition to the requirements of Section ~~87219.1356~~(a), the licensee must return the confirmation of removal form that is sent by the Department, within five (5) days of the date of the form, that confirms under penalty of perjury that the individual has been removed from the facility. (Continued)
- (d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section ~~87219.1356~~(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.
  - (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request. (Continued)
  - (3) (Continued)
    - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, police reports and certified court documents to process the exemption request, pursuant to Section ~~87219.1356~~(e). (Continued)
- (j) (Continued)
  - (2) (Continued)
    - (A) If the individual is currently on probation, and provides sufficient proof that the probationary period(s) is informal, unsupervised and no probation officer is assigned, the Department may, in its discretion, grant a criminal record exemption notwithstanding Section ~~87219.1356~~(j)(2).
- (k) The Department shall consider granting a criminal record exemption if the individual's criminal history meets all of the applicable criteria specified in Sections ~~87219.1356~~(k)(1) through (6) and the individual provides the Department with substantial and convincing evidence of good character as specified in Section ~~87219.1356~~(c)(4). For purposes of this section, a violent crime is a crime that, upon evaluation of the code section violated and/or the

reports regarding the underlying offense, presents a risk of harm or violence. (Continued)

- (7) If the individual is currently on probation, and provides sufficient proof that the probationary period(s) is informal, unsupervised and no probation officer is assigned, the period of lapsed time required in Sections ~~87219.1356~~(k)(1) through (5) above shall begin from the last date of conviction(s).
- (l) It shall be a rebuttable presumption that an individual is not of such good character as to justify the issuance of an exemption if the individual fails to meet the requirements specified in Sections ~~87219.1356~~(k)(1) through (6). (Continued)
- (n) The Department shall consider granting a simplified criminal record exemption if the individual has the criminal history profile outlined in Sections ~~87219.1356~~(n)(1) through (4) below: (Continued)
- (q) If a request for an exemption has been denied, the individual shall be excluded for a period of two years unless the individual has been convicted of a crime for which no exemption may be granted pursuant to Section ~~87219.1356~~(m). If a request for an exemption has been denied based on a conviction of a crime for which no exemption may be granted, the individual shall be excluded for the remainder of the individual's life. (Continued)
- (3) If an individual who has previously been denied an exemption re-applies after the relevant time period described in Section ~~87219.1356~~(q)(1) above, the Department may, in accordance with the provisions in Section ~~87219.1356~~ et seq., grant or deny the subsequent request for an exemption.
- (4) If an individual submits a petition pursuant to Government Code Section 11522 for reinstatement or reduction of penalty for an exclusion, an individual must submit his/her fingerprints through an electronic fingerprinting system approved by the Department and submit to the Department a statement of the reason why the individual should be permitted to work or be present in a facility, along with all information required of an individual requesting a criminal record exemption as provided in Section ~~87219.1356~~. If it is determined, based upon information provided by the Department of Justice, that the individual has been convicted of a crime for which no exemption may be granted, the petition shall be denied. An individual's failure to submit fingerprints or other information as requested by the Department, shall be grounds for denial of the petition. The burden shall be on the petitioner to prove sufficient rehabilitation and good character to justify the granting of the petition. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.17, Health and Safety Code; ~~and~~ Section 42001, Vehicle Code.

Amend Article 7. title to read:

Article 7. ~~Physical Environment~~ Personnel

Renumber Section 87564 to Section 87405 and amend to read:

~~87564~~05 ADMINISTRATOR - QUALIFICATIONS AND DUTIES ~~87564~~05  
(Continued)

- (d) The administrator shall have the qualifications specified in Sections ~~87564~~05(d)(1) through (7). If the licensee is also the administrator, all requirements for an administrator shall apply.  
(Continued)
- (h) Administrators employed/licensed prior to July 1, 1982, shall not be required to comply with the college and continuing education requirements in Section ~~87564~~05(e) or the college requirements in Section ~~87564~~05(f) provided that they have no break in employment as an Residential Care Facility for the Elderly administrator exceeding three (3) consecutive years.
- (i) (Continued)
  - (5) Provide or ensure the provision of services to the residents with appropriate regard for the residents' physical and mental well-being and needs, including those services identified in the residents' pre-admission appraisal, specified in Section ~~87564~~57.  
(Continued)

Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.17, ~~1569.30~~, 1569.31, 1569.312, 1569.315, 1569.613, 1569.616, and 1569.62, Health and Safety Code.

Renumber Section 87564.2 to Section 87406 and amend to read:

~~87564.2406~~ ADMINISTRATOR CERTIFICATION REQUIREMENTS ~~87564.2406~~

- (a) All individuals shall be certificate holders prior to being employed as an administrator, or shall have submitted to the Department the documentation required to obtain a certificate pursuant to Section ~~87564.2406~~(b). (Continued)
  - (2) (Continued)
    - (A) As a condition to becoming a certified administrator of another facility, a holder of a conditional certificate issued pursuant to Section ~~87564.2406~~(a)(2) shall be required to pass the written test.
    - (B) As a condition to applying for a new facility license, the holder of a conditional certificate issued pursuant to Section ~~87564.2406~~(a)(2) shall be required to pass the written test. (Continued)
- (b) (Continued)
  - (1) Unless exempted by Section ~~87564.2406~~(a)(1), successfully complete a Department-approved Initial Certification Training Program.
  - (2) Unless exempted by Section ~~87564.2406~~(a)(1) or (a)(2), pass a written test administered by the Department within sixty (60) days of completion of an Initial Certification Training Program.
  - (3) (Continued)
    - (A) Proof that the applicant has successfully completed a Department-approved Initial Certification Training Program or, in the case of a Nursing Home Administrator, proof of completion of 12 hours of classroom instruction as specified in Section ~~87564.2406~~(a)(1).
    - (B) Documentation of passing the written test or qualifying for an exemption pursuant to Section ~~87564.2406~~(a)(1) or (a)(2). (Continued)
- (g) Time deadlines specified in Sections ~~87564.2406~~(b)(2) and (3) may be extended for good cause as determined by the Department. Any request for an extension of time shall be in writing and shall contain a statement of all facts the applicant believes constitute good cause to extend a time deadline.

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

Reference: Sections 1569.17, 1569.171, 1569.23, ~~1569.30~~, 1569.315, 1569.613, and 1569.616, Health and Safety Code.

Renumber Section 87564.3 to Section 87407 and amend to read:

~~87564.3~~87407 ADMINISTRATOR RECERTIFICATION REQUIREMENTS

~~87564.3~~87407

(a) (Continued)

(4) (Continued)

(B) The course relates to the Core of Knowledge as specified in Sections ~~8773085~~87407(h)(1)(A) through (I).

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(C) Prior to taking a course from one of the entities specified in Sections ~~87564.3~~87407(a)(2) or (3), the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Sections ~~8773085~~87407(h)(1)(A) through (I). If the course does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement. (Continued)

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(b) (Continued)

(d) (Continued)

(2) Evidence of completion of forty (40) continuing education hours as specified in Section ~~87564.3~~87407(a). (Continued)

Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.17, 1569.171, 1569.613 and 1569.616, Health and Safety Code.

Renumber Section 87564.4 to Section 87408 and amend to read:

~~87564.4408~~      ~~DENIAL OR REVOCATION OF A ADMINISTRATOR~~      87564.4408  
CERTIFICATE DENIAL OR REVOCATION (Continued)

Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.16, 1569.51, 1569.613, and 1569.616, Health and Safety Code.

Renumber Section 87564.5 to Section 87409 and amend to read:

87564.5409      ~~FORFEITURE OF A ADMINISTRATOR CERTIFICATE~~      87564.5409  
FORFEITURE (Continued)

Authority cited:    Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference:           Sections ~~1558~~, 1568.092, 1569.16, 1569.58; and 1569.616 ~~and 1569.8897~~, Health  
and Safety Code.

Renumber Section 87565 to Section 87411, and Section 87575(f)(4), Section 87565(c)(1), (c)(2) et seq., (c)(3) et seq., (c)(4), and (c)(5) to Sections 87411(c)(2), (c)(3) et seq., (c)(4) et seq., (c)(5), (c)(6) respectively, and amend to read:

87565411 PERSONNEL REQUIREMENTS - GENERAL

87565411

(a) Facility personnel shall at all times be sufficient in numbers, and competent to provide the services necessary to meet resident needs. In facilities licensed for sixteen or more, sufficient support staff shall be employed to ensure provision of personal assistance and care as required in Section ~~87578608~~, Postural Supports. Additional staff shall be employed as necessary to perform office work, cooking, house cleaning, laundering, and maintenance of buildings, equipment and grounds. The licensing agency may require any facility to provide additional staff whenever it determines through documentation that the needs of the particular residents, the extent of services provided, or the physical arrangements of the facility require such additional staff for the provision of adequate services. (Continued)

(c) (Continued)

~~87575(f)(4)~~

(1) Staff providing care shall receive appropriate training in first aid from persons qualified by such agencies as the Red Cross.

~~(2)~~ (Continued)

~~(3)~~ (Continued)

(C) Residents' rights, as specified in Section ~~87572468~~, Personal Rights.

(D) Policies and procedures regarding medications, including the knowledge in Section ~~87565411~~(d)(4). At least two (2) of the required ten (10) hours shall cover this subject. Any on-the-job training provided for the requirements in Section ~~87565411~~(d)(4) may also count towards the requirement in this subsection. (Continued)

~~(34)~~ (Continued)

~~(45)~~ Training may include use of books, video instruction tapes, interactive CD-ROMs and similar materials, upon the approval of that material by a trainer who satisfies the criteria of Section ~~87565411~~(c)(3).

- (56) The licensee shall maintain documentation pertaining to staff training in the personnel records, as specified in Section ~~87566412~~412(c)(2). For on-the-job training, documentation shall consist of a statement or notation, made by the trainer, of the content covered in the training. Each item of documentation shall include a notation that indicates which of the criteria of Section ~~87565411~~411(c)(3) is met by the trainer.

Authority cited: Sections 1569.30 and 1569.625, Health and Safety Code.

Reference: Sections 1569.17, ~~1569.30~~, 1569.31, 1569.312; and 1569.625, Health and Safety Code; and Section 42001, Vehicle Code.

Renumber Section 87566 to Section 87412 and amend to read:

~~87566~~412 PERSONNEL RECORDS

~~87566~~412

(a) (Continued)

(6) Educational background.

(A) For administrators this shall include verification that he/she meets the educational requirements in Sections ~~87564~~05(b) and (c). (Continued)

(11) A health screening as specified in Section ~~87565~~411, Personnel Requirements - General.

(12) Hazardous health conditions documents as specified in Section ~~87565~~411, Personnel Requirements - General.

(13) For employees that are required to be fingerprinted pursuant to Section 80019:

(A) A signed statement regarding their criminal record history as required by Section ~~87219~~355(d).

(B) Documentation of either a criminal record clearance or a criminal record exemption as required by Section ~~87219~~355(e). (Continued)

(b) Personnel records shall be maintained for all volunteers and shall contain the following:

(1) A health statement as specified in Section ~~87565~~411(e).

(2) Health screening documents as specified in Section ~~87565~~411(e).

(3) For volunteers that are required to be fingerprinted pursuant to Section ~~87219~~355, Criminal Record Clearance:

(A) A signed statement regarding their criminal record history as required by Section ~~87219~~355(d).

(B) Documentation of either a criminal record clearance or a criminal record exemption as required by Section ~~87219~~355(e).

(c) (Continued)

(1) The following staff training and orientation shall be documented:

- (A) For staff who assist with personal activities of daily living, there shall be documentation of at least ten hours of initial training within the first four weeks of employment, and at least four hours of training annually thereafter in one or more of the content areas as specified in Section ~~87565~~411(c)(2).
  
- (B) (Continued)
  - 1. The orientation received as specified in Section ~~87725~~1707(a)(1).
  - 2. The in-service training received as specified in Section ~~87725~~1707(a)(2).
  
- (d) The licensee shall maintain documentation that an administrator has met the certification requirements specified in Section ~~87564~~2406 or the recertification requirements in Section ~~87564~~3407. (Continued)
  
- (g) All personnel records shall be maintained at the facility and shall be available to the licensing agency for review.
  - (1) The licensee shall be permitted to retain such records in a central administrative location provided that they are readily available to the licensing agency at the facility as specified in Section ~~87566~~412(f). (Continued)

Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.17(c), 1569.31, 1569.312, 1569.613, 1569.616, and 1569.625, Health and Safety Code.

Re-number Section 87580 to Section 87413:

87580413 PERSONNEL – OPERATIONS (Continued)

87580413

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Renumber Section 87581 to Section 87415 and amend to read:

87581415 NIGHT SUPERVISION

87581415

(a) The following persons providing night supervision from 10:00 p.m. to 6:00 a.m. shall be familiar with the facility's planned emergency procedures, shall be trained in first aid as required in Section ~~87575465~~, Incidental Medical and Dental Care Services, and shall be available as indicated below to assist in caring for residents in the event of an emergency. (Continued)

(5) In facilities required to have a signal system, specified in Section ~~87691303~~, Maintenance and Operation, at least one night staff person shall be located to enable immediate response to the signal system. If the signal system is visual only, that person shall be awake. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Amend Article 8. title to read:

Article 8. ~~Incidental Medical Services~~ Resident Assessments, Fundamental Services and Rights

Renumber Section 87452 to Sections 87756(c) through (e):

87452 DEFICIENCIES IN COMPLIANCE

87452

- (a) ~~When a routine visit, evaluation or investigation of a complaint is conducted and the evaluator determines that a deficiency exists, the evaluator shall issue a notice of deficiency, unless the deficiency is minor and corrected during the visit. Renumbered to Section 87756(c).~~
- (b) ~~Prior to completion of a visit, evaluation or investigation, the evaluator shall meet with the licensee, administrator, operator, or other person in charge of the facility to discuss any deficiencies noted. At the meeting, a plan for correcting each deficiency shall be developed and included in the notice of deficiency. Prior to completion of the visit the evaluator shall serve the notice of deficiency on the licensee by either:~~
- ~~(1) Personal delivery to the licensee, or~~
  - ~~(2) If the licensee is not at the facility site, leaving the notice with the person in charge of the facility and also mailing a copy to the licensee.~~
  - ~~(3) If the licensee or the person in charge of the facility refuses to accept the notice, a notation of the refusal shall be written on the notice and a copy left at the facility.~~
    - ~~(A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.~~

87452(b) et seq. renumbered to Section 87756(d)

- (c) ~~The notice of deficiency shall be in writing and shall include:~~
- ~~(1) A reference to the statute or regulation upon which the deficiency is premised.~~
  - ~~(2) A factual description of the nature of the deficiency fully stating the manner in which the licensee failed to comply with specified statute or regulation, and the particular place or area of the facility in which it occurred.~~
  - ~~(3) The plan developed, as specified in (b) above, for correcting each deficiency.~~
  - ~~(4) A date by which each deficiency shall be corrected.~~
    - ~~(A) In prescribing the date for correcting a deficiency, the evaluator shall consider the following factors:~~
      - ~~1. The seriousness of the deficiency.~~
      - ~~2. The number of residents affected.~~

3. ~~The availability of equipment or personnel necessary to correct the deficiency.~~
  4. ~~The estimated time necessary for delivery and any installation of necessary equipment.~~
- (B) ~~The evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice the date by which the correction must be made whenever penalties are assessed pursuant to Sections 87454(c), (d) and (e).~~
- (C) ~~The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days. If the date for correcting the deficiency is more than 30 days following service of the notice of deficiency the notice shall specify action which must be taken within 30 calendar days to begin correction.~~
- (5) ~~The amount of penalty which shall be assessed and the date the penalty shall begin if the deficiency is not corrected by the specific due date.~~
- (6) ~~The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the facility is located.~~
- 87452(c) et seq. renumbered to Section 87756(e)

Authority cited: Section 1569.30 and 1569.49, Health and Safety Code.

Reference: Sections 1569.30, 1569.31, 1569.312, 1569.315, 1569.335, 1569.485, 1569.49 and 1589.49, Health and Safety Code.

Renumber Section 87582 to Section 87455 and amend to read:

~~87582~~455 ACCEPTANCE AND RETENTION LIMITATIONS

~~87582~~455

- (a) Acceptance or retention of residents by a facility shall be in accordance with the criteria specified in this article 8 and ~~in the Incidental Medical Services, Section 87700605, Health and Safety Protection,~~ and the following. (Continued)
- (c) (Continued)
- (3) (Continued)
- (B) Dementia, unless the requirements of Section ~~8772405~~, Care of Persons with Dementia, are met.
- (4) The resident is bedridden, other than for a temporary illness or for recovery from surgery, except as otherwise provided in Section ~~87582455~~(f). (Continued)

Authority cited: Sections 1569.30 and 1569.698, Health and Safety Code.

Reference: Sections 1250, 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312, 1569.54, 1569.699, and 1569.72, Health and Safety Code.

Renumber Section 87567 to Section 87456 and amend to read:

87567456 GENERAL EVALUATION OF SUITABILITY FOR  
ADMISSION (Continued)

87567456

- (a) Prior to accepting a resident for care and in order to evaluate his/her suitability, the facility shall, as specified in this article 8: (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30, 1569.31~~ and 1569.312, Health and Safety Code.

Renumber Section 87583 to Section 87457 and amend to read:

87583457 PRE-ADMISSION APPRAISAL —~~GENERAL~~ (Continued)

87583457

- (c) Prior to admission a determination of the prospective resident's suitability for admission shall be completed and shall include an appraisal of his/her individual service needs in comparison with the admission criteria specified in Section ~~87582455~~, Acceptance and Retention Limitations.
- (1) The appraisal shall include, at a minimum, an evaluation of the prospective resident's functional capabilities, mental condition and an evaluation of social factors as specified in Sections ~~8758459~~, Functional Capabilities through 87586 and 87462, Social Factors. (Continued)
- (2) Except as provided in Section ~~87701.5638~~(g)(3), if an initial appraisal or any reappraisal identifies an individual resident service need which is not being met by the general program of facility services, advice shall then be obtained from a physician, social worker, or other appropriate consultant to determine if the needs can be met by the facility. If so, the licensee and the consultant shall develop a plan of action which shall include: (Continued)
- (3) (Continued)
- (A) The licensee shall be permitted to use the form LIC 9027 (Rev. 1/89), Resident's Health Status - Summary, to summarize all findings of the appraisal, but the LIC 9027 shall not be used as a substitute for the detailed information required by this section and Section ~~87569458~~, Medical Assessment. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.31~~ and 1569.312, Health and Safety Code.

Renumber Section 87569 to Section 87458 and amend to read:

~~87569~~458 MEDICAL ASSESSMENT (Continued)

~~87569~~458

(b) The medical assessment shall include, but not be limited to: (Continued)

- (3) A record of current prescribed medications, and an indication of whether the medication should be centrally stored, pursuant to Section ~~87575~~465(h)(1). (Continued)
- (5) The determination whether the person is ambulatory or nonambulatory as defined in Section 87101(a) or (n), or bedridden as defined in Section ~~87582~~455(d). The assessment shall indicate whether nonambulatory status is based upon the resident's physical condition, mental condition or both.
- (6) Information applicable to the pre-admission appraisal specified in Section ~~87583~~457. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312, 1569.315, and 1569.54, Health and Safety Code.

Renumber Section 87584 to Section 87459:

8758459 FUNCTIONAL CAPABILITIES (Continued)

8758459

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1250, 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312 and 1569.315,  
Health and Safety Code.

Re-number Section 87585 to Section 87461:

~~87585~~461 MENTAL CONDITION (Continued)

~~87585~~461

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312; and 1569.316(a), Health and Safety Code.

Renumber Section 87586 to Section 87462:

~~87586~~462 SOCIAL FACTORS (Continued)

~~87586~~462

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31, and 1569.312, Health and Safety Code.

Renumber Section 87587 to Section 87463 and amend to read:

~~87587~~463 REAPPRAISALS

~~87587~~463

(a) (Continued)

(3) Any illness, injury, trauma, or change in the health care needs of the resident that results in a circumstance or condition specified in Sections ~~87582~~455(c) or ~~87701~~615, Prohibited Health Conditions. (Continued)

(c) The licensee shall arrange a meeting with the resident, the resident's representative, if any, appropriate facility staff, and a representative of the resident's home health agency, if any, when there is significant change in the resident's condition, or once every 12 months, whichever occurs first, as specified in Section ~~87583.1~~467, Resident Participation in Decision Making.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.156, 1569.2, ~~1569.30~~, 1569.31, 1569.312 and 1569.315, Health and Safety Code.

Renumber Section 87590 to Section 87464 and amend to read:

~~87590~~464 BASIC SERVICES (Continued)

~~87590~~464

- (d) A facility need not accept a particular resident for care. However, if a facility chooses to accept a particular resident for care, the facility shall be responsible for meeting the resident's needs as identified in the pre-admission appraisal specified in Section ~~87583~~457 and providing the other basic services specified below, either directly or through outside resources. (Continued)
- (f) Basic services shall at a minimum include:
- (1) Safe and healthful living accommodations and services, as specified in Section ~~87577~~307.
  - (2) Three nutritionally well-balanced meals and snacks made available daily, including low salt or other modified diets prescribed by a doctor as a medical necessity, as specified in Section ~~87576~~55, General Food Service Requirements.
  - (3) Personal assistance and care as needed by the resident and as indicated in the pre-admission appraisal, with those activities of daily living such as dressing, eating, bathing and assistance with taking prescribed medications, as specified in Section ~~87578~~608, Postural Supports.
  - (4) Regular observation of the resident's physical and mental condition, as specified in Section ~~87591~~466.
  - (5) Arrangements to meet health needs, including arranging transportation, as specified in Section ~~87575~~465, Incidental Medical and Dental Care Services.
  - (6) A planned activities program which includes social and recreational activities appropriate to the interests and capabilities of the resident, as specified in Section ~~87579~~219.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312 and 1569.313, Health and Safety Code; ~~and Sections~~ 12350 and 11006.9 ~~and Section 12350~~, Welfare and Institutions Code.

Renumber Section 87575 to Section 87465 and Section 87575 (f)(4) to Section 87411(c)(1) and amend to read:

87575465 INCIDENTAL MEDICAL AND DENTAL CARE SERVICES (Continued)87575465

(c) (Continued)

- (1) There is written direction from a physician, on a prescription blank, specifying the name of the resident, the name of the medication, all of the information in Section 87575465(e), instructions regarding a time or circumstance (if any) when it should be discontinued, and an indication when the physician should be contacted for a medication reevaluation. (Continued)

(f) Emergency care requirements shall include the following: (Continued)

- ~~(4) Staff providing care shall receive appropriate training in first aid from persons qualified by such agencies as the American Red Cross.~~  
Section 87575(f)(4) renumbered to Section 87411(c)(1).

(g) The licensee shall immediately telephone 9-1-1 if an injury or other circumstance has resulted in an imminent threat to a resident's health including, but not limited to, an apparent life-threatening medical crisis except as specified in Sections ~~87575.1469~~(c)(2) or (c)(3). (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1250~~, 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312, and 1569.73, Health and Safety Code.

Re-number Section 87591 to Section 87466:

~~87591~~466 OBSERVATION OF THE RESIDENT

~~87591~~466

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Renumber Section 87583.1 to Section 87467 and amend to read:

~~87583.1467~~            RESIDENT PARTICIPATION IN DECISION MAKING            ~~87583.1467~~

- (a) Prior to, or within two weeks of the resident's admission, the licensee shall arrange a meeting with the resident, the resident's representative, if any, appropriate facility staff, and a representative of the resident's home health agency, if any, and any other appropriate parties, to prepare a written record of the care the resident will receive in the facility, and the resident's preferences regarding the services provided at the facility. (Continued)
- (3) The licensee shall arrange a meeting with the resident and appropriate individuals identified in Section ~~87583.1467~~(a)(1) to review and revise the written record as specified, when there is a significant change in the resident's condition, or once every 12 months, whichever occurs first. Significant changes shall include, but not be limited to occurrences specified in Section ~~87587463~~, Reappraisals.
- (4) The meeting and documentation described in this section may be used to satisfy the reappraisal requirements of Section ~~87587463~~.

Authority cited: Sections 1569.30, Health and Safety Code.

Reference: Sections ~~1569.80~~ and 1569.156 and 1569.80, Health and Safety Code.

Re-number Section 87572 to Section 87468:

87572468 PERSONAL RIGHTS (Continued)

87572468

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, ~~1569.30~~, 1569.31, 1569.312, and 1569.313, Health and Safety Code.

Renumber Section 87575.1 to Section 87469 and amend to read:

~~87575.1469~~            ADVANCE HEALTH CARE DIRECTIVES, REQUESTS            ~~87575.1469~~  
TO FOREGO RESUSCITATIVE MEASURES, AND  
DO-NOT-RESUSCITATE FORMS

- (a) Upon admission, a facility shall provide each resident, and representative or responsible person of each resident, with written information about the right to make decisions concerning medical care. This information shall include, but not be limited to, the department's approved brochure entitled "Your Right To Make Decisions About Medical Treatment," PUB 325(1/04), and a copy of Sections ~~87575.1469~~(b) and (c) of the regulations. (Continued)
  
- (d) After following the procedure in Section ~~87575.1469~~(c)(1), (2), or (3), facility staff shall notify the resident's hospice agency and health care surrogate decision maker, if applicable.

Authority cited:    Section 1569.30, Health and Safety Code.

Reference:            Sections 1569.74 and 1569.156, Health and Safety Code; and Section ~~4753~~ 4670,  
Probate Code.

Amend Article 9. title to read:

Article 9. ~~Administrator Certification Training Programs~~ Resident Records

Renumber Section 87588 to Section 87505 and amend to read:

8758805 DOCUMENTATION AND SUPPORT

8758805

Each facility shall document in writing the findings of the pre-admission appraisal and any reappraisal or assessment which was necessary in accordance with Sections ~~87583457~~, Pre-Admission Appraisal, and ~~87587463~~, Reappraisals. If supporting documentation from a physician is required, this input shall also be obtained and may be the same assessment as required in Section ~~87569458~~, Medical Assessment.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30~~, 1569.1, 1569.156, 1569.2, 1569.31, 1569.312, 1569.316, 1569.72, and 1569.80, Health and Safety Code.

Renumber Section 87570 to Section 87506 and amend to read:

8757006 RESIDENT RECORDS (Continued)

8757006

(b) Each record shall contain at least the following information: (Continued)

- (8) Reports of the medical assessment specified in Section ~~87569458~~, and of any special problems or precautions.
- (9) The documentation required by Section ~~877024611~~(a) for residents with an allowable health condition. (Continued)
- (12) Current centrally stored medications as specified in Section ~~87575465~~, Incidental Medical and Dental Care Services.
- (13) The admission agreement and pre-admission appraisal, specified in Sections ~~8756807~~ and ~~87583457~~.
- (14) Records of resident's cash resources as specified in Section ~~8722717~~, Safeguards for Resident Cash, Personal Property, and Valuables.
- (15) Documents and information required by the following:
  - (A) Section ~~87583457~~, Pre-Admission Appraisal ~~–General~~;
  - (B) Section ~~87584459~~, Functional Capabilities;
  - (C) Section ~~87585461~~, Mental Condition;
  - (D) Section ~~87586462~~, Social Factors;
  - (E) Section ~~87587463~~, Reappraisals; and
  - (F) Section ~~8758805~~, Documentation and Support. (Continued)

(d) (Continued)

(1) (Continued)

- (A) Religious preference, if any, and name and address of clergyman or religious advisor, if any, as specified in Section ~~8757006~~(b)(5).
- (B) Name, address, and telephone number of responsible person(s) as specified in Section ~~8757006~~(b)(6).
- (C) Names, address, and telephone number of the resident's physician and dentist as

specified in Section ~~8757006~~(b)(7).

- (D) Information relating to the resident's medical assessment and any special problems or precautions as specified in Section ~~8757006~~(b)(8).
- (E) Documentation required for residents with an allowable health condition as specified in Section ~~8757006~~(b)(9).
- (F) Information on ambulatory status as specified in Section ~~8757006~~(b)(10).
- (G) Continuing record of any illness, injury, or medical or dental care when it affects the resident's ability to function, or services needed, as specified in Section ~~8757006~~(b)(11).
- (H) Records of current medications as specified in Section ~~8757006~~(b)(12).  
(Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, and 1569.315, Health and Safety Code; and ~~Section 11006.9, Welfare and Institutions Code.~~

Renumber Section 87568 to Section 87507 and amend to read:

8756807 ADMISSION AGREEMENTS (Continued)

8756807

(c) Agreements shall specify the following: (Continued)

(5) Refund conditions.

(A) When the Department orders relocation of a resident under the provisions of Section ~~87701.4612~~1612(a), the resident shall not be held responsible for meeting any advance notice requirement imposed by the licensee in the admission agreement. The licensee shall refund any money to which the resident would have been entitled had notice been given as required by the admission agreement. (Continued)

(8) Those actions, circumstances, or conditions specified in Section ~~87589224~~224, Eviction Procedures, which may result in the resident's eviction from the facility. Except for general facility policies developed pursuant to Section ~~87589224~~224(a)(3), the eviction provisions shall not be modified. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.159, ~~1569.30~~, 1569.31, 1569.312, 1569.313, 1569.54, 1569.880, 1569.881, 1569.882, 1569.883, 1569.884, 1569.885, 1569.886, 1569.887, and 1569.888, and 1770 et seq., Health and Safety Code.

Renumber Section 87571 to Section 87508 and amend to read:

8757108 REGISTER OF RESIDENTS

8757108

(a) (Continued)

- (1) The resident's name and ambulatory status as specified in Sections ~~8757006~~(b)(1) and (b)(10).
- (2) Information on the resident's attending physician as specified in Section ~~8757006~~(b)(7).
- (3) Information on the resident's responsible person as specified in Section ~~8757006~~(b)(6).  
(Continued)

(c) (Continued)

- (1) The register shall be treated as confidential information pursuant to Section ~~8757006~~(c).

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.315, Health and Safety Code.

Adopt Article 10. title to read:

Article 10. Food Services

Renumber Section 87576 to Section 87555 and amend to read:

8757655 GENERAL FOOD SERVICE REQUIREMENTS (Continued)

8757655

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31 and 1569.312, Health and Safety Code.

Adopt Article 11. title to read:

Article 11. Health-Related Services and Conditions

Renumber Section 87700 to Section 87605 and amend to read:

~~87700~~605 HEALTH AND SAFETY PROTECTION (Continued)

~~87700~~605

- (b) The provisions of this article 11 shall be applicable and in conjunction with Articles 1 through 10 and 12 through 713 of this chapter 8. (Continued)

Authority cited: Section 1569.30~~(a)~~, Health and Safety Code.

Reference: Sections 1569.2~~;~~, 1569.30~~1~~1~~;~~, and 1569.312~~;~~, Health and Safety Code; ~~and~~ Section 680, Business and Professions Code.

Renumber Section 87575.2 to Section 87607 and amend to read:

~~87575.2607~~      AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)      ~~87575.2607~~

(a) (Continued)

- (5) Use of an AED shall be reported as specified in Section ~~87561~~211, Reporting Requirements.
- (6) Requests to Forego Resuscitative Measures, Advance Directives and Do-Not-Resuscitate Orders shall be observed as specified in Section ~~87575.1469~~.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1250, 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312, 1569.73, and 1797.196, Health and Safety Code.

Renumber Section 87578 to Section 87608 and amend to read:

~~87578608 PERSONAL ASSISTANCE AND CARE~~ POSTURAL SUPPORTS 87578608

(a) (Continued)

- (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 ~~872202~~, Fire Clearance has been secured. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, and 1569.312, Health and Safety Code.

Renumber Section 87702 to Section 87609 and amend to read:

~~87702~~609 ALLOWABLE HEALTH CONDITIONS AND THE USE OF HOME HEALTH AGENCIES ~~87702~~609

- (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 ~~87701.16~~12, Restricted Health Conditions. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312, and 1569.725, Health and Safety Code.

Renumber Section 87702.1 to Section 87611 and amend to read:

~~87702.1~~611            GENERAL REQUIREMENTS FOR ALLOWABLE            ~~87702.1~~611  
HEALTH CONDITIONS

- (a) Prior to accepting or retaining a resident with an allowable health condition as specified in Section ~~87703~~618, Oxygen Administration - Gas and Liquid; Section ~~87704~~619, Intermittent Positive Pressure Breathing (IPPB) Machine; Section ~~87705~~621, Colostomy/Ileostomy; Section ~~87709~~626, Contractures; or Section ~~87713~~631, Healing Wounds; licenses who have, or have had, any of the following within the last two years, shall obtain Department approval:  
(Continued)
- (4) A notice of deficiency concerning direct care and supervision of a resident with a health condition specified in Section ~~87701.1~~612, Restricted Health Conditions, that required correction within 24 hours. (Continued)
- (c) In addition to Section ~~87565~~411(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~~463, Reappraisals and Section ~~87591~~466, 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~~465(a) and ~~87590~~464(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~~468(a)(16).

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87701.1 to Section 87612 and amend to read:

~~87701.1~~612

RESTRICTED HEALTH CONDITIONS

~~87701.1~~612

(a) (Continued)

- (1) Administration of oxygen as specified in Section ~~87703~~618.
- (2) Catheter care as specified in Section ~~87707~~623.
- (3) Colostomy/ileostomy care as specified in Section ~~87705~~621.
- (4) Contractures as specified in Section ~~87709~~626.
- (5) Diabetes as specified in Section ~~87710~~628.
- (6) Enemas, suppositories, and/or fecal impaction removal as specified in Section ~~87706~~622.
- (7) Incontinence of bowel and/or bladder as specified in Section ~~87708~~625.
- (8) Injections as specified in Section ~~87711~~629.
- (9) Intermittent Positive Pressure Breathing Machine use as specified in Section ~~87704~~619.
- (10) Stage 1 and 2 pressure sores (dermal ulcers) as specified in Section ~~87713~~631(a)(3).
- (11) Wound care as specified in Section ~~87713~~631.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

Renumber Section 87701.2 to Section 87613 and amend to read:

~~87701.2~~613            GENERAL REQUIREMENTS FOR RESTRICTED            ~~87701.2~~613  
HEALTH CONDITIONS (Continued)

- (d) A resident's right to receive or reject medical care or services, as specified in Section ~~87572~~468, Personal Rights, shall not be affected by this section. (Continued)

Authority cited:    Section 1569.30, Health and Safety Code.

Reference:            Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

Renumber Section 87701 to Section 87615 and amend to read:

~~87701~~615 PROHIBITED HEALTH CONDITIONS

~~87701~~615

- (a) In addition to Section ~~87582~~455(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: (Continued)
- (5) Residents who depend on others to perform all activities of daily living for them as set forth in Section ~~87584~~459, Functional Capabilities. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

Renumber Section 87721 to Section 87616 and amend to read:

~~87721~~616 ~~INCIDENTAL MEDICAL RELATED SERVICES EXCEPTIONS~~ 87721~~616~~  
FOR HEALTH CONDITIONS

- (a) As specified in Section ~~87416~~209, Program Flexibility, the licensee may submit a written exception request if he/she agrees that the resident has a prohibited and/or restrictive health condition but believes that the intent of the law can be met through alternative means.  
(Continued)

Authority cited: Section 1569.30~~(a)~~, Health and Safety Code.

Reference: Sections 1250, 1569.2(a), (e), and (j); ~~1569.30(b)~~; and 1569.31, 1569.312, Health and Safety Code.

Renumber Section 87722 to Section 87617 and amend to read:

87722617 DEPARTMENTAL REVIEW OF HEALTH CONDITIONS

87722617

- (a) Certain health conditions as specified in Sections ~~87703618~~, Oxygen Administration-Gas and Liquid, through ~~87715631~~, Healing Wounds, may require review by Department staff to determine if the resident will be allowed to remain in the facility. The Department shall inform the licensee that the health condition of the resident requires review and shall specify documentation which the licensee shall submit to the Department. (Continued)
- (b) If the Department determines that the resident has an allowable health condition, the licensee shall provide care and supervision to the resident in accordance with the conditions specified in Sections ~~87703618~~, Oxygen Administration, through ~~87716631~~, Healing Wounds.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1; 1569.2(a), (e), and (j); ~~1569.30(b)~~; and 1569.312;<sub>1</sub> Health and Safety Code.

Renumber Section 87703 to Section 87618 and amend to read:

~~87703~~618 OXYGEN ADMINISTRATION - GAS AND LIQUID

~~87703~~618

- (a) Except as specified in Section ~~87702.1~~611(a), the licensee shall be permitted to accept or retain a resident who requires the use of oxygen gas administration under the following circumstances: (Continued)
- (b) In addition to Section ~~87702.1~~611(b), the licensee shall be responsible for the following: (Continued)
  - (4) Determining that room size can accommodate equipment in accordance with Section ~~87577~~307, Personal Accommodations and Services. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87704 to Section 87619 and amend to read:

~~87704~~619 INTERMITTENT POSITIVE PRESSURE BREATHING  
(IPPB) MACHINE

~~87704~~619

- (a) Except as specified in Section ~~87702.1~~611(a), the licensee shall be permitted to accept or retain a resident who requires the use of an IPPB machine under the following circumstances:  
(Continued)
- (b) In addition to Section ~~87702.1~~611(b), the licensee shall be responsible for the following:  
(Continued)
  - (4) Determining that room size can accommodate equipment in accordance with Section ~~87577~~307(a)(2)(A). (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87705 to Section 87621 and amend to read:

~~87705~~621 COLOSTOMY/ILEOSTOMY

~~87705~~621

- (a) Except as specified in Section ~~87702.1611~~(a), the licensee shall be permitted to accept or retain a resident who has a colostomy or ileostomy under the following circumstances:  
(Continued)
- (b) In addition to Section ~~87702.1611~~(b), the licensees shall be responsible for the following:  
(Continued)
  - (2) Ensuring that used bags are discarded as specified in Section ~~87691.303~~(f)(1).  
(Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87706 to Section 87622 and amend to read:

~~87706~~622 ~~ENEMA AND/OR SUPPOSITORY AND FECAL IMPACTION~~ REMOVAL ~~FECAL IMPACTION REMOVAL, ENEMAS,~~ FECAL IMPACTION REMOVAL, ENEMAS,  
AND/OR SUPPOSITORIES (Continued) 87706622

(b) In addition to Section ~~87702.4~~611, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following: (Continued)

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.

Renumber Section 87707 to Section 87623 and amend to read:

~~87707~~87623 INDWELLING URINARY CATHETER/~~CATHETER PROCEDURE~~ 87707~~623~~  
(Continued)

- (b) In addition to Section ~~87702.1~~611, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following: (Continued)
  - (3) Ensuring that waste materials shall be disposed of as specified in Section ~~87694~~303(f)(1). (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87708 to Section 87625 and amend to read:

~~87708~~8625 ~~MANAGED BOWEL AND BLADDER INCONTINENCE~~  
(Continued)

87708~~625~~

- (b) In addition to Section ~~87702.1611~~, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following: (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, ~~1569.31~~, and 1569.312, Health and Safety Code.

Renumber Section 87709 to Section 87626 and amend to read:

~~87709~~626 CONTRACTURES

~~87709~~626

(a) Except as specified in Section ~~87702.1611~~(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.

(b) In addition to Section ~~87702.1611~~(b), the licensee shall be responsible for the following:  
(Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87710 to Section 87628 and amend to read:

87710628 DIABETES (Continued)

87710628

- (b) In addition to Section ~~87702-1611~~, 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 ~~87575465~~, Incidental Medical and Dental Care Services.
  - (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 ~~87575465~~(c).
  - (3) Ensuring that syringes and needles are disposed of as specified in Section ~~87691303~~(f)(2).
  - (4) Providing modified diets as prescribed by a resident's physician as specified in Section ~~8757655~~(b)(7).

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87711 to Section 87629 and amend to read:

~~87711~~629 INJECTIONS (Continued)

~~87711~~629

- (b) In addition to Section ~~87702-1611~~, General Requirements for Allowable Health Conditions, the licensees who admit or retain residents who require injections shall be responsible for the following: (Continued)
- (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 ~~87575465~~(c).
  - (3) Ensuring that syringes and needles are disposed of as specified in Section ~~87691303~~(f)(2).

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87713 to Section 87631 and amend to read:

~~87713~~631 HEALING WOUNDS

~~87713~~631

- (a) Except as specified in Section ~~87702.1611~~(a), the licensee shall be permitted to accept or retain a resident who has a healing wound under the following circumstances: (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Renumber Section 87716.1 to Section 87632 and amend to read:

~~87716.1632~~

~~FACILITY HOSPICE CARE WAIVER~~

87716.1632

(a) (Continued)

- (2) A statement by the licensee that they have read, Section ~~87716633~~, Hospice Care for Terminally Ill Residents, this section, and all other requirements within Chapter 8 of Title 22 of the California Code of Regulations governing Residential Care Facilities for the Elderly and that they will comply with these requirements. (Continued)

(d) (Continued)

(1) (Continued)

- (A) The request shall be maintained in the resident's record at the facility, as specified in Section ~~87716633~~(h)(1). (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.10, 1569.11, 1569.15, ~~1569.30~~, 1569.31, 1569.312, 1569.54, and 1569.73, Health and Safety Code.

Renumber Section 87716 to Section 87633 and amend to read:

~~87716~~633 HOSPICE CARE FOR TERMINALLY ILL RESIDENTS  
(Continued)

~~87716~~633

- (g) In addition to the reporting requirements specified in Section ~~87561~~211, the licensee shall submit a report to the Department when a terminally ill resident's hospice services are interrupted or discontinued for any reason other than the death of the resident, including refusal of hospice care or discharge from hospice. The licensee shall also report any deviation from the resident's hospice care plan, or other incident, which threatens the health and safety of any resident. (Continued)
- (i) Prescription medications no longer needed shall be disposed of in accordance with Section ~~87575~~465(i), Incidental Medical and Dental Care Services.
- (j) Approval from the ~~d~~Department is not needed for any of the restricted health conditions listed in Section ~~87701-1612~~, Restricted Health Conditions, provided the resident is currently receiving hospice care, and the restricted health condition is addressed in the hospice care plan. (Continued)
- (l) Residents receiving hospice care who are bedridden as defined in Section ~~87582~~455(d), Acceptance and Retention Limitations, may reside in the facility provided the facility notifies the local fire authority of the estimated length of time the resident will be bedridden. Notification must occur within 48 hours of the individual's bedridden status. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312, 1569.54, and 1569.73, Health and Safety Code.

Renumber Section 87701.3 to Section 87637 and amend to read:

~~87701.3637~~ HEALTH CONDITION RELOCATION ORDER ~~87701.3637~~

- (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 ~~87582455~~(c) or Section ~~87701615~~, Prohibited Health Conditions, the Department shall order the licensee to relocate the resident.
- (b) When the Department orders the relocation of a resident, the following shall apply:
- (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 ~~87701.5638~~. 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. (Continued)
  - (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 ~~87342.1223~~, Relocation of Residents, 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. (Continued)

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.

Renumber Section 87701.5 to Section 87638 and amend to read:

~~87701.5~~638                      RESIDENT REQUEST FOR REVIEW OF HEALTH                      ~~87701.5~~638  
CONDITION RELOCATION ORDER (Continued)

- (c) The licensee shall mail or deliver such a request to the Department within two (2) working days of receipt.
  - (1) Failure or refusal to do so may ~~be subject to~~ result in civil penalties, as provided in Section ~~87454~~761, Penalties. (Continued)
- (e) Within ten (10) working days from the date of the resident's review request, the licensee shall submit to the Department the documentation specified in Section ~~87701.5~~638(g) to complete the resident's review request.
- (g) The documentation to complete the resident's review request shall include, but not be limited to, the following: (Continued)
  - (2) A current medical assessment signed by the resident's physician.
    - (A) For purposes of this section, this assessment shall include the information specified in Sections ~~87702.1~~611(a)(1)(A) through (E). (Continued)
  - (3) An appraisal or reappraisal of the resident as specified in Sections ~~87583~~457(c)(1) and ~~87587~~463. (Continued)
- (i) The resident's right to a review of a health condition relocation order issued by the Department shall not:
  - (1) Nullify a determination by the Department that the resident must be relocated in order to protect the resident's health and safety as specified in Section ~~87701.1~~612(a).
  - (2) Apply to eviction under Section ~~87589~~224, Eviction Procedures. (Continued)
  - (4) Apply if the facility license has been temporarily suspended as specified in Section ~~87342~~775(c).

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30 and~~ 1569.54, Health and Safety Code.

Renumber Section 87720 to Section 87639 and amend to read:

87720639 ADMINISTRATIVE REVIEW - INCIDENTAL MEDICAL SERVICES 87720639  
HEALTH CONDITIONS

- (a) For purposes of this article, any request for administrative review of a notice of deficiency, notice of penalty, or health condition relocation order shall be submitted by the licensee or his/her designated representative in writing to the Department and, in addition to the requirements of Section ~~87455763~~, Appeal Process, shall include the following: (Continued)
- (2) Information about the resident as specified in Section ~~87702-1611~~(a).
- (3) A current appraisal or reappraisal of the resident as specified in Sections ~~87583457~~(c)(1) and ~~87587463~~. (Continued)

Authority cited: Sections 1569.30 and ~~1569.30(a)~~, Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); ~~1569.30; 1569.30(b)~~; 1569.312; and 1569.54; Health and Safety Code.

Adopt Article 12. title to read:

Article 12. Dementia

Renumber Section 87724 to Section 87705 and amend to read:

8772405 CARE OF PERSONS WITH DEMENTIA (Continued)

8772405

- (b) In addition to the requirements as specified in Section ~~8722208~~, the plan of operation shall address the needs of residents with dementia, including: (Continued)
- (c) Licensees who accept and retain residents with dementia shall be responsible for ensuring the following: (Continued)
  - (2) The ~~disaster and mass casualty plan~~ Emergency Disaster Plan, as required in Section ~~8722312~~, addresses the safety of residents with dementia.
  - (3) In addition to the on-the-job training requirements in Section ~~87565411~~(d), staff who provide direct care to residents with dementia shall receive the following training as appropriate for the job assigned and as evidenced by safe and effective job performance: (Continued)
  - (4) There is an adequate number of direct care staff to support each resident's physical, social, emotional, safety and health care needs as identified in his/her current appraisal.
    - (A) In addition to requirements specified in Section ~~87581415~~, Night Supervision, a facility with fewer than 16 residents shall have at least one night staff person awake and on duty if any resident with dementia is determined through a pre-admission appraisal, reappraisal or observation to require awake night supervision.
  - (5) Each resident with dementia shall have an annual medical assessment as specified in Section ~~87569458~~, Medical Assessment, and a reappraisal done at least annually, both of which shall include a reassessment of the resident's dementia care needs. (Continued)
  - (6) Appraisals are conducted on an ongoing basis pursuant to Section ~~87587463~~, Reappraisals. (Continued)
- (d) In addition to requirements specified in Section ~~87694303~~, Maintenance and Operation, safety modifications shall include, but not be limited to, inaccessibility of ranges, heaters, wood stoves, inserts, and other heating devices to residents with dementia. (Continued)
- (g) As required by Section ~~87572468~~(a)(12), residents with dementia shall be allowed to keep personal grooming and hygiene items in their own possession, unless there is evidence to substantiate that the resident cannot safely manage the items. (Continued)

- (i) The licensee may use wrist bands or other egress alert devices worn by the resident, with the prior written approval of the resident or conservator, provided that such devices do not violate the resident's rights as specified in Section ~~87572468~~, Personal Rights. (Continued)
- (k) The following initial and continuing requirements must be met for the licensee to utilize delayed egress devices on exterior doors or perimeter fence gates: (Continued)
  - (4) Without violating Section ~~87572468~~, Personal Rights, facility staff shall attempt to redirect a resident who attempts to leave the facility. (Continued)
  - (6) Without violating Section ~~87572468~~, Personal Rights, facility staff shall ensure the continued safety of residents if they wander away from the facility. (Continued)
- (l) The following initial and continuing requirements shall be met for the licensee to lock exterior doors or perimeter fence gates: (Continued)
  - (3) The licensee shall obtain a waiver from Section ~~87572468~~(a)(6), to prevent residents from leaving the facility. (Continued)

Authority cited: Sections 1569.30 and 1569.698, Health and Safety Code.

Reference: Sections 1569.2, ~~1569.30~~, 1569.31, 1569.312, 1569.698, 1569.699, and 13131, Health and Safety Code.

Renumber Section 87725 to Section 87706 and amend to read:

8772506 ADVERTISING DEMENTIA SPECIAL CARE, PROGRAMMING, AND/OR ENVIRONMENTS 8772506

(a) In addition to the requirements in Section ~~8772405~~, Care of Persons with Dementia, licensees who advertise, promote, or otherwise hold themselves out as providing special care, programming, and/or environments for residents with dementia or related disorders shall meet the following requirements:

(1) The licensee shall ensure that direct care staff who provide care to any resident(s) with dementia meet the training requirements in Section ~~87725.107~~, including six hours of resident care orientation within the first four weeks of employment and eight hours of in-service training per year on the subject of serving residents with dementia. (Continued)

(2) In addition to the requirements specified in Sections ~~8722208~~(a) and ~~8772405~~(b), the licensee shall include in the plan of operation a brief narrative description of the following facility features: (Continued)

(C) Admission, including the following items that must be addressed when admitting a resident who requires dementia special care: (Continued)

3. Procedures in place to ensure that the plan of operation is available for review upon request, as required by Section ~~8772506~~(a)(3). (Continued)

(G) Staff training. Describe the required training for direct care staff who provide dementia special care. At a minimum, the description shall include information on the time frame for training, as specified in Section ~~87725.107~~ (a)(2), and the training topics, as specified in Section ~~87725.107~~(a)(2)(A). (Continued)

(3) The admission agreement, as specified in Section ~~8756807~~(e), shall inform the resident and the resident's responsible person, if any, or the conservator, that the facility features, as specified in Section ~~8772506~~(a)(2), are described in the facility's plan of operation and that the plan of operation is available for review upon request.

(4) (Continued)

(B) This material shall also be available to the licensing agency to inspect, audit, copy, and remove (if necessary for copying) upon demand during normal business hours as specified in Section ~~87344755~~(c).

(b) (Continued)

(1) (Continued)

- (A) The notification shall specify the date that the licensee will cease advertising or promoting dementia special care, programming, and/or environments; and, therefore, shall no longer be required to meet the requirements specified in Section ~~87725~~06(a) and the training requirements in Section ~~87725~~107.  
(Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.15, 1569.22, 1569.31, 1569.312, 1569.33, 1569.355, 1569.62, 1569.625, 1569.626, and 1569.627, Health and Safety Code.

Renumber Section 87725.1 to Section 87707 and amend to read:

~~87725.107~~      TRAINING REQUIREMENTS IF ADVERTISING DEMENTIA      ~~87725.107~~  
SPECIAL CARE, PROGRAMMING, AND/OR ENVIRONMENTS

- (a) Licensees who advertise, promote, or otherwise hold themselves out as providing special care, programming, and/or environments for residents with dementia or related disorders shall ensure that all direct care staff, described in Section ~~87725.06~~(a)(1), who provide care to residents with dementia, meet the following training requirements:
- (1) Direct care staff shall complete six hours of orientation specific to the care of residents with dementia within the first four weeks of working in the facility. (Continued)
    - (C) Various methods of instruction may be used, including, but not limited to, presenters knowledgeable about dementia; video instruction tapes; interactive material; books; and/or other materials approved by organizations or individuals specializing in dementia as specified in Section ~~87725.107~~(a)(2)(C).
      1. Instruction may include up to two hours of mentoring and hands-on training from direct care staff who have completed six hours of orientation specific to the care of residents with dementia and eight hours of in-service training on the subject of serving residents with dementia as specified in Sections ~~87725.107~~(a)(1) and (2). (Continued)
  - (2) (Continued)
    - (C) The training shall be developed by, or in consultation with, an individual(s) or organization(s) with expertise in dementia care and with knowledge on the training topic areas specified in Section ~~87725.107~~(a)(2)(A).
      1. (Continued)
        - a. If the consultant and trainer are the same person(s), the documentation requirements specified in Sections ~~87725.107~~(a)(2)(D) and (F) shall both be met.
    - (D) The licensee shall maintain the following documentation for the consultant(s) described in Section ~~87725.107~~(a)(2)(C): (Continued)
      3. Organization affiliation (if any), as specified in Section ~~87725.107~~(a)(2)(C), and/or educational and professional qualifications specific to dementia; and

4. The training topics, specified in Section ~~87725.407~~(a)(2)(A), for which consultation was provided.
- (E) All trainers shall meet the following education and experience requirements:  
(Continued)
2. One of the following experience requirements:
    - a. Current employment as a consultant with expertise in dementia care, as specified in Section ~~87725.407~~(a)(2)(C). (Continued)
- (F) The licensee shall maintain the following documentation on the trainer(s) described in Section ~~87725.407~~(a)(2)(E): (Continued)
4. Notation that indicates which of the criteria for experience the trainer meets, as specified in Section ~~87725.407~~(a)(2)(E)2., and maintain verification of qualifying criteria; and
  5. Proof of completion of the educational requirements, as specified in Section ~~87725.407~~(a)(2)(E)1., which may include the following:  
(Continued)
- (G) The documentation required in Sections ~~87725.407~~(a)(2)(D) and (F) shall be retained for at least three years following the date consultation services/training were provided.
1. This documentation shall be available to the licensing agency to inspect, audit, copy, and remove (if necessary for copying) upon demand during normal business hours as specified in Section ~~87344755~~(c).
- (H) The licensee shall maintain in the personnel records documentation on the in-service training required in Section ~~87725.407~~(a)(2) for direct care staff and include the training topic(s) covered, as required in Section ~~87725.407~~(a)(2)(A).

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.31, 1569.33, 1569.62, 1569.625, and 1569.626, Health and Safety Code.

Repeal Section 87725.2:

87725.2 ADVERTISING DEMENTIA SPECIAL CARE, PROGRAMMING, AND/OR ENVIRONMENTS AS OF JULY 3, 2004 87725.2

- (a) ~~Licenses who will no longer advertise, promote, or otherwise hold themselves out as providing dementia special care, programming, and/or environments shall meet all of the requirements of Section 87725(b) no later than October 31, 2004.~~
- (b) ~~Licenses who continue to advertise, promote, or otherwise hold themselves out as providing dementia special care, programming, and/or environments shall comply with the requirements in Sections 87725(a) and 87725.1 as of July 3, 2004, with the following exceptions:~~
  - (1) ~~No later than October 31, 2004, the licensee shall:~~
    - (A) ~~Submit to the licensing agency the additional requirements for the plan of operation that have not been submitted previously, as described in Section 87725(a)(2).~~
    - (B) ~~Amend the admission agreement to inform the resident and the responsible person, if any, or the conservator, that the facility features, as specified in Section 87725(a)(2), are described in the plan of operation and are available for review upon request. Requirements in Sections 87568(e) and (f) shall also be met.~~

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.31, 1569.33, 1569.62, 1569.625, 1569.626, and 1569.627, Health and Safety Code.

Adopt Article 13. title to read:

Article 13. Enforcement

Renumber Section 87344 to Section 87755 and amend to read:

~~87344~~755 INSPECTION AUTHORITY OF THE LICENSING AGENCY  
(Continued)

~~87344~~755

- (c) The licensing agency shall have the authority to inspect, audit, and copy resident or facility records upon demand during normal business hours. Records may be removed ~~is~~ if necessary for copying. Removal of records shall be subject to the requirements in Sections ~~87566~~412(f), ~~87570~~06(d), and ~~87571~~08(b). (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.24, 1569.33, 1569.34, and 1569.35, Health and Safety Code.

Renumber Section 87345 to Section 87756; Section 87452(a) to Section 87756(c); Section 87452(b) et seq. to Section 87756(d) et seq.; Section 87452(c) et seq. to Section 87756(e) et seq., and amend to read:

87345756 EVALUATION VISIT (Continued)

87345756

87452(a)

(c) When a routine visit, evaluation or investigation of a complaint is conducted and the evaluator determines that a deficiency exists, the evaluator shall issue a notice of deficiency, unless the deficiency is minor and corrected during the visit.

87452(b)

(d) Prior to completion of a visit, evaluation or investigation, the evaluator shall meet with the licensee, administrator, operator, or other person in charge of the facility to discuss any deficiencies noted. At the meeting, a plan for correcting each deficiency shall be developed and included in the notice of deficiency. Prior to completion of the visit, the evaluator shall serve the notice of deficiency on the licensee by either: (Continued)

87452(e)

(e) The notice of deficiency shall be in writing and shall include: (Continued)

(4) A date by which each deficiency shall be corrected. (Continued)

(B) The evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice the date by which the correction must be made whenever penalties are assessed pursuant to Sections 87454761(c), (d) and (e). (Continued)

Authority cited: Sections 1569.30 and 1569.49, Health and Safety Code.

Reference: Sections ~~14569.11~~, 1569.24, ~~1569.312~~, 1569.31, 1569.32, 1569.33, 1569.335, 1569.34, ~~and~~ 1569.35, and 1569.49, Health and Safety Code.

Renumber Section 87343 to Section 87757 and amend to read:

~~87343~~87757 LICENSEE COMPLAINTS (Continued)

~~87343~~87757

- (b) Where applicable, a review of the complaint shall be conducted in accordance with Section ~~87455~~87763, Appeal Process.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30 and~~ 1569.335, Health and Safety Code.

Renumber Section 87451 to Section 87758 and amend to read:

~~87451~~758 SERIOUS DEFICIENCIES - EXAMPLES

~~87451~~758

- (a) Regulations including, but not limited to, the following may result in serious deficiencies when a failure to comply presents an immediate or substantial threat to the physical health, mental health, or safety of the residents:
- (1) Section ~~87219~~355 relating to criminal record clearance.
  - (2) Section ~~87220~~202 relating to fire clearance.
  - (3) Section ~~87110~~204 relating to limitations on the number or types of facility residents.
  - (4) Section ~~87573~~311 relating to telephone service.
  - (5) Sections ~~87582~~455(c)(1) or (2), or (4), or Section ~~87701~~615 relating to persons with communicable diseases, persons requiring inpatient health care, persons who are bedridden, or persons with a prohibited health condition.
  - (6) Section ~~87110~~204(b) relating to nonambulatory residents.
  - (7) Section ~~87572~~468(a)(3) relating to resident rights.
  - (8) Section ~~87578~~608(a) relating to restraints.
  - (9) Sections ~~87577~~307(d)(3) through (7) or (e) relating to safety of resident accommodations.
  - (10) Sections ~~87576~~555(b)(24), (25), or (27) relating to storage, preparation and service of food.
  - (11) Section ~~87575~~465(b)(3) relating to medical and dental care of residents.
  - (12) Section ~~87575~~465(c) relating to storing and dispensing medications.
  - (13) Section ~~87691~~303(e)(2) relating to hot water temperature.
  - (14) Sections ~~87691~~303 (e)(4), (5), or (6) relating to toilet, handwashing and bathing accommodations.
  - (15) Sections ~~87691~~303 (f)(1) or (2) relating to storage and disposal of solid wastes, syringes and needles.
  - (16) Section ~~87581~~415 relating to night supervision.

(17) Section ~~87701.5638~~ relating to licensees forwarding to the Department a resident's request for review by an interdisciplinary team of a health condition relocation order.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, ~~1569.30~~, 1569.31, 1569.312, 1569.315, 1569.335, 1569.485, 1569.49, and 1569.54, Health and Safety Code.

Renumber Section 87453 to Section 87759 and amend to read:

~~87453~~8759 FOLLOW-UP VISITS TO DETERMINE COMPLIANCE  
(Continued)

~~87453~~8759

- (d) When an immediate penalty has been assessed pursuant to Sections ~~87454~~8761(c), (d), (e) and (f) and correction is made when the evaluator is present, a follow-up visit is not required.

Authority cited: Sections 1569.30 and 1569.49, Health and Safety Code.

Reference: Sections 1569.33, 1569.335, 1569.35, 1569.485, and 1569.49, Health and Safety Code.

Renumber Section 87454 to Section 87761 and amend to read:

87454761 PENALTIES (Continued)

87454761

- (b) Notwithstanding Section 87454761(a) above, an immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1569.17(b) has not obtained a California clearance or a criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 87219355(e) prior to working, residing or volunteering in the facility. (Continued)
- (3) Progressive civil penalties specified in Sections 87454761(d) and (e) shall not apply.
- (c) Notwithstanding Section 87454761(a) above, an immediate penalty of \$150 per day shall be assessed for any of the following: (Continued)
- (e) When a facility that was cited for a deficiency subject to the immediate penalty assessment specified in Section 87454761(d) above violates the same regulation subsection within a 12-month period of the last violation the facility shall be cited and an immediate penalty of \$1,000 per cited violation shall be assessed for one day only. Thereafter, a penalty of \$100 per day, per cited violation, shall be assessed until the deficiency is corrected.
- (1) For purposes of Sections 87454761(d) and (e) above, a regulation subsection is the regulation denoted by a lower-case letter after the main regulation number.

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An example of the same regulation subsection are Sections 87218155(a)(2) and 87218155(a)(5). Sections 87218155(a) and 87218155(b) are not the same regulation subsection.

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- (f) (Continued)

Authority cited: Sections 1569.30 and 1569.49(a), Health and Safety Code.

Reference: Sections 1569.17, 1569.33, 1569.335, 1569.35, 1569.485, and 1569.49, Health and Safety Code.

Renumber Section 87455 to Section 87763 and amend to read:

~~87455~~763 ~~ADMINISTRATIVE REVIEW – GENERAL APPEAL PROCESS~~ 87455763

(a) (Continued)

- (1) Additional review requirements pertaining to Incidental Medical Services are specified in Section ~~87720~~639, Administrative Review – Health Conditions. (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections ~~1569.30~~, 1569.33, 1569.335, 1569.35, 1569.485, 1569.49, and 1569.54, Health and Safety Code.

Renumber Section 87455.1 to Section 87766:

~~87455.1~~766 DENIAL OR REVOCATION OF LICENSE FOR FAILURE TO PAY CIVIL PENALTIES (Continued) ~~87455.1~~766

Authority cited: Sections 1569.30 and 1569.49, Health and Safety Code.

Reference: Sections 1569.17, 1569.33, 1569.335, 1569.35, 1569.485, 1569.49, and 1569.51, Health and Safety Code.

Renumber Section 87457 to Section 87768 and amend to read:

87457768 UNLICENSED FACILITY PENALTIES

87457768

(a) (Continued)

(1) (Continued)

(A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section ~~87218155~~155, Application for License. (Continued)

(b) (Continued)

(1) (Continued)

(A) The \$200 per day per resident penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections ~~87457768~~(a)(1)(A) and (B). (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.3, 1569.10, 1569.11, 1569.14, 1569.145, 1569.15, 1569.19, 1569.20, 1569.21, 1569.22, 1569.312, 1569.35, 1569.44, 1569.45, 1569.485, and 1569.495, Health and Safety Code.

Renumber Section 87458 to Section 87769:

~~87458~~769 UNLICENSED FACILITY ADMINISTRATIVE APPEAL  
(Continued)

~~87458~~769

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.10, 1569.44, 1569.45, and 1569.485, Health and Safety Code.

Adopt Article 14. title to read:

Article 14. Administrative Actions - General

Renumber Section 87342 to Section 87775:

~~87342~~775 REVOCATION OR SUSPENSION OF LICENSE (Continued)

~~87342~~775

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1515(~~e~~), 1569.50, 1569.51, 1569.52, and 1569.53, Health and Safety Code.

Renumber Section 87346 to Section 87777:

~~87346~~777 EXCLUSIONS (Continued)

~~87346~~777

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.58 and 1569.59, Health and Safety Code.

Renumber Article 9. to Article 15. and amend title to read:

Article ~~9~~15. Administrator Certification Training Programs - Vendor Information

Renumber Section 87730 to Section 87785 and amend to read:

8773085 INITIAL CERTIFICATION TRAINING PROGRAM  
APPROVAL REQUIREMENTS (Continued)

8773085

- (b) (Continued)
  - (4) Qualifications of each proposed instructor as specified in Section 8773085(i)(6). (Continued)
  - (6) Types of records to be maintained, as required by Section 8773085(i)(4). (Continued)
  - (9) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 8773085(b)(7) and (8). (Continued)
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department using the forms LIC 9140 and LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 8773085(b). (Continued)
- (h) The Initial Certification Training Program shall consist of the following components:
  - (1) A minimum of forty (40) classroom hours with the following core of knowledge curriculum. (Continued)
    - (I) (Continued)

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- (J) Topics within the basic curriculum may include, but not be limited to, topics as specified in the Department's Core of Knowledge Guideline for each of the nine (9) Core of Knowledge components specified in Sections 8773085(h)(1)(A) through (I). The guideline is available from the Department upon request. (Continued)

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- (2) A standardized test administered by the Department. (Continued)
  - (B) The test questions shall reflect the hour value of the nine (9) Core of Knowledge areas specified in Sections 8773085(h)(1)(A) through (I). (Continued)
- (i) Initial Certification Training Program vendors shall: (Continued)
  - (4) (Continued)

- (B) List of instructors and documentation of qualifications of each, as specified in Section ~~8773085~~8773085(i)(6). (Continued)
- (7) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meet(s) the criteria specified in Section ~~8773085~~8773085(i)(6)(D).
  - (A) Where good faith efforts to employ an instructor who meets the criteria specified in Section ~~8773085~~8773085(i)(6)(D) are unsuccessful, vendors may apply to the administrator certification section for a waiver of this requirement. (Continued)

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

Reference: Sections ~~1569.616 and~~ 1569.23 and 1569.616, Health and Safety Code.

Renumber Section 87730.1 to Section 87786:

~~87730.1~~86

DENIAL OF REQUEST FOR APPROVAL OF AN  
INITIAL CERTIFICATION TRAINING PROGRAM  
(Continued)

~~87730.1~~86

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

Reference: Sections 1569.16, 1569.23, and 1569.616, Health and Safety Code.

Renumber Section 87730.2 to Section 87787 and amend to read:

~~87730.287~~      REVOCATION OF AN INITIAL CERTIFICATION      ~~87730.287~~  
TRAINING PROGRAM

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section ~~87730.85~~, Initial Certification Training Program Approval Requirements, or (Continued)

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

Reference: Sections 1569.16, 1569.51, and 1569.616, Health and Safety Code.

Renumber Section 87731 to Section 87788 and amend to read:

~~87731~~88 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS (Continued)

~~87731~~88

(b) (Continued)

(4) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections ~~87731~~88(b)(2) and (3). (Continued)

(d) A written request for renewal of the Continuing Education Training Program shall be submitted to the Department using the forms LIC 9140 and LIC 9141, or a replica, and shall contain the information and processing fee specified in Section ~~87731~~88(b). (Continued)

(h) Continuing Education Training Program vendors shall:

(1) (Continued)

(B) List of instructors and documentation of qualifications of each as specified in Section ~~87731~~88(h)(2). (Continued)

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

Reference: Section 1569.616, Health and Safety Code.

Renumber Section 87731.1 to Section 87789 and amend to read:

~~87731.189~~ CONTINUING EDUCATION TRAINING PROGRAM ~~87731.189~~  
COURSE APPROVAL REQUIREMENTS (Continued)

- (b) (Continued)
  - (3) Qualifications of each proposed instructor, as specified in Section ~~87731.188~~(h)(2).
  - (4) Types of records to be maintained, as required in Section ~~87731.188~~(h)(1). (Continued)
  - (7) A statement of whether or not the proposed instructor was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections ~~87731.189~~(b)(5) and (6).
- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval, as provided in Section ~~87731.188~~(c). (Continued)
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered, which shall contain the information specified in Section ~~87731.189~~(b). (Continued)

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

Reference: Section 1569.616, Health and Safety Code.

Renumber Section 87731.2 to Section 87791:

~~87731.291~~ ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION ~~87731.291~~  
OF A REQUEST FOR A APPROVAL OF A CONTINUING  
EDUCATION COURSE (Continued)

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

Reference: Section 1569.616, Health and Safety Code.

Renumber Section 87731.3 to Section 87792:

~~87731.392~~ DENIAL OF A REQUEST FOR A APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM (Continued) ~~87731.392~~

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

Reference: Sections 1569.16, 1569.51, and 1569.616, Health and Safety Code.

Renumber Section 87731.4 to Section 87793 and amend to read:

~~87731.4~~93      REVOCATION OF A CONTINUING EDUCATION      ~~87731.4~~93  
TRAINING PROGRAM

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections ~~87731.4~~88, Continuing Education Training Program Vendor Requirements, and ~~87731.4~~189, Continuing Education Training Program Course Approval Requirements.  
(Continued)

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

Reference: Sections 1569.16, 1569.23, 1569.51, and 1569.616, Health and Safety Code.