

INITIAL STATEMENT OF REASONS

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

Handbook for Section 84001(a)(2)

Specific Purpose:

The specific purpose of this amendment is to clearly identify all the authorized accrediting agencies.

Factual Basis:

The amendment is necessary to complete the name and provide the acronym of a commission already listed and add reference to other accrediting agencies approved by the United States Department of Education.

Section 84001(c)(4)

Specific Purpose:

The specific purpose of this amendment is to add a definition for clarity and consistency.

Factual Basis:

This addition is necessary to include a definition of classroom hour in the Group Home (GH) section of regulations. The definition is already included in the regulations for Adult Residential Facilities (ARFs – Section 85001(c)(3)) and Residential Care Facilities for the Elderly (RCFEs – Section 87101(c)(6)). The definition specifies that a classroom hour is from 50 to 60 minutes and does not include meal breaks. Historically, Department staff have received course requests based on varying assumptions of how much instruction is required and how much time for breaks is allowed in a specific amount of course hours. Including the definition here will help clarify the standard for GH course vendors and administrators and make specific the terms "hours of classroom instruction" and "hours of continuing education" used in Health and Safety Code (H&SC) section 1522.41.

Section 84001(c)(5)

Specific Purpose:

The specific purpose of this amendment is to add a definition for clarity.

Factual Basis:

This addition is necessary to make specific what constitutes a "classroom" setting as used in H&SC sections 1522.41(c)(1) and (f)(1) regarding required initial and continuing education courses for administrators. Historically, the Department has received complaints of classes being conducted in places not really conducive to learning (e.g., homes). Including this definition should remedy that problem.

Section 84001(c)(6)

Specific Purpose:

The specific purpose of this amendment is to add a definition for clarity.

Factual Basis:

This addition is necessary to include a definition of co-locate in the GH section of regulations. The definition is already included in the regulations for ARFs and RCFEs (Sections 85001(c)(4) and 87101(c)(9)). The definition specifies that co-locate means a course vendor is approved (pursuant to the Department's process developed in regulation to implement H&SC section 1522.41(h)(1)) to teach a course for more than one program type (e.g., GH, ARF, etc.) at the same time and location. Including the definition here will help clarify this topic for GH course vendors and administrators.

Sections 84001(c)(7) and (8) Renumbered from Sections 84001(c)(4) and (5)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 84001(c)(4) and (c)(5) per the addition of new sections placed in alphabetical order as described above.

Section 84001(c)(9)

Specific Purpose:

The specific purpose of this amendment is to add a definition for clarity.

Factual Basis:

This amendment is necessary to include a definition of course in the GH section of regulations. The definition is already included in the regulations for ARFs and RCFEs (now Sections 85001(c)(8) and 87101(c)(18)). The definition specifies that course means either a standard school-year type course, or a few-hour type seminar or lecture such as for continuing education of facility administrators. This amendment will clarify this topic for GH course vendors and administrators by making specific the term "course" frequently mentioned in statute (e.g., H&SC section 1522.41, etc).

Section 84002

Specific Purpose:

The specific purpose of this amendment is to clarify that only the forms unique to GHs are incorporated into this GH section of regulations.

Factual Basis:

This amendment is necessary to clarify what forms are incorporated by reference in this section of the GH regulations and where to locate the additional forms used by all three facility types (GHs, ARFs and RCFEs) in the Administrator Certification Program. Use of a single section (i.e., Section 87102) to incorporate the broadly used forms is necessary for clarity and to avoid redundant listings in the California Code of Regulations (CCR).

Section 84002(c)

Specific Purpose:

The specific purpose of this addition is to incorporate the GH-only forms into this GH section of regulations.

Factual Basis:

This addition is necessary to place in regulations the current version of the Core of Knowledge Guidelines for GHs so the information is clearly available to GH administrators and vendors. These Guidelines provide interpretive detail as to what subject matter may be included in addressing the statutorily-listed topics (H&SC section 1522.41(c)(1)) for initial and continuing GH administrator education.

Section 84064(b)

Specific Purpose:

The specific purpose of this amendment is to clarify the administrator requirement.

Factual Basis:

The phrase "qualified and currently" is added to clearly state that GH facilities must have an administrator who is qualified and also currently certified pursuant to statute (e.g., H&SC section 1522.41(b)(1)) and regulations. The current text is unclear as a potential administrator might be able to obtain a certificate but not fulfill other qualifications to become an administrator. This amendment is necessary to eliminate confusion about these requirements.

Section 84064.2(a)

Specific Purpose:

This amendment is to clarify that GH administrators must be holders of a GH administrator certificate prior to their employment as GH administrators.

Factual Basis:

This amendment is necessary to make more specific the statutory requirement regarding administrator certification (H&SC section 1522.41(b)(1)) as there is a failure by some applicants to understand that a facility category-specific certificate is required. This amendment will clarify that only a holder of a GH certificate, and not a holder of an ARF or RCFE certificate, may be employed as an administrator of a GH. All administrator certificates are category-specific and may not be used for employment in a category other than the one specified on the certificate.

Sections 84064.2(a)(1) and (a)(2)

Specific Purpose/Factual Basis:

The term "test" is changed to "exam" here and throughout these regulations for consistency.

Section 84064.2(a)(2)(B)

Specific Purpose/Factual Basis:

The cross-referenced section is updated for accuracy per prior regulatory updates.

Section 84064.2(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify that a GH certificate applicant must complete the GH Initial Certification Training Program (ICTP).

Factual Basis:

This amendment is necessary to clarify for GH administrator certificate applicants that they must complete the ICTP specific to their program area (i.e., GHs) as the ICTPs are program-specific. Content of the GH ICTP is outlined in statute (H&SC section 1522.41(c)(1)) and detailed in Section 84090(h) of these GH regulations.

Section 84064.2(b)(2)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency throughout the regulations, clarify that the exam is the one developed by the Department, and limit the number of exam attempts.

Factual Basis:

The exam for residential facility administrators is developed and administered by the Department as part of the Department-approved administrator certification program required by statute (H&SC section 1522.41(b)(1)). This amendment is necessary to clarify this for administrators who have sometimes thought that completion of a test within the ICTP constituted the administrator exam. The amendment is also necessary to limit an exam-taker to three attempts per ICTP completion. Historically, some applicants have taken multiple tries to pass the exam resulting in significant workload for the Department and probably marginally qualified individuals becoming facility administrators and caring for vulnerable populations.

Section 84064.2(b)(3)

Specific Purpose:

The primary purpose of this amendment is to place into regulation a requirement that the applicant for administrator certification use the Department's application form and submit it to the Department's Administrator Certification Section (ACS). The amendment also changes the term "test" to "exam" for consistency throughout these regulations.

Factual Basis:

The amendment to identify the application form is necessary to ensure administrator applications for certification are submitted and processed in a consistent and efficient manner within the statutorily-required program (H&SC section 1522.41). Historically, the Department has received self-made and handwritten applications that lack the content necessary to process the application. The amendment to clearly name the ACS is necessary to ensure the application is sent to the correct section at the Department and prevent unnecessary delays in processing due to misdirected mail. The amendment also changes the term "test" to "exam" for consistency throughout these regulations.

Section 84064.2(b)(3)(A)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

While the administrator certification application form (LIC 9214) is being incorporated by reference in Section 87102 of these regulations, identifying the basic content in this section of the regulations is necessary to provide clarity for GH applicants using this section as a checklist to complete the administrator certification process broadly outlined in H&SC 1522.41(d). This may reduce the number of questions and incomplete administrator applications received by ACS staff, and thereby reduce the time it takes to process applications.

Specifically, the applicant's name, address, e-mail and phone number(s) are needed so the Department can contact the individual if there are questions regarding the application, as well as mail the certificate to the correct current address. The address information also helps correctly identify applicants with the same or very similar names in the large pool of administrators. The date of birth is needed to confirm the applicant meets the statutory requirement of being at least 21 years of age (H&SC section 1522.41(d)(5)), also helps to correctly identify applicants with the same or similar names in the administrator pool, and may be used by the applicant to establish the renewal date of the certificate (as allowed by H&SC 1522.41(f)(3)).

Section 84064.2(b)(3)(B)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information already requested in the administrator application form.

Factual Basis:

While the administrator certification application form (LIC 9214) is being incorporated by reference in Section 87102 of these regulations, identifying the basic content in this section of the regulations is necessary to provide clarity for GH applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications.

The subsequent statements regarding the applicants provide information needed by the Department when completing applicant criminal background checks and otherwise confirming their qualifications to be administrators in accordance with statutory requirements (e.g., H&SC section 1520(b)).

Section 84064.2(b)(3)(B)(i)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests information on whether the applicant has any current professional licenses or certifications primarily to determine if they have another administrator certificate and thus may already be in our databases. The Department also needs the information in order to cross-check an administrator certificate applicant's status regarding other licenses, to avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has, for example, had confirmed misconduct under another type of license. This helps the Department implement the statutory background check requirements (e.g., H&SC sections 1520(b) and 1522.41(d)).

Section 84064.2(b)(3)(B)(ii)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests information on whether the applicant has a State-issued care facility license or is or was employed by a licensed care facility, so it can appropriately include this information in the applicant's file. The Department also needs the information in order to check that a licensee's care facility has been operated in compliance, and whether a facility employee has had any misconduct, to avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has had prior misconduct or compliance issues related to care facilities. This helps the Department implement the statutory background check requirements of (e.g., H&SC sections 1520(b) and 1522.41(d)).

Section 84064.2(b)(3)(B)(iii)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests a statement as to whether the applicant has had any legal or administrative actions involving the licenses, certificates or other approvals noted in the prior two statements, in order to check for this information and avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has had prior misconduct or compliance issues. This helps the Department implement the statutory background check requirements of (e.g., H&SC sections 1520(b) and 1522.41(d)).

Section 84064.2(b)(3)(C) Renumbered from Section 84064.2(b)(3)(A)

Specific Purpose/Factual Basis:

This section is renumbered from 84064.2(b)(3)(A) per the addition of new sections (A) and (B) as described above.

Section 84064.2(b)(3)(D)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests documentation of passing the written exam be included with the administrator application as this expedites processing of the application. This information is already included in the corresponding regulations for RCFE administrators (Section 87406(b)(3)) and is being added for ARF administrators (Section 85064.2(b)(3)(D)) so including it here is necessary to make the information clear and consistent for GH administrators, too.

Section 84064.2(b)(3)(E) Renumbered from Section 84064.2(b)(3)(B)

Specific Purpose:

This section is renumbered from Section 84064.2(b)(3)(B) per the addition of new sections as described above, and the specific purpose is to remove unnecessary language regarding the age requirement and update the certification statement required of applicants.

Factual Basis:

The amendment to update the certification statement is necessary to preserve the integrity of the Administrator Certification Program. Procuring a certificate by fraud or misrepresentation, or knowingly making or giving any false statement or information in conjunction with the application for the issuance of a certificate, is grounds for revoking an administrator's certificate (see H&SC section 1550). This amendment is necessary to deter applicants from providing false information. The language regarding the applicant's age is removed as unnecessary as the date of birth is already included in the application and thus the overall information for which the applicant certifies accuracy.

Section 84064.2(b)(3)(F)

Specific Purpose:

The specific purpose of this addition is to place in regulations that applicants submit a completed Criminal Record Statement form.

Factual Basis:

While the Criminal Record Statement form (LIC 508) is being incorporated by reference in Section 87102 of these regulations, identifying it in this section is necessary to provide clarity for GH applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications. This amendment is also necessary to clarify that the ACS must obtain and retain these forms from administrator applicants and certificate holders as the individuals are not always associated with a facility which would otherwise retain these forms.

The form is mandated to ensure clarity and consistency in the information submitted by applicants to document their criminal record background as part of the statutorily-required certification process (e.g., H&SC section 1522.41(d)).

Section 84064.2(b)(3)(G) Renumbered from Section 84064.2(b)(3)(C)

Specific Purpose:

This section is renumbered from Section 84064.2(b)(3)(C) per the addition of new sections as described above. The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption. The amendment also clarifies what constitutes "proof" and adds reference to the form used.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1522 to issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements. The amendment also updates the language to remove specific reference to fingerprint cards as the process is now typically electronic, and to correctly reference live scan "locations" as they are more commonly known.

Additionally, while the Request for Live Scan Service (LIC 9163) is being incorporated by reference in Section 87102 of these regulations, identifying it in this section of the regulations will help provide clarity for GH applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications.

Section 84064.2(b)(3)(H) Renumbered from Section 84064.2(b)(3)(D)

Specific Purpose:

This section is renumbered from Section 84064.2(b)(3)(D) per the addition of new sections as described above. The specific purpose of this amendment is to clarify that the \$100 application processing fee is non-refundable.

Factual Basis:

The fee (required for this purpose by H&SC section 1522.41(d)(2)) covers costs of processing a submitted application. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment is needed to address that misunderstanding.

Section 84064.2(c)

Specific Purpose:

The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1522 to issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements. The amendment also removes the capital "S" from the code section reference here for consistency throughout these regulations and with the Department's correspondence manual.

Section 84064.2(d)

Specific Purpose:

The specific purpose of this addition is to clearly advise administrator applicants not to cheat on or subvert the administrator certification exam.

Factual Basis:

This amendment is necessary to place in regulations information on what constitutes cheating on the Department-administered administrator exam. Historically, the Department has noted cases of cheating, so is clarifying this information in the regulations for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 84064.4 of these regulations.

Section 84064.2(d)(1)

Specific Purpose:

The specific purpose of this addition is to identify what communication during the exam constitutes cheating.

Factual Basis:

This amendment is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Unauthorized communication is a frequent means of inappropriately sharing exam information so is stated here. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 84064.4 of these regulations.

Section 84064.2(d)(2)

Specific Purpose:

The specific purpose of this addition is to specify that someone taking the exam on behalf of someone else constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Having another person take an exam on one's behalf is cheating. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 84064.4 of these regulations.

Section 84064.2(d)(3)

Specific Purpose:

The specific purpose of this addition is to specify that possessing unauthorized materials at the exam constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Use of unauthorized materials and devices during an exam are also a common means of cheating so their possession and use are included here. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 84064.4 of these regulations.

Section 84064.2(d)(4)

Specific Purpose:

The specific purpose of this addition is to specify that not following exam instructions or security rules constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Failure to follow exam instructions (e.g., starting before or continuing after times are called) is also a means of cheating so is listed here. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 84064.4 of these regulations.

Section 84064.2(e)

Specific Purpose:

The specific purpose of this addition is to specify the consequences of cheating on the exam.

Factual Basis:

This addition is necessary to place in regulations information on the consequences of cheating on the Department-administered administrator exam. Historically, the Department has noted cases of cheating, so is clarifying here for applicants what constitutes cheating as well as the consequences. At minimum, one caught cheating would be deemed to have failed that exam and thus need to retake it at another time in order to continue the certification process, but could also be denied certification pursuant to the regulation cited and in accordance with H&SC section 1550. The consequences are necessary to deter cheating and avoid certifying unqualified administrators to care for vulnerable populations.

Sections 84064.2(f), (g) and (h) Renumbered from Sections 84064.2(d), (e) and (f)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 84064.2(d), (e) and (f) respectively, per the addition of new sections (d) and (e) as described above.

Section 84064.2(i) Renumbered from Section 84064.2(g)

Specific Purpose:

This section is renumbered from 84064.2(g) per the addition of new sections as described above. The specific purpose of this amendment is to clarify how and when extensions to the administrator certification process timeframes may be filed and approved.

Factual Basis:

This amendment is necessary to clarify and provide appropriate time frames for the extension process authorized by H&SC section 1522.41(c)(3). Establishing a 60-day maximum for good cause extensions, and a 60-day window in which an applicant may request such an extension, addresses a current Department problem whereby the records of applicants not meeting the timelines may be left in pending status in perpetuity. Clarifying where to submit an extension request should also reduce the problem of misdirected mail that delays ACS receipt and processing of such time-sensitive extension requests.

Section 84064.2(i)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that failing the exam is not good cause for an extension to the application timeframes.

Factual Basis:

This addition is necessary to clearly advise applicants that failing the administrator exam is not a good cause for an extension of the application timeframes. This will reduce ACS workload of reviewing and responding to inappropriate extension requests and help avoid certifying marginally qualified applicants to care for vulnerable populations.

Section 84064.2(i)(2)

Specific Purpose:

The specific purpose of this addition is to clarify that the application must be submitted within the specified time frames or may be deemed withdrawn.

Factual Basis:

This addition is necessary to provide the Department with a specific procedure for handling applications that are submitted beyond the timeframes. The Department has hundreds of such applications still on file as there has been no regulatory procedure to officially close them out. This amendment provides a process for closing such files and eliminating this problem in the future.

Section 84064.2(i)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that the application must be submitted within the specified time frames, and if it is not, what the applicant needs to do to reapply.

Factual Basis:

This addition is necessary to further effectuate the purpose of the statute (H&SC section 1522.41(c)(3)) and to clarify for potential applicants what they need to do to restart the certificate application process if they fail to meet the timelines for submitting their application. Placing this information in the regulations will help ensure all applicants have access to the information and help ensure more consistent and complete re-applications are received by the Department for processing.

Section 84064.3(a)

Specific Purpose:

The specific purpose of this amendment is to add the words "each" and "including" to clarify that the total continuing education requirement is for each two year certification cycle and includes the topics and hours specified in the subsequent sections.

Factual Basis:

This amendment is necessary to clarify for administrators in regulations that the continuing education hours are required for each two-year certification cycle. While this seems fairly clear in statute (H&SC section 1522.41(f)(1)), historically, some administrators have not realized this and been subject to late fees for not submitting adequate hours for a given period.

Section 84064.3(a)(1)

Specific Purpose:

The specific purpose of this addition is to require that a portion of the continuing education units (CEUs) for GH administrators relate to the legal authority impacting GHs.

Factual Basis:

This addition is necessary to ensure that certified administrators have current information on the legal authority that governs their facilities. Currently, certified administrators' CEUs may all be within a single core of knowledge category. The Department is of the opinion that it is vital to residents' health and safety that certified GH administrators keep abreast of the current GH law and regulations so take at least a few hours of such coursework during each certification cycle.

Section 84064.3(a)(2)

Specific Purpose:

The specific purpose of this addition is to require that a portion of the CEUs cover cultural competency and sensitivity in issues relating to the lesbian, gay, bisexual, and transgender community, unless the administrator's ICTP included this material.

Factual Basis:

This addition is necessary to ensure that certified administrators have this knowledge, recently added to the ICTP Core of Knowledge by Assembly Bill (AB) 1856 (Chapter 639, Statutes of 2012) at H&SC section 1522.41(c)(1)(I) (and being added to Section 84090 of these regulations). If the administrator has not recently completed an ICTP, then he or she should fulfill this new knowledge requirement as part of the continuing education for recertification.

Section 84064.3(b)

Specific Purpose:

The specific purpose of this amendment is to ensure that certified administrators receive credit only for relevant continuing education courses. As this is a new topic, the section is given its own paragraph as (b), instead of being included in (a) above.

Factual Basis:

This amendment is necessary to assist the Department in evaluating course subject matter acceptable for continuing education of facility administrators as outlined in H&SC section 1522.41(f)(1). While the Core of Knowledge subject areas (specified in H&SC section 1522.41(c)(1) and Section 84090(h) of these regulations) are quite broad, continuing education study must still be relevant to GH facility operations and the care being provided in GHs in order to fulfill the statutory purpose of having adequately trained administrators caring for the vulnerable clients in GHs.

The section is separated out from (a) for clarity as it addresses course content while (a) now only addresses course hours.

Section 84064.3(b)(1) Renumbered from Section 84064.3(a)(1)

Specific Purpose:

This section is renumbered from Section 84064.3(a)(1) per the break out of a new section (b) as described above. The specific purpose of this amendment is to clarify that continuing education may be fulfilled by completing courses approved by the Department.

Factual Basis:

This amendment is necessary to clarify that the rule allows GH administrators to fulfill their continuing education requirement by completing courses approved for their facility type (i.e., GHs) by the Department. Historically, some administrators have misread this rule as it was written and thought they could take and submit for continuing education credit any course from a vendor approved by the Department, not realizing that most entities approved as vendors for ACS continuing education also offer courses not specific to facility administrators and not approved by the Department, and/or courses approved by the Department but not for the administrator's facility type. This amendment will correct that problem and help administrators avoid late fees incurred when they fail to submit adequate acceptable CEUs by their renewal deadline. Also, the word "or" is deleted for clarity as per the introduction in section (b), administrators may fulfill the requirements by any combination of sections (1) and/or (2).

Section 84064.3(a)(2)

Specific Purpose:

The specific purpose of this amendment is to delete the use of courses from institutions not approved as vendors by the Department.

Factual Basis:

The addition is needed to remove this unnecessary option as any organization authorized to do business in California, including educational institutions, may apply to the Department to be a CEU course vendor. Some such institutions (e.g., community colleges, universities) are already approved vendors to offer Department-approved CEU courses. Limiting acceptable CEU courses to those approved by the Department ensures greater consistency in training quality received by administrators, reduces Department workload in assessing the equivalency of non-Department approved courses, and reduces additional costs to administrators for more training and late fees when their recertification applications are deemed incomplete due to lack of acceptable CEUs.

Handbook Section 84064.3(a)(2)

Specific Purpose/Factual Basis:

This handbook section is deleted as unnecessary given the deletion of the related section (a)(2) of regulations as described above.

Section 84064.3(a)(3)

Specific Purpose:

The specific purpose is to remove the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other California State agencies provided that the courses met the conditions in sections (A) and (B) following. The Department has found, however, that such courses often do not meet both of these provisions, or it's very difficult to confirm that they do, so they should not be accepted. Removing this section is necessary to clarify the acceptable courses for administrators. Limiting acceptable CEU courses to those approved by the Department (and Regional Centers as provided in 84064.3(b)(2) as authorized in H&SC section 1522.41(f)(1)) ensures greater consistency in training quality received by administrators, reduces Department workload in assessing the equivalency of non-Department approved courses, and reduces additional costs to administrators for more training and late fees when their recertification applications are deemed incomplete due to lack of acceptable CEUs.

Section 84064.3(a)(3)(A)

Specific Purpose:

The specific purpose is to remove this provision for the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other State agencies provided that the courses met the condition that the other agencies' courses were approved and enforced in a manner comparable to those approved for ACS by the Department. The Department has found that this is no longer the case (i.e., that other agencies' courses are generally not approved or enforced in a comparative manner). So this amendment is necessary to ensure more consistent quality of administrator training by eliminating this continuing education option.

Section 84064.3(a)(3)(B)

Specific Purpose:

The specific purpose is to remove this provision for the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other State agencies provided that the courses were related to the GH Core of Knowledge. While this criteria has more frequently been met than that of section (A), given the overall difficulty of proving that such courses meet the training requirements for facility administrators, this section is being removed.

Handbook Section 84064.3(a)(3)

Specific Purpose/Factual Basis:

This handbook section is deleted as no longer needed given the deletion of the related section 84064.3(a)(3) of regulations.

Sections 84064.3(b)(2) and (b)(2)(A) Renumbered from Sections 84064.3(a)(4) and (a)(4)(A)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 84064.3(a)(4) and (a)(4)(A) per the addition and deletion of sections as described above.

Section 84064.3(b)(2)(B) Renumbered from Section 84064.3(a)(4)(B)

Specific Purpose/Factual Basis:

The editorial amendment is to modify the reference to the GH core of knowledge for simplicity. This section is renumbered from Section 84064.3(a)(4)(B) per the addition and deletion of sections as described above.

Section 84064.3(a)(5)

Specific Purpose/Factual Basis:

This section is deleted as no longer necessary given the clarifications in new sections 85064.3(b) and (c)(3).

Section 84064.3(c) Renumbered from Section 84064.3(b)

Specific Purpose:

This section is renumbered from Section 84064.3(b) per the addition of a new section (b) as described above. The specific purpose of this amendment is to implement the online education criteria enacted by AB 2675 (Chapter 421, Statutes of 2006) at H&SC section 1522.41(h)(7).

Factual Basis:

This amendment is necessary to comply with statutory requirements to provide interactive online educational opportunities. Specifying here the amount of CEU coursework that may be accepted from online courses provides clarity for administrators as currently this information is only available in statute (H&SC section 1522.41(h)(7)) and they often do not review that for requirements and thus find themselves subject to late fees for not submitting adequate in-class CEUs.

Section 84064.3(c)(1) Renumbered from Section 84064.3(b)(1)

Specific Purpose:

This section is renumbered from Section 84064.3(b)(1) per the addition of a new section as described above. The existing language is deleted and replaced by the updated information on online learning in Section 84064.3(c). New information regarding acceptable daily hours of instruction is added.

Factual Basis:

The deletion is necessary to comply with statutory requirements (H&SC sections 1522.41 (f)(1) and (h)(7)) regarding online educational opportunities. The new language specifying a CEU limit of ten hours of instruction per day is necessary to address the problem of administrators claiming completion of many hours (e.g., 20 - 23 hours) of online training in a single day. Currently the Department has no specific authority to reject such training when renewing an administrator's certificate but is aware that even if someone really did spend 23 hours taking online courses in a day they probably would not retain much of the information, which is the purpose of the continuing education requirements. The ten-hour limit brings the current limit on online coursework into line with the current maximum daily length of CDSS-approved in-class training courses and reasonable limits on how much information one can be expected to learn and retain in a day.

Section 84064.3(c)(2)

Specific Purpose:

The specific purpose of this addition is to clarify that home study and correspondence courses are not acceptable toward meeting the continuing education requirements.

Factual Basis:

This addition is necessary to clarify for administrators what formats of continuing education courses are and are not acceptable. Historically, some administrators have submitted certificates from correspondence-type courses toward their continuing education requirements and the Department has not accepted these courses as they are not interactive. This resulted in administrators having to take additional coursework and often paying late fees due to not submitting adequate CEUs before their certificates expired. Specifying in regulations that these courses will not be counted for CEUs will address that issue.

Section 84064.3(c)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that an ICTP may not be counted toward fulfillment of the continuing education requirements.

Factual Basis:

This addition is necessary to move this information on ICTPs from existing Section 84064.3(a)(5) to this section (c)(3) which now provides in one place more detail on what may not be accepted for CEUs. This amendment clarifies for administrators that completion of an ICTP, or component thereof, cannot be used to fulfill the continuing education requirements. The ICTP is intended to fulfill the initial training requirements for new administrators and not the continuing education requirements. Historically, some administrators have not understood this and tried to submit ICTP certificates for their CEUs. This amendment should remedy this.

Section 84064.3(c)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that a specific course can only be counted once toward fulfilling the continuing education requirements for a given renewal period.

Factual Basis:

This addition is necessary to clarify for administrators that any given course can only be counted once toward the continuing education requirements for a given renewal period. Historically, administrators have frequently taken and submitted the same course more than once during a given certification period and the Department has not accepted the duplicate hours as they do not fulfill the statutory intent of adequate training (H&SC section 1522.41(a)). This amendment should remedy this.

Section 84064.3(d) Renumbered from Section 84064.3(c)

Specific Purpose:

This section is renumbered from Section 84064.3(c) per the addition of a new section (b) as described above. The specific purpose of this amendment is to clarify that all specified application materials must be submitted to the ACS prior to the certificate expiration date.

Factual Basis:

This amendment is necessary to clarify for recertification applicants that "prior" to their certificate expiration date means a postmark on or up to ninety days before that expiration date, and to specify the Section within the Department to which to direct the application. The Department is using the postmark as it is referenced in H&SC section 1522.41(f)(4) for this purpose and is a commonly recognized way to determine legal compliance with a deadline. The amendment limits the advance submittals to 90 days as that's the date renewal reminders are due out per H&SC section 1522.41(f)(3), and helps prevent processing delays for soon-expiring certificates due to receipt of very early renewal applications. Adding the Section name here and elsewhere in these regulations should help prevent delays in application receipt and processing due to misrouted mail.

Section 84064.3(d)(1) Renumbered from Section 84064.3(c)(1)

Specific Purpose:

This section is renumbered from Section 84064.3(c)(1) per the addition of a new section as described above. The specific purpose of the amendment is to place into regulation a requirement that the renewal applicant must use the Department's application form LIC 9214.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to efficiently process the renewal. This amendment will remedy that.

Section 84064.3(d)(2) Renumbered from Section 84064.3(c)(2)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84064.3(c)(2) per the addition of a new section as described above.

Section 84064.3(d)(3) Renumbered from Section 84064.3(c)(3)

Specific Purpose:

This section is renumbered from Section 84064.3(c)(3) per the addition of a new section as described above. The specific purpose of this amendment is to clarify that the \$100 renewal application processing fee is non-refundable.

Factual Basis:

The fee, required by H&SC section 1522.41(f)(4), covers costs of processing a submitted application. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment is necessary to address that misunderstanding.

Section 84064.3(e) Renumbered from Section 84064.3(d)

Specific Purpose:

This section is renumbered from Section 84064.3(d) per the addition of a new section (b) as described above. The specific purpose of this amendment is to clarify that all specified late application materials must be submitted to the ACS.

Factual Basis:

This amendment is necessary to clarify for late applicants where to submit their application materials. Adding the section name here and elsewhere in these regulations should help prevent delays in Department receipt and review of applications caused by misrouted mail.

Section 84064.3(e)(1) Renumbered from Section 84064.3(d)(1)

Specific Purpose:

This section is renumbered from Section 84064.3(d)(1) per the addition of a new section as described above. The specific purpose of this amendment is to place in regulations a requirement that a late applicant for recertification must use the Department's application form LIC 9214.

Factual Basis:

This amendment is necessary to ensure all applications are submitted and processed in a consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to efficiently process the renewal. This amendment will remedy that.

Section 84064.3(e)(2) Renumbered from Section 84064.3(d)(2)

Specific Purpose:

This section is renumbered from Section 84064.3(d)(2) per the addition of a new section as described above. The specific purpose of this amendment is to clarify how the required number of CEUs is determined for a very late applicant.

Factual Basis:

An applicant for recertification must have completed 40 hours of continuing education during their two-year certification period. This amendment is necessary to clarify that for applicants seeking recertification up to four years after the expiration of their prior certificate, the additional number of continuing education hours required will be based on how much time has elapsed from the certificate expiration to Department ACS receipt of the renewal application. Not knowing this, late applicants have often not submitted adequate units to bring their certificate current, resulting in further delays in their certificate renewal.

Section 84064.3(e)(3) Renumbered from Section 84064.3(d)(3)

Specific Purpose:

This section is renumbered from Section 84064.3(d)(3) per the addition of a new section as described above. The specific purpose of this amendment is to clarify that the \$300 fee for delinquent applications is non-refundable.

Factual Basis:

The fee, required by H&SC section 1522.41(f)(3), covers costs of processing a submitted late application for recertification. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment is necessary to address that misunderstanding.

Section 84064.3(f) Renumbered from Section 84064.3(e)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84064.3(e) per the addition of a new section (b) as described above.

Section 84064.3(f)(1) Renumbered from Section 84064.3(e)(1)

Specific Purpose:

This section is renumbered from Section 84064.3(e)(1) per the addition of a new section as described above. The specific purpose of this amendment is to clarify the recertification process for administrators who fail to renew their certificate within four years of expiration.

Factual Basis:

The amendment is necessary to clarify for administrators that if they do not renew their certificate within four years of its expiration they need to begin the entire certification process anew. As currently worded, this section only mentions the ICTP, which is just the first step of the certification process, so is unclear and generates questions to the Department. This amendment should remedy that and more clearly implement the provisions of H&SC section 1522.41(f)(6).

Section 84064.3(g) Renumbered from Section 84064.3(f)

Specific Purpose:

This section is renumbered from Section 84064.3(f) per the addition of a new section (b) as described above. The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1522 to issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements.

Section 84064.3(h) Renumbered from Section 84064.3(g)

Specific Purpose:

This section is renumbered from Section 84064.3(g) per the addition of a new section (b) as described above. The specific purpose of this amendment is to clarify that the \$25 certificate replacement fee is non-refundable.

Factual Basis:

The fee, required by H&SC section 1522.41(f)(7), covers costs of processing a replacement certificate request. To that end, "non-refundable" is being added to the description of the fee for clarity and consistency with other ACS fees.

Section 84064.3(i) Renumbered from Section 84064.3(h)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84064.3(h) per the addition of a new section (b) as described above. The section is also editorially amended to capitalize the term "Administrator Certification Section" for clarity and consistency throughout these regulations.

Section 84064.3(j) Renumbered from Section 84064.3(i)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84064.3(i) per the addition of a new section (b) as described above.

Section 84064.3(j)(1) Renumbered from Section 84064.3(i)(1)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84064.3(i)(1) per the addition of a new section as described above, and updates the reference to the Department's local licensing offices to use the correct current term and thus be clear for administrators where to provide the required notice.

Section 84064.3(j)(2) Renumbered from Section 84064.3(i)(2)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84064.3(i)(2) per the addition of a new section as described above, and editorially amended to capitalize the term "Administrator Certification Section" for clarity and consistency throughout these regulations.

Section 84064.4

Specific Purpose/Factual Basis:

The section title is amended for clarity and consistency to match that of the corresponding ARF and RCFE sections (85064.4 and 87408, respectively) of these regulations.

Section 84064.4(a)

Specific Purpose/Factual Basis:

This editorial amendment makes a grammatical correction, and adds the word "grounds" for clarity. The amendment also removes the capital "S" from the code section reference here for consistency throughout these regulations.

Section 84064.4(a)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify when a certificate may be denied or revoked due to unlawful activities.

Factual Basis:

This amendment is necessary to clarify for administrators that a certificate may be denied or revoked by the Department when it finds an applicant or an existing certificate holder obtained or attempted to obtain the certificate by fraud, misrepresentation, bribery or other unlawful activities. This will make more specific statutory requirements (e.g., H&SC section 1550), and clarify, for example, that cases of cheating on the Department-administered exam as described in Section 84064.2(d) may be grounds for denial of a certificate. It will also address bribery, which has occasionally been attempted by administrator applicants over the years.

Section 84064.4(a)(2)

Specific Purpose:

The specific purpose of this amendment is to clarify that the rule applies to applicants as well as existing certificate holders.

Factual Basis:

This amendment is necessary to clarify for administrators that a certificate may be denied or revoked by the Department when it finds an applicant or an existing certificate holder made or gave a false statement or information in conjunction with the application. Clarifying this information in the regulations is important to ensuring both current and potential administrators are aware of the consequences of providing inaccurate information.

Section 84064.4(a)(3)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from the code section reference for consistency throughout these regulations.

Section 84064.4(a)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption, and that this rule applies to applicants as well as existing certificate holders.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1522 to issue a criminal record exemption to an applicant or an existing certificate holder who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements.

Sections 84064.4(b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section references for consistency throughout these regulations.

Handbook Section 84064.4(c)

Specific Purpose/Factual Basis:

This editorial amendment is to remove the capital "S" from the code section reference for consistency in capitalization throughout these regulations, to add quotation marks at the beginning and end of the quoted reference for clarity, and to make the wording consistent with the current code sections quoted.

Section 84064.5

Specific Purpose/Factual Basis:

The section title is amended for clarity and consistency to match that of the corresponding sections in the ARF and RCFE sections (85064.5 and 87409) of these regulations.

Sections 84064.5(a)(2) and (b)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section references for consistency throughout these regulations.

Handbook Section 84064.5(b)

Specific Purpose/Factual Basis:

This editorial amendment is to include the full titles of the referenced codes for clarity and consistency, remove the capital "S" from the code section references for consistency in capitalization throughout these regulations, add quotation marks at the beginning and end of each quoted reference for clarity, and make the wording consistent with the current code sections quoted.

Section 84090

Specific Purpose:

The title of this section is amended to more clearly specify the section contents.

Factual Basis:

This amendment is necessary to clarify that this section on ICTP requirements covers both the ICTP vendor requirements and the ICTP approval requirements. Historically, the Department has found the existing title sometimes confusing to those searching for ICTP vendor information which is included in the section but not noted in the title. This amendment should remedy that.

Section 84090(a)

Specific Purpose/Factual Basis:

The word "administrator" is added for clarity and consistency to match the corresponding descriptions in the ARF and RCFE sections (85090(a) and (87785(a)) of these regulations.

Section 84090(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of ICTPs and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure vendor applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1522.41(h)(1). The Department has received numerous handwritten requests that lack the content necessary to process the application, and misrouted mail delays Department receipt and review of applications. The amendment also adds the language regarding the signatory's certification to be consistent with other such statements used on Departmental forms.

Section 84090(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify the basic applicant information included on the vendor application form.

Factual Basis:

This amendment is necessary to ensure applications include the basic business and contact information necessary for the Department to process the application and contact the vendors as needed. The type of business entity is required so the Department can more readily confirm that the entity is approved to conduct business in California such as is required by Corporations Code section 2105, 15909.02, 16959 or 17451. The e-mail address is added as that is now a frequently used means of communication.

Section 84090(b)(3)

Specific Purpose:

The specific purpose of this amendment is to clearly specify for applicants what information must be provided with the course approval request for an ICTP.

Factual Basis:

This amendment is necessary to ensure the Department has the information required to fully evaluate the proposed ICTP pursuant to statutory (e.g., H&SC section 1522.41(c)(1)) and regulatory requirements. Historically, the Department has received such requests in a wide range of formats and with inconsistent levels of detail, making it difficult to efficiently and consistently review and approve the requests. Clarifying this in regulation will provide vendors with a consistent structure and make the review and approval process more efficient.

Section 84090(b)(3)(A)

Specific Purpose:

The specific purpose of this addition is to clarify for vendors that visual recordings may not be used as an ICTP or any subject matter component thereof.

Factual Basis:

This addition is necessary to clarify the acceptable use of visual recordings in an ICTP. Historically, videos have been acceptable as teaching aids, such as to show case examples when discussing a particular topic, but have also inappropriately been used to cover an entire subject matter component such as for students making up a missed session. This addition should make clear the appropriate use of videos in an ICTP and avoid misuse in the future to ensure potential administrators received the appropriate live classroom training as required by H&SC section 1522.41(c)(1).

Section 84090(b)(4)

Specific Purpose/Factual Basis:

This amendment simply updates the cross-reference as needed due to renumbering Section 84090(i) sections.

Section 84090(b)(5)

Specific Purpose:

The specific purpose of this amendment is to clarify that the course approval request include the location(s) of the proposed ICTP.

Factual Basis:

This amendment is necessary to clarify this requirement by changing the term "geographic area" to the more specific "localities" in which the course will be offered. This information is necessary to assist the Department with its course monitoring functions (authorized by H&SC section 1522.41(h)(4)) as well as to gather some data on where courses are being offered. Historically, the Department has received comments from administrators that some regions of California have few courses available. Having clearer information on course locations can help the Department assess whether and, if so, where, this is problem.

Section 84090(b)(6)

Specific Purpose:

The specific purpose of this amendment is to clarify the recordkeeping information to be included in the vendor's ICTP application.

Factual Basis:

This amendment is necessary to clarify for potential ICTP vendors what recordkeeping information they need to include in their course request. Currently, vendors frequently include limited information on this topic, and the Department staff must request additional detail to ensure vendors are aware of the recordkeeping requirements in Section 84090(i)(5) and have a plan to comply with them. Recordkeeping is important to ensure the Department can verify administrator training course attendance and thus help prevent fraud and endangerment of facility residents by inadequately trained administrators.

Section 84090(b)(7)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors.

Factual Basis:

A statement as to whether a proposed vendor or instructor holds any current professional licenses or certifications allows the Department to cross-check such licenses or certificates for administrative actions and legal concerns (such as outlined in H&SC section 1550) and to confirm an instructor's qualifications for teaching a particular course. The statement is included on the vendor and course application forms and already in use. This amendment simply adds that it is also provided for instructors.

Section 84090(b)(8)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors and requests information about State-issued care facility licenses.

Factual Basis:

A statement as to whether a proposed vendor or instructor holds any State-issued care facility licenses or has been employed by a State-licensed care facility allows the Department to check the status of such licenses as authorized by H&SC section 1522.08 and to confirm the applicant (or proposed instructor) is in good standing as a licensee (such as required by Section 84090(i)(7)(D)). The statement is included on the vendor and course application forms and already in use.

Section 84090(b)(9)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors.

Factual Basis:

A statement as to whether a proposed vendor or instructor has been the subject of any administrative or legal actions regarding their licenses or licensed facilities' work enables the Department to cross-check their criminal background clearance as required by law (e.g., H&SC section 1550 et seq) to avoid endangering the vulnerable populations residing in the facilities. The statement is included on the vendor and course application forms and already in use. This amendment is necessary to add that it is also provided for instructors as they may come into contact with facility residents, and to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 84090(b)(10)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$150 processing fee for ICTP vendor applications (or renewal applications) is non-refundable.

Factual Basis:

The fee, authorized by H&SC section 1522.41(h)(6), covers costs of processing the vendor and course application. To that end, "nonrefundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds when their applications were denied. This amendment is necessary to address that misunderstanding.

Section 84090(c)

Specific Purpose:

The specific purpose of this amendment is to clarify the term of the ICTP and who provides the approval.

Factual Basis:

The amendment is necessary to clarify that the ICTP is approved for a two-year period from the date the ICTP vendorship is approved by the Department, as sometimes the course approval itself takes longer than the vendor application approval due to the volume of course material to review and rework. For clarity, the ICTPs are approved to expire at the same time as the two-year vendorship term.

Section 84090(d)

Specific Purpose:

The specific purpose of this amendment is to clarify that the vendor applicants use only the Department forms for renewal of their ICTP and submit them to the Department's ACS.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1522.41(h)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays Department receipt and review of applications. The form names are also added for clarity and consistency.

Section 84090(d)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that only vendors with an approved ICTP can renew their ICTP vendorship.

Factual Basis:

This addition is necessary to clarify for GH vendors that they must have an approved GH ICTP in order to renew their GH ICTP vendorship as is the intent of the ICTP renewal process. Historically, some vendors have not understood this so this amendment should remedy that.

Section 84090(h)

Specific Purpose:

The specific purpose of this amendment is to clarify the ICTP being described.

Factual Basis:

This amendment is necessary to clarify for vendors and administrators that this section specifically describes the content of the ICTP for GH administrators. The ARF and RCFE ICTPs have different content and are described in their respective sections (85090(h) and 87785(h)) of these regulations.

Section 84090(h)(1)

Specific Purpose:

The specific purpose of this amendment is to add reference to the applicable definition for clarity.

Factual Basis:

This amendment is necessary to ensure all vendors' GH ICTPs provide a full 40 hours of classroom instruction as required by statute (H&SC section 1522.41(c)(1)), to ensure new facility administrators are adequately trained. Historically, the Department has noted variability in actual instruction time among vendors' course proposals depending on how they have interpreted a "classroom hour." Adding reference here to the common definition of classroom hour should eliminate that problem.

Section 84090(h)(1)(E)

Specific Purpose:

The specific purpose of this amendment is to reduce the time required for this knowledge component in order to provide time for a new component required by AB 1856 (Chapter 639, Statutes of 2012) at H&SC section 1522.41(c)(1)(I) and added here as Section 84090(h)(1)(K).

Factual Basis:

This amendment is necessary to bring the regulations into alignment with recently enacted law that requires all new administrators have training on cultural competency and sensitivity toward the lesbian, gay, bisexual, and transgender communities. As the law does not allow the Department to add time to the total ICTP, this amendment reduces this support services component by one hour to allow time for instruction in the new requirement being added at (K).

Section 84090(h)(1)(K)

Specific Purpose:

The specific purpose of adding this Section is to bring the regulations into alignment with AB 1856 (Chapter 639, Statutes of 2012) at H&SC section 1522.41(c)(1)(I) and establish hours for this topic in the GH Core of Knowledge.

Factual Basis:

This amendment is necessary to bring the regulations into alignment with recently enacted law (now in H&SC section 1522.41(c)(1)(I)) that requires all new administrators have training on cultural competency and sensitivity toward the lesbian, gay, bisexual, and transgender communities.

Section 84090(h)(2)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency throughout these regulations, and also to clarify that the exam is the one developed by the Department.

Factual Basis:

The exam for administrators is developed and administered by the Department, as part of the Department-approved administrator certification program required by statute (H&SC section 1522.41(b)(1)). This amendment is necessary to clarify this for administrators who have sometimes thought that completion of a test within the ICTP constituted the administrator exam.

Section 84090(h)(2)(A)

Specific Purpose/Factual Basis:

The term "test" is changed to "exam" here and throughout these regulations for consistency.

Section 84090(h)(2)(B)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency, and to clarify reference to the Core of Knowledge.

Factual Basis:

AB 1856 (Chapter 639, Statutes of 2012) recently added a new category to the Core of Knowledge at H&SC section 1522.41(c)(1)(I), and future legislation may do the same. This amendment is necessary to bring this section into alignment with the updated Core of Knowledge by providing reference to that entire section of these regulations and eliminating the unnecessary restatement of the number of categories.

Additionally, the term "test" is changed to "exam" here and throughout these regulations for consistency.

Section 84090(i)(1)

Specific Purpose:

The specific purpose of this amendment is to ensure ICTPs are conducted in a classroom setting.

Factual Basis:

This amendment is necessary to ensure ICTPs are conducted in environments conducive to learning. Historically, the Department has received complaints of some courses or segments thereof being conducted in homes, for example, with numerous distractions. The amendment should remedy this problem.

Section 84090(i)(1)(A)

Specific Purpose/Factual Basis:

This amendment simply updates the cross-reference as needed due to the addition of other sections.

Section 84090(i)(1)(B)

Specific Purpose:

The specific purpose of this addition is to provide in regulations the same waiver regarding this instructional requirement as is provided in the ARF and RCFE regulations.

Factual Basis:

This addition is necessary to clearly advise GH ICTP vendors that they, like ARF and RCFE ICTP vendors (Sections 85090(i)(1)(B) and 87785(i)(8)(A)), may request a waiver where they cannot currently provide an instructor with the specified qualifications for part of their ICTP. While this situation is rare, it's important the regulations across the three program areas clearly and consistently in address it.

Section 84090(i)(2)

Specific Purpose:

The specific purpose of this amendment is to clarify the program completion requirements.

Factual Basis:

This amendment is necessary to clarify that vendors must have a procedure in place to allow ICTP participants to make-up any ICTP component they've missed (e.g., due to illness or other good cause) in order to complete the total hours and content required in the ICTP. Historically, the Department has discovered that some "make-up" units were not for the full hours required for that component and/or did not cover all the content of the component so effectively reduced the required training provided. This amendment should clarify for vendors and administrator applicants that the "make-up" components ensure the trainee complete the full ICTP hours and content intended per H&SC section 1522.41(c)(1).

Section 84090(i)(3)

Specific Purpose:

The specific purpose of this addition is to specify that vendors provide certificates to individuals completing their ICTPs.

Factual Basis:

This addition is necessary because currently the statute (H&SC section 1522.41(d)(1)) and regulations (Section 84064.2(b)(3)(A)) require administrators to show proof of completion of the ICTP but do not require vendors to issue said proof. This will clearly require vendors to provide certificates.

Section 84090(i)(3)(A)

Specific Purpose:

The specific purpose of this addition is to clarify what information vendors are to include on the certificate provided to participants completing an ICTP.

Factual Basis:

This addition is necessary because currently the statute (H&SC section 1522.41(d)(1)) and regulations (Section 84064.2(b)(3)(A)) require administrators to show proof of completion of the ICTP but do not require vendors to issue said proof or to provide it in a consistent and complete format. This amendment is needed to ensure the applicant can adequately document their ICTP completion to the Department when applying for certification. Currently, such documentation includes variable information on the ICTP and vendor which increases the amount of time it takes Department staff to review applications for certification and confirm ICTP attendance, and delays approval of such certificates.

Section 84090(i)(4) Renumbered from Section 84090(i)(3)

Specific Purpose:

This section is renumbered from Section 84090(i)(3) per the addition of a new section (3) described above, and amended to specify that vendors use a Department form for submitting information on who completes their ICTPs.

Factual Basis:

This amendment is necessary to ensure vendors' regulatory compliance by creating a record of ICTP participant information and providing it to the Department upon request. For processing administrator certifications, the Department needs a means to check applicants' completion of ICTP programs, particularly in cases where the certificate submitted appears fraudulent. The ability to collect consistently-formatted rosters of ICTP participants facilitates that task, and reduces the need for vendors to field requests for individual administrator attendance information from the Department.

Section 84090(i)(5) Renumbered from Section 84090(i)(4)

Specific Purpose:

This section is renumbered from Section 84090(i)(4) per the addition of a new section (3) described above, and amended to delete the term "written" so as not to preclude vendors from maintaining, or the Department from reviewing, other types of records (e.g., electronic documents or recordings) now commonly maintained. The amendment also clarifies the three-year record maintenance term, a required form for documentation.

Factual Basis:

These amendments are necessary to ensure the Department has access to all formats of vendor records when needed to fulfill its statutory duty to ensure vendors are complying with training course requirements. As currently written, the regulation could be construed by vendors to block Department access to other types of records than "written." Further, the amendment to Section 84090(i)(5) clarifies for vendors that the required three-year record maintenance period starts from the date of vendor approval, course approval or course offering, whichever is most recent. This ensures records will be available for a reasonable amount of time for the Department to fulfill its monitoring responsibilities per H&SC section 1522.41(h)(4).

Section 84090(i)(5)(A) Renumbered from Section 84090(i)(4)(A)

Specific Purpose:

This section is renumbered from Section 84090(i)(4)(A) per the addition of a section as described above. The specific purpose of this amendment is to add course outlines to the list of required records to be maintained.

Factual Basis:

This amendment is necessary to clarify for vendors that their records should also include the ICTP outlines. Historically, some vendors have not kept such documents, which are important for ensuring the ICTP is taught as approved.

Section 84090(i)(5)(B) Renumbered from Section 84090(i)(4)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84090(i)(4)(B) per the addition of a new section described above, and amended for grammatical clarity and to update the cross-reference.

Section 84090(i)(5)(C) Renumbered from Section 84090(i)(4)(C)

Specific Purpose:

This section is renumbered from Section 85090(i)(4)(C) per the addition of a new section described above, and amended for grammatical clarity and to add the number of the form for clarity and consistency.

Factual Basis:

The amendments are necessary to clarify that the vendor must maintain the roster of registered ICTP participants and documentation of who completed the ICTP as not all registrants may complete the program. This allows the Department to confirm administrator completion of the program as required by law. Using a standardized form (as most already do) ensures consistency of information collected.

Section 84090(i)(5)(D)

Specific Purpose:

This section is added to include evaluations in the recordkeeping requirements, consistent with the ARF and RCFE regulations.

Factual Basis:

This addition is necessary to ensure that all vendors, including those for GH courses, maintain their course evaluations. This is already required in the ARF and RCFE regulations (Sections 85090(i)(5)(D) and 87785(i)(5)(D)) and so is added here for clarity and consistency.

Section 84090(i)(5)(E)

Specific Purpose:

This section is added to include audio-visual recordings of ICTPs offered outside of California in the list of vendor records to be maintained.

Factual Basis:

This addition is necessary to ensure that all vendors maintain such visual recordings of their ICTPs offered outside California. While such recordings may already be made by some vendors, without this amendment, vendors might not maintain them similarly to other records or have them available for Department review when needed to ensure compliance. The Department is not currently proposing to require recordings of ICTPs offered in California as those are accessible for on-site monitoring but vendors may make and keep those if desired, too, as they may be helpful in responding to complaints, for example.

Section 84090(i)(5)

Specific Purpose/Factual Basis:

This section is deleted as the content has been moved to and detailed in 84090(j).

Section 84090(i)(6)

Specific Purpose:

This section is added to include language requiring vendors to submit their proposed ICTP schedules upon request.

Factual Basis:

This amendment is necessary to provide a consistent structure for vendors to submit their ICTP schedules and related information to the Department. Currently the information is not submitted in a consistent format making it difficult for the Department to fulfill its statutory monitoring obligations. Making the information available upon request will meet the Department's monitoring and inspection needs without burdening the vendors with unnecessary submittal requirements.

Section 84090(i)(7) Renumbered from Section 84090(i)(6)

Specific Purpose:

This section is renumbered from Section 84090(i)(6) per the addition of a new section described above, and amended to clarify the wording regarding instructors' necessary knowledge and experience.

Factual Basis:

This amendment is necessary to clarify that ICTP instructors must have relevant knowledge and experience in the subject taught to ensure that administrators receive adequate instruction in the subject. There's been some confusion in the past as to what is meant by "subject area" so the wording is changed here to "subject matter and content" for greater clarity. Similarly, the word "verifiable" is added to clarify that the stated education or experience should be supportable by documentation (e.g., diplomas, resumes).

Section 84090(i)(7)(A) Renumbered from Section 84090(i)(6)(A)

Specific Purpose:

This section is renumbered from Section 84090(i)(6)(A) per the addition of a new section described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify for vendors the type of education and amount of related experience required of their instructors under this option. Historically, some vendors have not understood what was meant by "four year college degree" and tried to use, for example, instructors who had taken a few years of college classes but not completed a bachelor's degree. So this amendment changes the wording to state "bachelor's or higher degree." Furthermore, to better ensure the quality of administrator training, the amendment specifies that the degree be from an accredited institution, and that it, like the work experience, be in a field related to the subject(s) to be taught. The term "course" is changed to "subject" for clarity and consistency as a given instructor may be teaching part but not all of a given course.

Section 84090(i)(7)(B) Renumbered from Section 84090(i)(6)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84090(i)(6)(B) per the addition of a new section described above, and the word "of" added for grammatical clarity.

Section 84090(i)(7)(C) Renumbered from Section 84090(i)(6)(C)

Specific Purpose:

This section is renumbered from Section 84090(i)(6)(C) per the addition of a section as described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify the existing intent that the professional certification be in a field related to the subject(s) to be taught. Also, to better ensure the quality of the administrator training, the amendment adds that the professional have at least two years of related field experience, similar to the existing criteria in (A) above. This should eliminate the problem of persons with licenses but no related experience teaching subjects in which they have little hands-on knowledge and thus better ensure administrators receive adequate training.

Section 84090(i)(7)(D) Renumbered from Section 84090(i)(6)(D)

Specific Purpose:

This section is renumbered from Section 84090(i)(6)(D) per the addition of a section as described above, and amended to clarify the instructors' required knowledge and experience under this criteria and to update the cross reference.

Factual Basis:

This amendment is necessary to clarify the existing intent of this criteria that the instructor be a current or very recent administrator and have his or her facility(ies) in substantial compliance with the law and regulations. The amendment changes the timeframe from four years within the last eight years to four years within the last six years to better ensure the person's knowledge of current facility administration requirements and issues and thus the ability to provide correct instruction to other administrators. The amendment also adds that the administrator-instructor have verifiable training in the subject(s) to be taught to help ensure they're not teaching a topic on which, despite their general administrator experience, they have little or no specific knowledge. This all helps ensure the quality of training for administrators. The related cross reference is updated pursuant to other changes in that section.

Section 84090(i)(8)

Specific Purpose:

The specific purpose of this addition is to clarify how vendors are to obtain the Department's approval of changes to course instructors.

Factual Basis:

This addition is necessary to specify the process and form used by vendors to add or replace an approved instructor from a course. Using a standard form ensures clarity and consistency of information requested and reviewed. Requiring specific Department approval of instructor changes is important to ensuring course quality for administrators.

Section 84090(i)(9)

Specific Purpose:

The specific purpose of this addition is to place in regulations a requirement that vendors encourage and respond to questions during their training programs.

Factual Basis:

This addition is necessary to address a historical problem of some vendors not providing time for questions and/or adequately responding to questions by ICTP participants. This amendment should remedy that and help ensure the ICTPs better facilitate learning.

Section 84090(i)(10)

Specific Purpose:

The specific purpose of this addition is to place in regulations the minimum content of participant evaluations.

Factual Basis:

This addition is necessary to ensure that all ICTP vendors solicit adequate information in their participant evaluations, and thus can improve their administrator training programs when and where needed. Historically, the Department has found that while many vendors do solicit course and instructor feedback in their end-of-course evaluations, others do not, leading to the continuation of inadequate training. This addition should clarify the basic evaluation content expected and thus remedy this problem and help foster improved administrator training.

Section 84090(i)(11)

Specific Purpose:

The specific purpose of this addition is to require vendors report to ACS changes in business contact or address information.

Factual Basis:

This addition is necessary to ensure that the Department has the correct current contact information on file for the approved ACS vendors. The regulations already specify that facility administrators report address changes to ACS within thirty (30) days [see, for example, Section 84064.3(i)] but does not specify this for vendors. This addition will remedy that inconsistency and ensure the Department can quickly contact all vendors when needed (e.g., to send out information regarding statutory changes, complaints, etc). This addition is also necessary to ensure disciplinary matters are properly and effectively served pursuant to Government Code section 11505, subdivision (c).

Section 84090(j)(1)

Specific Purpose:

The specific purpose of this addition is to more clearly state in regulations that the Department's representatives may monitor ICTPs. This new language replaces that currently in Section 84090(i)(5).

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority and obligation to oversee the ICTPs as part of its administrator certification duties (H&SC section 1522.41(h)(4)). While current language in Section 84090(i)(5) addressed this in brief, the Department has not always had sufficient staffing to conduct much ICTP monitoring so vendors may be unused to the process. This more detailed section will help clarify for vendors the Department's monitoring role.

Section 84090(j)(2)

Specific Purpose:

The specific purpose of this addition is to ensure privacy for potential ICTP participant interviews and for the Department's examination of vendor records.

Factual Basis:

This addition is necessary to alleviate concerns of ICTP attendees and vendors about participating in interviews or sharing records, respectively, with Department representatives.

Section 84090(j)(3)

Specific Purpose:

The specific purpose of this addition is to specify that the Department may inspect, audit and copy records related to the vendor's ICTP, and may remove the records for copying if needed.

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority to oversee the ICTPs as part of its administrator certification duties, and to clarify how records may be removed for copying if needed.

Section 84090(j)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that despite Section 84090(j)(3) added, the Department will not remove vendors' emergency or health-related personnel records unless they are duplicative, and shall return the materials within three days.

Factual Basis:

This addition is necessary to provide a process for handling unique personnel information and addressing vendor concerns that the information could be lost if the sole copy is removed for copying by the Department. The amendment also provides a timeframe for the Department to return the materials to the vendor.

Section 84090(k)

Specific Purpose:

The specific purpose of this addition is to specify the process for notifying vendors of any deficiencies found per the Department's monitoring of the ICTP.

Factual Basis:

This addition is necessary to place in regulations and make clear to vendors the process for how the Department will officially notify vendors of any significant deficiencies identified during the monitoring (authorized per H&SC section 1522.41(h)(4)). The amendment also provides for handling minor deficiencies, such that if they are corrected immediately, they won't be included in the notice. The notice will be provided in person or by registered mail to ensure its receipt by the vendor.

Section 84090(k)(1)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice be in writing.

Factual Basis:

This addition is necessary to specify how deficiencies identified during the monitoring will be noticed to the vendor. Providing the notice of deficiencies in writing helps ensure clarity for all the parties involved as to what was found and needs to be resolved.

Section 84090(k)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice will include a reference to the applicable statute or regulation.

Factual Basis:

This addition is necessary to ensure the notice clearly identifies the basis for the deficiency for all parties involved.

Section 84090(k)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include a statement as to how the ICTP failed to comply with the referenced statute or regulations.

Factual Basis:

This addition is necessary to ensure clarity as to what is deficient. Without such clarity, the vendor could have a difficult time resolving the deficiency.

Section 84090(k)(1)(C)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include the amount of any penalty to be assessed if the deficiency is not addressed.

Factual Basis:

This addition is necessary to ensure vendors are informed of potential penalty amounts at the time of the deficiency notice.

Section 84090(k)(1)(D)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include reference to the applicable appeal process.

Factual Basis:

This addition is necessary to ensure all vendors with deficiencies know that there is an appeal process and where to find it.

Section 84090(k)(2)

Specific Purpose:

The specific purpose of this addition is to specify the process for the vendor to develop a corrective action plan for the deficiency(ies) and add it to the notice of deficiency.

Factual Basis:

This addition is necessary to make specific in regulations how deficiencies identified during the monitoring will be corrected. Having the vendor work with the Department to develop the corrective action plan and add it to the notice is similar to standard audit processes and helps make the correction process clear and efficient.

Section 84090(k)(3)

Specific Purpose:

The specific purpose of this addition is to specify the timeframe for vendors to correct identified deficiencies related to the ICTP.

Factual Basis:

This addition is necessary to ensure vendors know the required timelines for correction and ensure a consistent timeline for all vendors. The regulation also provides some flexibility for vendors making corrections to the ICTP itself, as "the next offering of the" ICTP could be pushed out to provide more time for making the corrections.

Section 84090(l)

Specific Purpose:

This section is added to include limitations on co-located courses, consistent with the ARF and RCFE regulations.

Factual Basis:

This addition is necessary to ensure that all vendors, including those for GH courses, are aware that they cannot co-locate ICTPs as this would not meet the unique statutory training requirements of each program area. This is already stated in the ARF and RCFE regulations (Sections 85090(l) and 87785(l)) and so is added here for clarity and consistency.

Section 84090(m)

Specific Purpose:

This section is added to clearly state that GH vendors and their instructors who are also seeking administrator certificates cannot attend their own ICTPs for credit, consistent with the ARF and RCFE regulations.

Factual Basis:

This addition is necessary to ensure that all vendors and their instructors, including those for GH courses, are aware that they cannot receive credit for attending their own GH ICTPs when they are applying to be GH administrators. This is already stated for vendors in the ARF and RCFE regulations (Sections 85090(m) and 87785(m)) and the clarification regarding instructors is being added, so this section is added here for clarity and consistency.

Handbook Section 84090.1(a)

Specific Purpose/Factual Basis:

This editorial amendment makes the wording consistent with the current code sections quoted and adds quotation marks around the code sections referenced for clarity and consistency throughout these regulations.

Section 84090.1(c)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from each code section reference here for consistency throughout these regulations.

Handbook Section 84090.1(c)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the wording consistent with the current code sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 84090.2(a)(3)

Specific Purpose:

The specific purpose of this amendment is to include misconduct during instruction as a cause for revoking an ICTP.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke an ICTP if it finds conduct during ICTP instruction that is illegal, inappropriate or inconsistent with the program requirements. Historically, the Department has received complaints of apparently inappropriate conduct during ICTPs but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misconduct.

Section 84090.2(a)(4)

Specific Purpose:

The specific purpose of this amendment is to include misrepresentation or false statements during instruction as a cause for revoking an ICTP and to clarify that it's knowingly providing false information that is also a grounds for revocation.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke an ICTP if it finds a vendor misrepresents or knowingly makes false statements during program instruction. Historically, the Department has received complaints of apparent misinformation or false information being provided during instruction but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misinformation.

Additionally, this amendment adds the term "knowingly" to describe the type of false statements that can result in ICTP revocation. It is not the Department's intent to punish inadvertent false statements but to prevent fraud and misinformation in the Administrator Certification Program so this amendment should clarify that. Finally, the amendment adds the word "or" for grammatical clarity per the addition of a new section (5) as described below.

Section 84090.2(a)(5)

Specific Purpose:

The specific purpose of this addition is to include in the regulation all the reasons why an ICTP may be revoked.

Factual Basis:

This addition is necessary to clearly state in the regulations that a vendor's failure to correct deficiencies or to pay civil penalties due is also reason for revoking an ICTP as it shows the inability of the vendor to comply with basic program requirements established pursuant to H&SC section 1522.41(h).

Section 84090.2(b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from each code section reference here for consistency throughout these regulations.

Handbook Section 84090.2(c)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the wording consistent with current statutory sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 84091(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of continuing education training programs and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure vendor applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1522.41(h)(1). The Department has received numerous handwritten requests that lack the content necessary to process the application, and misrouted mail delays Department receipt and review of applications. The amendment also adds language to require the signatory's certification to a statement of accuracy and completeness consistent with other such statements now used on Departmental forms. The full form name is also added for clarity and consistency.

Section 84091(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify the basic applicant information included on the vendor application form.

Factual Basis:

This amendment is necessary to ensure applications include the basic business and contact information necessary for the Department to process the application and contact the vendors as needed. The type of business entity is required so the Department can more readily confirm that the entity is approved to conduct business in California such as is required by Corporations Code section 2105, 15909.02, 16959 or 17451. The e-mail address is added as that is now a frequently used means of communication.

Section 84091(b)(3)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to include other State-licensed facilities the Department may ask about.

Factual Basis:

This amendment is necessary to clearly include in the statement affiliation with other State-licensed care facilities to help the Department check the vendor's background relative to care facility operations and avoid certifying someone to train residential facility administrators (who care for a vulnerable population) who has had prior misconduct or compliance issues related to such facilities. Requesting this information is within the authority of H&SC section 1522.08 wherein the legislature has provided authority for various State departments to share information with respect to applicants, licensees, certificates, or individuals who have been subject to any administrative action resulting in a denial, suspension, probation or revocation of a license, permit, certificate or in an exclusion.

Section 84091(b)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to eliminate confusion.

Factual Basis:

This amendment is necessary to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 84091(b)(5)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$100 processing fee for Continuing Education Training Program vendor applications (or renewal applications) is non-refundable.

Factual Basis:

The fee, authorized by H&SC section 1522.41(h)(6), covers costs of processing the vendor and course application. To that end, "nonrefundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds when their applications were denied. This amendment addresses that misunderstanding.

Section 84091(d)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting renewal of continuing education training program vendorships.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1522.41(h)(1). The Department has received numerous handwritten requests that lack the content necessary to process the application. The form name is also added for clarity and consistency. Additionally, the term "vendorship" is added to clarify that Section 84091 describes the vendorship application process; the continuing education course approval process is described in Section 84091.1.

Section 84091(d)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that only vendors with approved continuing education courses can renew their continuing education vendorship.

Factual Basis:

This addition is necessary to clarify for GH vendors that they must have one or more approved GH continuing education courses in order to renew their GH continuing education vendorship as is the intent of the course renewal process. Historically, some vendors have not understood this so this amendment should remedy that.

Section 84091(e)

Specific Purpose:

The specific purpose of this amendment is to clarify that this section relates to the vendorship application process.

Factual Basis:

This amendment is necessary to clarify for vendors that Section 84091 describes the continuing education program vendorship requirements and application process. The continuing education course approval process is described in Section 84091.1.

Section 84091(h)(1)

Specific Purpose:

The specific purpose of adopting this section is to specify that vendors must provide certificates to individuals completing their approved continuing education courses.

Factual Basis:

This addition is necessary because the statute (H&SC section 1522.41(f)(4) and regulations (Section 84064.3(d)(2)) require administrators to show proof of completion of continuing education courses but do not require vendors to provide said proof. This will clearly require vendors to provide certificates.

Section 84091(h)(1)(A)

Specific Purpose:

The specific purpose of this addition is to clarify what information vendors are to include on the certificate provided to participants completing an approved continuing education course.

Factual Basis:

This addition is necessary because the statute and regulations require administrators to show proof of completion of continuing education courses but do not require vendors to issue said proof or to provide it in a consistent and complete format. This amendment is needed to ensure the administrator can adequately document their course completion to the Department when applying for recertification. Currently, such documentation includes variable information on the course and vendor which increases the amount of time it takes Department staff to review applications for recertification, and delays approval of such certificates.

Sections 84091(h)(2) Renumbered from Sections 84091(h)(1)

Specific Purpose:

This section is renumbered from Section 84091(h)(1) per the addition of a new section as described above. The specific purpose is to clarify the three-year record maintenance term, and also to delete the term "written" so as not to preclude vendors from maintaining, or the Department from reviewing, other types of records (e.g., electronic documents or recordings) now commonly maintained.

Factual Basis:

The amendment is necessary to ensure the Department has access to all formats of vendor records when needed to fulfill its statutory duty to ensure vendors are complying with training course requirements. As currently written, the regulation could be construed by vendors to block Department access to other types of records than "written." Further, the amendment clarifies for vendors that the required three-year record maintenance period starts from the date of vendor approval, course approval or course offering, whichever is most recent. This ensures records will be available for a reasonable amount of time for the Department to fulfill its monitoring responsibilities per H&SC section 1522.41(h)(4).

Section 84091(h)(2)(A) Renumbered from Section 84091(h)(1)(A)

Specific Purpose:

This section is renumbered from Section 84091(h)(1)(A) per the addition of a section as described above. The specific purpose of this amendment is to add course outlines to the list of required records to be maintained.

Factual Basis:

This amendment is necessary to clarify for vendors that their records should also include the course outlines. Historically, some vendors have not kept such documents, which are important for ensuring the courses are taught as approved.

Section 84091(h)(2)(B) Renumbered from Section 84091(h)(1)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84091(h)(1)(B) per the addition of a section describe above, and amended to update the cross-referenced section. It also pluralizes "lists" for accuracy as vendors usually have multiple courses and thus multiple lists of instructors.

Section 84091(h)(2)(C) Renumbered from Section 84091(h)(1)(C)

Specific Purpose:

This section is renumbered from 84091(h)(1)(C) per the addition of a new section as described above, and amended to add the term "rosters" and the form number for clarity of the type of information to be maintained.

Factual Basis:

Vendors are required to maintain records of who completed their approved continuing education courses. This amendment is necessary to clarify that this information is to be maintained in a standardized roster format, as it typically is by course. Without this clarification some vendors may believe they must maintain copies of the individual students' certificates of completion which is an option but not required given the volume of courses and students.

Section 84091(h)(2)(D)

Specific Purpose:

This section is added to include evaluations in the recordkeeping requirements, consistent with the ARF and RCFE regulations.

Factual Basis:

This addition is necessary to ensure that all vendors, including those for GH courses, maintain their course evaluations. This is already required in the ARF and RCFE regulations (Sections 85091(h)(2)(D) and 87788(h)(2)(D)) and so is added here for clarity and consistency.

Section 84091(h)(2)(E)

Specific Purpose:

This addition is to include audio-visual recordings of continuing education courses offered outside California in the list of vendor records to be maintained.

Factual Basis:

This addition is necessary to ensure that all vendors maintain such visual recordings of their continuing education courses offered outside California. While such recordings may already be made by some vendors, without this amendment, vendors might not maintain them similarly to other records or have them available for Department review when needed to ensure compliance. The Department is not currently proposing to require recordings of courses offered in California as those are accessible for on-site monitoring but vendors may make and keep those if desired, too, as they may be helpful in responding to complaints, for example.

Section 84091(h)(3) Renumbered from Section 84091(h)(2)

Specific Purpose:

This section is renumbered from Section 84091(h)(2) due to the addition of a new section (h)(1) as described above, and is amended to clarify the wording regarding instructors' necessary knowledge and experience.

Factual Basis:

This amendment is necessary to clarify that continuing education course instructors must have relevant knowledge and experience in the subject taught to ensure that administrators receive adequate instruction in the subject. There has been some confusion in the past as to what is meant by "subject area" so the wording is changed here to "subject matter and content" for greater clarity. Similarly, the word "verifiable" is added to clarify that the stated education or experience should be supportable by documentation (e.g., diplomas, resumes).

Section 84091(h)(3)(A) Renumbered from Section 84091(h)(2)(A)

Specific Purpose:

This section is renumbered from Section 84091(h)(2)(A) due to the addition of a new section as described above, and is amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify for vendors the type of education and amount of related experience required of their instructors under this option. Historically, some vendors have not understood what was meant by "four year college degree" and tried to use, for example, instructors who had taken a few years of college classes but not completed a bachelor's degree. So this amendment changes the wording to state "bachelor's or higher degree." Furthermore, to better ensure the quality of administrator training, the amendment specifies that the degree be from an accredited institution, and that it, like the work experience, be in a field related to the subject(s) to be taught. The term "course" is changed to "subject" for clarity and consistency as a given instructor may be teaching part but not all of a given course.

Section 84091(h)(3)(B) Renumbered from Section 84091(h)(2)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 84091(h)(2)(B) per the addition of a new section as described above, and amended to add the word "of" for grammatical clarity.

Section 84091(h)(3)(C) Renumbered from Section 84091(h)(2)(C)

Specific Purpose:

This section is renumbered from Section 84091(h)(2)(C) per the addition of a new section as described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify the existing intent that the professional certification be in a field related to the subject(s) to be taught. Also, to better ensure the quality of the administrator training, the amendment adds that the professional have at least two years of related field experience, similar to the existing criteria in (h)(3)(A) above. This should eliminate the problem of persons with licenses, but no related experience, teaching subjects in which they have little hands-on knowledge and thus better ensure administrators receive adequate training.

Section 84091(h)(3)(D) Renumbered from Section 84091(h)(2)(D)

Specific Purpose:

This section is renumbered from Section 84091(h)(2)(D) per the addition of a new section as described above, and amended to clarify the instructors' required knowledge and experience under this criteria and to update the cross-referenced section per prior Departmental updates to the definitions.

Factual Basis:

This amendment is necessary to clarify the existing intent of this criteria that the instructor be a current or very recent administrator and have his or her facility(ies) in substantial compliance with the law and regulations. The amendment changes the timeframe from four years within the last eight years to four years within the last six years to better ensure the person's knowledge of current facility administration requirements and issues and thus the ability to provide correct instruction to other administrators. The amendment also adds that the administrator-instructor have verifiable training in the subject(s) to be taught to help ensure they're not teaching a topic on which, despite their general administrator experience, they have little or no specific knowledge. This all helps ensure the quality of training for administrators.

Section 84091(h)(4)

Specific Purpose:

This section is added to require vendors to submit their proposed continuing education course schedules to the Department upon request.

Factual Basis:

This addition is necessary to provide a consistent structure for vendors to submit their continuing education course schedules and related information to the Department. Currently the information is not submitted in a consistent format making it difficult for the Department to fulfill its course monitoring obligations. Making the information available upon request will meet the Department's needs without burdening the vendors with unnecessary submittal requirements.

Section 84091(h)(5)

Specific Purpose:

This section is added to clarify how vendors are to obtain the Department's approval of changes to course instructors.

Factual Basis:

This addition is necessary to specify the process and form used by vendors to add or delete an approved instructor for a course. Using a standard form ensures clarity and consistency of information requested and reviewed. Requiring specific Department approval of instructor changes is important to ensuring course quality for administrators.

Section 84091(h)(6)

Specific Purpose:

The specific purpose of this addition is to place in regulations a requirement that vendors encourage and respond to questions during their training programs.

Factual Basis:

This addition is necessary to address a historical problem of some vendors not providing time for questions and/or adequately responding to questions by continuing education course participants. This amendment should remedy that and help ensure the courses better facilitate learning.

Section 84091(h)(7)

Specific Purpose:

The specific purpose of this addition is to place in regulations the minimum content of participant evaluations.

Factual Basis:

This addition is necessary to ensure that all continuing education course vendors solicit adequate information in their participant evaluations, and thus can improve their courses when and where needed. Historically, the Department has found that while many vendors do solicit course and instructor feedback in their end-of-course evaluations, others do not, leading to the continuation of inadequate training. This addition should clarify the basic evaluation content expected and thus remedy this problem and help foster improved administrator training.

Section 84091(h)(8)

Specific Purpose:

The specific purpose of this addition is to require vendors report to ACS changes in business contact or address information.

Factual Basis:

This addition is necessary to ensure that the Department has the correct current contact information on file for the approved ACS vendors. The regulations already specify that facility administrators report address changes to ACS within thirty (30) days [see, for example, Section 84064.3(i)] but does not specify this for vendors. This addition will remedy that inconsistency and ensure the Department can quickly contact all vendors when needed (e.g., to send out information regarding statutory changes, complaints, etc). This addition is also necessary to ensure disciplinary matters are properly and effectively served pursuant to Government Code section 11505, subdivision (c).

Section 84091(i)

Specific Purpose:

The specific purpose of this amendment is to implement the online education criteria enacted by AB 2675 (Chapter 421, Statutes of 2006) at H&SC section 1522.41(h)(7). The amendment also adds cross-reference to the definition of "classroom setting" for clarity.

Factual Basis:

The amendment is necessary to comply with statutory requirements regarding online educational opportunities. It also clarifies what is meant by classroom learning, as now defined in the cross-referenced section, to help ensure administrators are adequately trained and not simply entertained.

Section 84091(i)(1)

Specific Purpose:

This specific purpose of this amendment is to clarify the approval of online continuing education courses as allowed by statute.

Factual Basis:

The amendment is necessary to comply with statutory requirements regarding online educational opportunities and to clearly summarize them here. Historically, many vendors have not understood the interactivity of these courses as required by statute (H&SC section 1522.41(h)(7)(A)(i)), so this regulation clarifies that.

Section 84091(i)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify how a webinar or similar type of live online course may be approved pursuant to statute.

Factual Basis:

This addition is required to provide clarity to vendors on how the Department may approve webinars and similar types of live online courses. Historically there has been no specific process for reviewing and approving such courses.

Section 84091(i)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify how an online course will be designed so that participants get the benefit of the full number of training hours approved.

Factual Basis:

This addition is necessary to ensure that administrators taking online courses to fulfill some of their continuing education requirements (as allowed by H&SC section 1522.41(f)(1)) receive adequate instruction in the subject. Historically, in monitoring the use of such courses, the Department has found administrators receiving credit for a multi-hour course when they actually only spent a fraction of that time taking the course. Clarifying vendors' responsibility to ensure the courses do take the amount of time approved (e.g., through their interactivity) and that participants cannot print a certificate without completing the course hours will help remedy this problem.

Handbook Section 84091(i)(1)

Specific Purpose:

This specific purpose of this new handbook section is to include the statutory requirements for online training.

Factual Basis:

This addition is necessary to provide clarity for vendors developing online courses. Historically, the Department has often found vendors' online courses lacking in the required interactivity, for example.

Section 84091(k)

Specific Purpose:

The specific purpose of this amendment is to clarify that the Department may monitor and inspect specific courses of a vendor's continuing education program.

Factual Basis:

This amendment is necessary to clarify for vendors the Department's authority (per H&SC section 1522.41(h)(4)) to monitor their training programs in whole or part.

Section 84091(k)(1)

Specific Purpose:

The specific purpose of this addition is to clearly state in regulations that the Department's representatives may monitor continuing education training courses.

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority (H&SC section 1522.41(h)(4)) and obligation to oversee their continuing education training programs as part of its administrator certification duties.

Section 84091(k)(2)

Specific Purpose:

The specific purpose of this addition is to ensure privacy for potential course participant interviews and for the Department's examination of vendor records.

Factual Basis:

This amendment is necessary to alleviate concerns of course attendees and vendors about participating in interviews or sharing records, respectively, with Department representatives.

Section 84091(k)(3)

Specific Purpose:

The specific purpose of this section is to clarify that the Department may inspect, audit and copy records related to the vendor's continuing education program, and may remove the records for copying if needed. This replaces general language currently in Section 84091.1(h).

Factual Basis:

The amendment is necessary to ensure vendors are fully aware of the Department's authority and obligation to oversee the continuing education programs as part of its administrator certification duties, and to clarify how records may be carefully removed for copying if needed.

Section 84091(k)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that despite section (3) added, the Department will not remove emergency or health-related personnel records unless they are duplicative, and shall return the materials within three days.

Factual Basis:

This amendment is needed to provide a process for handling unique personnel information and address vendor concerns that the information could be lost if the sole copy is removed for copying by the Department. The amendment also provides a timeframe for the Department to return the materials to the vendor.

Section 84091(l)

Specific Purpose:

The specific purpose of this addition is to specify the process for notifying vendors of any deficiencies found per the Department's monitoring of the vendor's continuing education program.

Factual Basis:

This addition is necessary to place in regulations and make clear for vendors the process for how the Department will officially notify vendors of any significant deficiencies identified during the monitoring (authorized per H&SC section 1522.41(h)(4)). The amendment also provides for handling minor deficiencies, such that if they are corrected immediately, they won't be included in the notice. The notice will be provided in person or by registered mail to ensure its receipt by the vendor.

Section 84091(I)(1)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice be in writing.

Factual Basis:

This addition is necessary to specify how deficiencies identified during the monitoring will be noticed to the vendor. Providing the notice of deficiencies in writing helps ensure clarity for all the parties involved as to what is deficient and needs to be corrected.

Section 84091(I)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice will include a reference to the applicable statute or regulation.

Factual Basis:

This addition is necessary to ensure the notice clearly identifies the basis for the deficiency for all parties involved.

Section 84091(I)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include a statement as to how the program failed to comply with the referenced statute or regulations.

Factual Basis:

This addition is necessary to ensure clarity as to what is deficient. Without such clarity, the vendor would have a difficult time resolving the deficiency.

Section 84091(1)(1)(C)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include the amount of any penalty to be assessed if the deficiency is not addressed.

Factual Basis:

This addition is necessary to ensure vendors are informed of potential penalty amounts at the time of the deficiency notice.

Section 84091(1)(1)(D)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include reference to the applicable appeal process.

Factual Basis:

This addition is necessary to ensure all vendors with deficiencies know that there is an appeal process and where to find it.

Section 84091(1)(2)

Specific Purpose:

The specific purpose of this addition is to specify the process for the vendor to develop a corrective action plan for the deficiency(ies) and add it to the notice of deficiency.

Factual Basis:

This addition is necessary to make specific in regulations how deficiencies identified during the monitoring will be corrected. Having the vendor work with the Department to develop the corrective action plan and add it to the notice is similar to standard audit processes and helps make the correction process efficient.

Section 84091(1)(3)

Specific Purpose:

The specific purpose of this addition is to specify the timeframe for vendors to correct identified deficiencies related to the program.

Factual Basis:

This addition is necessary to ensure vendors know the required timelines for correction and ensure a consistent timeline for all vendors. The regulation also provides some flexibility for vendors making course corrections, as "the next offering of the" course could be pushed out to provide more time for making the corrections.

Section 84091(m)

Specific Purpose:

This section is added to include in the GH regulations information on "multiple crediting" consistent with what is in the ARF and RCFE regulations.

Factual Basis:

This addition is necessary to ensure that all vendors, including those for GH courses, are aware of their ability to provide a continuing education course participant completion credit for multiple program types provided the course is so approved. This is already provided for in the ARF and RCFE regulations (Sections 85091(m) and 87788(m)) and so is added here for clarity and consistency.

Section 84091(n)

Specific Purpose:

This section is added to include in the GH regulations information on co-location of courses consistent with what is in the ARF and RCFE regulations.

Factual Basis:

This addition is necessary to ensure that all vendors, including those for GH courses, are aware of when courses may be co-located. This is already provided for in the ARF and RCFE regulations (Sections 85091(n) and 87788(n)) and so is added here for clarity and consistency.

Section 84091(n)(1)

Specific Purpose:

This section is added to clarify that the hours approved for co-located courses may differ by program type.

Factual Basis:

This addition is necessary to clearly state in regulations that the Department may approve differing hours for co-located courses depending on the course content pertinent to each facility type. Historically, the Department has noticed a problem wherein a course may be proposed, for example, for four hours credit for both ARFs and RCFEs but includes perhaps three hours content relevant to ARF administration and four hours relevant to RCFE administration. This amendment will clearly advise vendors that the courses may be offered at the same time and place but may be approved for varying hours of credit. This helps ensure administrators get credit only for applicable training for their facility type.

Section 84091(o)

Specific Purpose:

This section is added to clearly state that GH vendors and their instructors who are also administrator certificate holders cannot obtain CEU credit for attending their own courses, consistent with the ARF and RCFE regulations.

Factual Basis:

This addition is necessary to ensure that all vendors and instructors, including those for GH courses, are aware that they cannot receive credit for attending their own continuing education courses when they are renewing their administrator certifications. The vendor restriction is already stated in the ARF and RCFE regulations (Sections 85091(o) and 87788(o)) and the clarification regarding instructors is being added, and so is added here for clarity and consistency.

Section 84091.1(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of each continuing education course and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1522.41(h)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays Department receipt and review of the applications. The amendment also updates the language regarding the signatory's certification to include a statement of accuracy and completeness. This is consistent with other such statements now used on Departmental forms.

The amendment also clarifies that a course approval request is to be submitted for each course. While this is currently implied in the sections following, including it here is clearer. The form name is also added for clarity and consistency.

Section 84091.1(b)(1)

Specific Purpose/Factual Basis:

This amendment removes the unnecessary phrase "of each course" as the entire section (b) is related to each course, and pluralizes the word "instructor" for clarity as a course may have multiple instructors.

Section 84091.1(b)(2)

Specific Purpose:

The specific purpose of this amendment is to remove the unnecessary phrase "for each course" and to clarify the level of detail required for a continuing education course request.

Factual Basis:

This amendment is needed to ensure greater consistency of course approval requests submitted by vendors. Historically, vendors have submitted greatly variable levels of detail in course outlines. The Department has found that having the outline detailed at least to the hourly level provides sufficient information to determine if the course fits the applicable core of knowledge subjects. Similarly, the description of evaluation methods is clarified to include course and participant evaluations, as has been historically requested and submitted to help ensure the quality of administrator training.

Section 84091.1(b)(2)(A)

Specific Purpose:

The specific purpose of this addition is to clarify for vendors that visual recordings may not be used as a continuing education course.

Factual Basis:

This addition is necessary to clarify the acceptable use of visual recordings in a continuing education course. Historically, videos have been acceptable as teaching aids, such as to show case examples when discussing a particular topic, but may have inappropriately been used to cover an entire course. This addition should make clear the appropriate use of videos in a continuing education course and avoid misuse in the future to ensure administrators receive appropriate live continuing education classes as required by H&SC section 1522.41(f)(1).

Section 84091.1(b)(3)

Specific Purpose/Factual Basis:

This amendment updates the cross-referenced section pursuant to the addition of a new section there.

Section 84091.1(b)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify the recordkeeping information to be included in the vendor's continuing education course application and to update the cross-referenced section.

Factual Basis:

This amendment is necessary to clarify for potential continuing education vendors what recordkeeping information they need to include in their application. Currently, vendors frequently include limited information and the Department staff must request additional detail to ensure vendors are aware of the records to be maintained per Section 84091(h)(2) and have a plan to comply with this. Recordkeeping is important to ensure the Department can verify administrator training course attendance and thus help prevent fraud.

Section 84091.1(b)(6)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to include other State-licensed care facilities the Department may ask about.

Factual Basis:

This amendment is necessary to clearly include in the statement affiliation with other State-licensed care facilities to help the Department check the instructor's background relative to care facility operations and avoid certifying someone to train residential facility administrators (who care for a vulnerable population) who has had prior misconduct or compliance issues related to such facilities. Requesting this information is within the authority of H&SC section 1522.08 wherein the legislature has provided authority for various State departments to share information with respect to applicants, licensees, certificates, or individuals who have been subject to any administrative action resulting in a denial, suspension, probation, or revocation of a license, permit, certificate, or in an exclusion.

Section 84091.1(b)(7)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement.

Factual Basis:

This amendment is necessary to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 84091.1(c)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting renewal approval of continuing education training courses, and submit them to the appropriate office before the current approval expires.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a timely, consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to process the application, and misrouted mail delays Department receipt and review of requests. The amendment is also necessary to add a specific timeframe by which vendors must submit their course renewal request in order to allow sufficient time for the Department to review the request and the vendor to respond to any questions before the current course expiration. Historically, many renewals have been received too late to process before the expiration, leading to a lapse in course approvals and difficulties for vendors and administrators due to cancelled courses. Specifying more timely submittals should eliminate these problems. The form names are also added for clarity and consistency.

Section 84091.1(c)(2)

Specific Purpose:

The specific purpose of this addition is to clarify the consequences of late course renewals.

Factual Basis:

This addition is necessary to include in regulations the process for handling late course renewal requests. Specifically, the amendment provides that course renewal requests received by the Department after the course expiration date will be denied and the vendor required to submit the courses for new approvals. Historically, many renewals have been received too late to process before the expiration, leading to a lapse in course approvals and difficulties for vendors and administrators due to cancelled courses. Placing the process in regulations will clarify for vendors the consequences of late renewals and provide an incentive (less paperwork) for timely submittals.

Section 84091.1(c)(3)

Specific Purpose:

The specific purpose of this amendment is to clarify the process for course revisions.

Factual Basis:

This amendment is necessary to include in regulations the process for handling renewal requests for courses with changing content. The amendment specifies that renewal requests for courses where the content is known to have changed or needs to be updated (e.g., regarding some diseases, regulations) will be denied and the vendor required to submit the revised courses for new approvals. Historically, many renewals have been received for courses with content known or very likely to have changed but there's been no process for the Department to consistently require they be updated. This amendment will address that problem, and help to ensure that the training provided to administrators is current and accurate.

Section 84091.1(g)

Specific Purpose/Factual Basis:

The specific purpose of this amendment is to add the applicable cross-reference for clarity and consistency.

Section 84091.1(h)

Specific Purpose/Factual Basis:

This amendment deletes language regarding monitoring which is moved to Section 84091(k)

Section 84091.2

Specific Purpose/Factual Basis:

The title of this section is amended for clarity and consistency to match that of the corresponding sections in the ARF and RCFE regulations (Sections 85091.2 and 87791).

Section 84091.2(a)

Specific Purpose:

The specific purpose of this amendment is to include course revocations as well as denials in this administrative review process, consistent with the process provided for ARF and RCFE vendors.

Factual Basis:

This amendment is necessary to ensure that GH vendors, along with ARF and RCFE vendors, have a clear process for requesting review of a course revocation or denial. This is already provided for in the corresponding sections of ARF and RCFE regulations (Sections 85091.2(a) and 87791(a)) so is being added here for clarity and consistency.

Section 84091.2(a)(1)

Specific Purpose:

The specific purpose of this amendment is to clearly advise where vendors are to send any requests for administrative review and to include course revocations for consistency with the corresponding sections of ARF and RCFE regulations.

Factual Basis:

This amendment is necessary to clarify where vendors must send the request to avoid misrouted mail and missed deadlines. Directing such requests to the ACS Manager also ensures they quickly reach the party who likely will be reviewing them without getting mixed into the great volume of daily mail routed to various staff. The amendment also includes course revocations in the process for consistency with the corresponding sections of ARF and RCFE regulations (Sections 85091.2(a)(1) and 87791(a)(1)).

Section 84091.2(a)(2)

Specific Purpose/Factual Basis:

The specific purpose of this amendment is to include "or revoked" to make this section of GH regulations consistent with that of the ARF and RCFE regulations (Sections 85091(a)(2) and 87791(a)(2)).

Section 84091.2(a)(3)

Specific Purpose/Factual Basis:

The specific purpose of this amendment is to add wording to make this section of GH regulations consistent with that of the ARF and RCFE regulations (Sections 85091.2(a)(3) and 87791(a)(3)).

Section 84091.2(a)(4)

Specific Purpose:

The specific purpose of this addition is to provide in regulations a timeline for Department response to requests for administrative review.

Factual Basis:

This addition is necessary to clarify for vendors the Department's timeline and method for responding to requests for review of a denied or revoked course. Requiring a written response helps ensure the response is clearly stated for the requestor and Department staff. A thirty day timeline is reasonable and consistent with other similar Department processes.

Section 84091.2(a)(5) Renumbered from Section 84091.2(a)(4)

Specific Purpose/Factual Basis:

This section is renumbered from 84091.2(a)(4) per the addition of a new section (a)(4) as described above.

Sections 84091.3(a), (b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section references for consistency throughout these regulations.

Handbook Section 84091.3(a)

Specific Purpose/Factual Basis:

This editorial amendment makes the wording consistent with the current code sections quoted and adds quotation marks for consistency with the other statutory citations in Handbook throughout these regulations

Handbook Section 84091.3(c)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the wording consistent with the current code sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 84091.4(a)(3)

Specific Purpose:

The specific purpose of this amendment is to include misconduct during instruction as a cause for revoking a continuing education training program.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke a continuing education training program approval if it finds conduct during course instruction that is illegal, inappropriate or inconsistent with the program requirements. Historically, the Department has received complaints of apparently inappropriate conduct during continuing education courses but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misconduct.

Section 84091.4(a)(4)

Specific Purpose:

The specific purpose of this amendment is to include misrepresentation or false statements during instruction as a cause for revoking continuing education program approval and to clarify that it's knowingly providing false information that is also a grounds for revocation.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke a continuing education training program approval if it finds a vendor misrepresents or knowingly makes false statements during course instruction. Historically, the Department has received complaints of apparently misinformation or false information being provided during instruction but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misinformation.

Additionally, this amendment adds the term "knowingly" to describe the type of false statements that can result in course revocation. It is not the Department's intent to punish inadvertent false statements but to prevent fraud and misinformation in the Administrator Certification Program so this amendment should clarify that. Finally, the amendment adds the word "or" for grammatical clarity per the addition of a new section (5) as described below.

Section 84091.4(a)(5)

Specific Purpose:

The specific purpose of this addition is to include in the regulation all the reasons why a continuing education training program may be revoked.

Factual Basis:

This amendment is necessary to clearly state in the regulations that a vendor's failure to correct deficiencies or to pay civil penalties due is also reason for revoking a continuing education training program (as authorized by H&SC section 1522.41(h)(1)(A)) as it shows the inability of the vendor to comply with basic program requirements.

Sections 84091.4(b) and (c)

Specific Purpose/Factual Basis:

These sections are editorially amended to remove the capital "S" from each code section reference for consistency throughout these regulations.

Handbook Section 84091.4(c)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the wording consistent with the current code sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 84092

Specific Purpose/Factual Basis:

This section is added to include information on the civil penalties which the Department may use when deficiencies are not corrected.

Section 84092(a)

Specific Purpose:

The specific purpose of this addition is to specify the amount of penalties per violation that may be assessed.

Factual Basis:

This addition is necessary to place in regulations the amount of penalties that may be assessed for deficiencies that are not corrected by the noticed deadline. The specific amounts (\$50 to \$150 per day) are based on the levels of penalties used elsewhere in the community care licensing program and on the Department's belief that this amount is adequate to deter statutory and regulatory violations.

Section 84092(b)

Specific Purpose:

The specific purpose of this addition is to specify when the penalties will be due and how they are to be paid.

Factual Basis:

This addition is necessary to clearly advise all vendors of the penalty payment process. Payment by money order only is provided to avoid added costs to the State of trying to process invalid checks. Historically, the Department has received numerous bad checks and had no viable avenue to collect such payments as going to court is usually too costly relative to the payment due.

Section 84092(c)

Specific Purpose:

The specific purpose of this addition is to clearly state that the Department may take a vendor to court for failure to pay penalties when due.

Factual Basis:

This addition is necessary to place in regulations the Department's authority (per H&SC section 1549) to take follow up legal action for non-payment of penalties when necessary, even if such action is not frequently taken due to cost concerns.

Section 84093

Specific Purpose/Factual Basis:

This section is added to include the process by which vendors may appeal a deficiency or penalty notice.

Section 84093(a)

Specific Purpose:

The specific purpose of this addition is to specify how and when vendors may appeal a deficiency or penalty notice.

Factual Basis:

This addition is necessary for consistent application of the appeal process for all vendors. The ten-day timeframe ensures a prompt notice to the Department of any appeal, and is similar to the timeframes in other programs (e.g., Section 87763). The review by a higher level staff than that person issuing the notice helps assure that vendors receive a fair review, and is again similar to other Department appeals processes.

Section 84093(b)

Specific Purpose:

The specific purpose of this addition is to specify what an appeal reviewer may do in reviewing an appeal.

Factual Basis:

This addition is necessary to clearly state for vendors the potential outcomes of the review, including amendment or dismissal of the notice, or extended time for correction, depending on what is warranted by the facts. This process is based on similar existing processes in the Department as described above.

Section 84093(c)

Specific Purpose:

The specific purpose of this addition is to specify the timeframe for Department response to an appeal.

Factual Basis:

This addition is necessary to clearly specify a reasonable timeline for the Department to respond to an appeal. The amendment also specifies a written response to help ensure clarity for all the parties involved.

Section 85001(c)(3)

Specific Purpose:

The specific purpose of this amendment is to clarify the definition of classroom hour.

Factual Basis:

This amendment is necessary to bring this definition into accord with that used by educational institutions. Specifically, the amendment clarifies that a classroom hour is from 50 to 60 minutes and does not include meal breaks. Historically, Department staff have received course requests based on varying assumptions of how much instruction is required and how much time for breaks is allowed in a specific amount of course hours. This amendment will clarify for ARF course vendors and Department staff the standard and make more specific the terms "hours of classroom instruction" and "hours of continuing education" used in H&SC section 1562.3.

Section 85001(c)(4)

Specific Purpose:

The specific purpose of this amendment is to add a definition for clarity.

Factual Basis:

This addition is necessary to make specific what constitutes a "classroom setting" as used in H&SC sections 1562.3(c)(1) and (f)(1) regarding required initial and continuing education courses for administrators. Historically, the Department has received occasional complaints of classes being conducted in places not really conducive to learning (e.g., homes). Including this definition should remedy that problem.

Sections 85001(c)(5) through (8) Renumbered from Sections 85001(c)(4) through (c)(7)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 85001(c)(4) through (c)(7) per the addition of new section (c)(4) as described above.

Section 85001(i)(2)

Specific Purpose:

The specific purpose of this amendment is to remove an unnecessary definition.

Factual Basis:

This amendment is necessary to delete definition of a particular application form, as the ACS forms are now all listed in Section 87102 and their usage discussed in the core of these program regulations.

Section 85001(r)(1)

Specific Purpose:

The specific purpose of this amendment is to delete an unnecessary definition and leave the "r" section as "reserved" for future use.

Factual Basis:

This amendment is necessary to remove definition of a particular application form as the ACS forms are now all listed in Section 87102 and their usage discussed in the core of these program regulations.

Section 85002

Specific Purpose:

The specific purpose of this amendment is to clarify that only the forms unique to ARFs are incorporated in this ARF section of regulations.

Factual Basis:

This amendment is necessary to clarify what forms are incorporated by reference in this section of the ARF regulations and where to locate the additional forms used by all three facility types (GHs, ARFs and RCFEs) in the Administrator Certification Program. Use of a single section (87102) to incorporate the broadly used forms is necessary for clarity and to avoid redundant listings in the California Code of Regulations.

Section 85002(a)

Specific Purpose:

The specific purpose of this amendment is to delete a form which is being incorporated elsewhere for clarity, and to add an ARF-specific form into this ARF section of regulations.

Factual Basis:

The deletion is necessary for clarity and to avoid redundancy as the several Administrator Certification Program forms applicable to all three program areas (GH, ARF, RCFE), including LIC 9139, are being incorporated by reference in Section 87102. The addition is necessary to incorporate into the ARF regulations the current version of the ARF Core of Knowledge Guideline so the information is clearly available to ARF administrators and vendors. The Core of Knowledge Guidelines for GH and Core of Knowledge Standards for RCFE are similarly incorporated into those respective sections of the regulations (85002(c) and 87102(k)).

Sections 85002(b), (c) and (d)

Specific Purpose/Factual Basis:

These sections are deleted as redundant as the several Administrator Certification Program forms applicable to all three program areas (GH, ARF, RCFE), including LIC 9140, LIC 9141 and LIC 9142a, are being incorporated by reference in Section 87102.

Section 85064(b)

Specific Purpose:

The specific purpose of this amendment is to clarify the administrator requirement.

Factual Basis:

The phrase "qualified and currently" is added to clearly state that ARF facilities must have an administrator who is qualified and also currently certified pursuant to statute (e.g., H&SC section 1562.3(b)(1)) and regulations. The current text is unclear as a potential administrator might be able to obtain a certificate but not fulfill other qualifications to become an administrator. This amendment is necessary to eliminate confusion about these requirements.

Handbook Section 85064(k)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the wording consistent with the current statutory sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 85064.2(a)

Specific Purpose:

This amendment is to clarify that ARF administrators must be holders of an ARF administrator certificate prior to their employment as ARF administrators.

Factual Basis:

This amendment is necessary to make more specific the statutory requirement regarding administrator certification (H&SC section 1562.3(b)(1)) as there is a failure by some applicants to understand that a facility category-specific certificate is required. This amendment will clarify that only a holders of an ARF certificate, and not a holder of a GH or RCFE certificate, may be employed as an administrator of an ARF, and that the certificate is required prior to such employment. All certificates are category-specific and may not be used for employment in a category other than the one specified on the certificate.

Section 85064.2(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify that an ARF certificate applicant must complete the ARF ICTP.

Factual Basis:

This amendment is necessary to clarify for ARF administrator applicants that they must complete the ICTP specific to their program area (i.e., ARFs) certificates as the ICTPs are program-specific. Content of the ARF ICTP is outlined in statute (H&SC section 1562.3(c)(1)) and detailed in Section 85090(h) of these regulations.

Section 85064.2(b)(2)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency throughout the regulations, clarify that the exam is the one developed by the Department and limit the number of exam attempts.

Factual Basis:

The exam for residential facility administrators is developed and administered by the Department as part of the Department-approved administrator certification program required by statute (H&SC section 1562.3(b)(1)). This amendment is necessary to clarify this for administrators who have sometimes thought that completion of a test within the ICTP constituted the administrator exam. The amendment is also necessary to limit an exam-taker to three attempts per ICTP completion. Historically, some applicants have taken multiple tries to pass the exam resulting in significant workload for the Department and probably marginally qualified individuals becoming facility administrators and caring for vulnerable populations.

Section 85064.2(b)(3)

Specific Purpose:

The primary purpose of this amendment is to place into regulation a requirement that the applicant for administrator certification use the Department's application form and submit it to the Department's ACS. The amendment also changes the term "test" to "exam" for consistency throughout these regulations.

Factual Basis:

The amendment to identify the application form is necessary to ensure administrator applications for certification are submitted and processed in a consistent and efficient manner within the statutorily-required program (H&SC section 1562.3). The Department has received self-made and handwritten applications that lack the content necessary to process the application. The amendment to clearly name the ACS is necessary to ensure the application is sent to the correct section at the Department and prevent unnecessary delays in processing due to misdirected mail. The amendment also changes the term "test" to "exam" for consistency throughout these regulations.

Section 85064.2(b)(3)(A)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

While the administrator certification application form (LIC 9214) is incorporated by reference in Section 87102 of these regulations, identifying the basic content in this section of the regulations is necessary to provide clarity for ARF applicants using this section as a checklist to complete the administrator certification process broadly outlined in H&SC section 1562.3(d). This may reduce the number of questions and incomplete administrator applications received by ACS staff, and thereby reduce the time it takes to process applications.

Specifically, the applicant's name, address, e-mail and phone number(s) are needed so the Department can contact the individual if there are questions regarding the application, as well as mail the certificate to the correct current address. The address information also helps correctly identify applicants with the same or very similar names in the large pool of administrators. The date of birth is needed to confirm the applicant meets the statutory requirement of being at least 21 years of age (H&SC section 1562.4(a)), also helps also helps to correctly identify applicants with the same or similar names in the administrator pool, and may be used by the applicant to establish the renewal date of the certificate (as allowed by H&SC section 1562.3(f)(1)).

Section 85064.2(b)(3)(B)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

While the administrator certification application form (LIC 9214) is being incorporated by reference in Section 87102 of these regulations, identifying the basic content in this section of the regulations is necessary to provide clarity for ARF applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications.

The subsequent statements regarding the applicants provide information needed by the Department when completing applicant criminal background checks and otherwise confirming their qualifications to be administrators in accordance with statutory requirements (e.g., H&SC section 1562.3(d)).

Section 85064.2(b)(3)(B)(i)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests information on whether the applicant has any current professional licenses or certifications primarily to determine if they have another administrator certificate and thus may already be in our databases. The Department also needs the information in order to cross-check an administrator certificate applicant's status regarding other licenses, to avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has, for example, had confirmed misconduct under another type of license. This helps the Department implement the statutory background check requirements (e.g., H&SC sections 1520(b) and 1562.3(d)).

Section 85064.2(b)(3)(B)(ii)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests information on whether the applicant has a State-issued care facility license or is or was employed by a licensed care facility, so it can appropriately include this information in the applicant's file. The Department also needs the information in order to check that a licensee's facility has been operated in compliance, and whether a facility employee has had any misconduct, to avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has had prior misconduct or compliance issues. This helps the Department implement the statutory background check requirements (e.g., H&SC sections 1520(b) and 1562.3(d)).

Section 85064.2(b)(3)(B)(iii)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests a statement as to whether the applicant has had any legal or administrative actions involving the licenses, certificates or other approvals noted in the prior two statements, in order to check for this information and avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has had prior misconduct or compliance issues related to such facilities. This helps the Department implement the statutory background check requirements (e.g., H&SC sections 1520(b) and 1562.3(d)).

Section 85064.2(b)(3)(C) Renumbered from Section 85064.2(b)(3)(A)

Specific Purpose/Factual Basis:

This section is renumbered from 85064.2(b)(3)(A) per the addition of new sections (A) and (B) as described above.

Section 85064.2(b)(3)(D)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests documentation of passing the written exam be included with the administrator application as this expedites processing of the application. This information is already included in the corresponding regulations for RCFE administrators (Section 87406(b)(3)(D)) and is being added for GH administrators (Section 84064.2(b)(3)(D)) so including it here is necessary to make the information clear and consistent for ARF administrators, too.

Section 85064.2(b)(3)(E) Renumbered from Section 85064.2(b)(3)(B)

Specific Purpose:

This section is renumbered from Section 85064.2(b)(3)(B) per the addition of new sections as described above, and the specific purpose is to remove unnecessary language regarding the age requirement and update the certification statement required of applicants.

Factual Basis:

This amendment to update the certification statement is necessary to preserve the integrity of the Administrator Certification Program. Procuring a certificate by fraud or misrepresentation, or knowingly making or giving any false statement or information in conjunction with the application for the issuance of a certificate, is grounds for revoking an administrator's certificate (see H&SC section 1550). This amendment will deter applicants from providing false information. The language regarding the applicant's age is removed as unnecessary as the date of birth is already included in the application and thus the overall information for which the applicant certifies accuracy.

Section 85064.2(b)(3)(F)

Specific Purpose:

The specific purpose of this addition is to place in regulations that applicants submit a completed Criminal Record Statement form.

Factual Basis:

While the Criminal Record Statement form (LIC 508) is being incorporated by reference in Section 87102 of the regulations, identifying it in this section is necessary to provide clarity for ARF applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications. This amendment is also necessary to clarify that the ACS must obtain and retain these forms from administrator applicants and certificate holders as the individuals are not always associated with a facility which would otherwise retain these forms.

The form is mandated to ensure clarity and consistency in the information submitted by applicants to document their criminal record background as part of the statutorily-required certification process (e.g., H&SC section 1562.3(d)).

Section 85064.2(b)(3)(G) Renumbered from Section 85064.2(b)(3)(C)

Specific Purpose:

This section is renumbered from 85064.2(b)(3)(C) per the addition of new sections as described above. The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption. The amendment also clarifies what constitutes "proof" and adds reference to the form used.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC Section 1522 to issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements. The amendment also updates the language to remove specific reference to fingerprint cards as the process is now typically electronic, and to correctly reference live scan "locations" as they are more commonly known.

Additionally, while the Request for Live Scan Service (LIC 9163) is being incorporated by reference in Section 87102 of these regulations, identifying it in this section of the regulations will help provide clarity for ARF applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications.

Section 85064.2(b)(3)(H) Renumbered from Section 85064.2(b)(3)(D)

Specific Purpose:

This section is renumbered from Section 85064.2(b)(3)(D) per the addition of new sections as described above. The specific purpose of this amendment is to clarify that the \$100 application processing fee is non-refundable.

Factual Basis:

The fee (required for this purpose by H&SC section 1562.3(d)(2)) covers costs of processing a submitted application. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment is needed to address that misunderstanding.

Section 85064.2(c)

Specific Purpose:

The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1522 to issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements. The amendment also removes the capital "S" from the code section reference here for consistency throughout these regulations.

Section 85064.2(d)

Specific Purpose:

The specific purpose of this addition is to clearly advise administrator applicants not to cheat on or subvert the administrator certification exam.

Factual Basis:

This amendment is necessary to place in regulations information on what constitutes cheating on the Department-administered administrator exam. Historically, the Department has noted cases of cheating, so is clarifying this information in the regulations for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 85064.4 of these regulations.

Section 85064.2(d)(1)

Specific Purpose:

The specific purpose of this addition is to identify what communication during the exam constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Unauthorized communication is a frequent means of inappropriately sharing exam information so is stated here. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 85064.4 of these regulations.

Section 85064.2(d)(2)

Specific Purpose:

The specific purpose of this addition is to specify that someone taking the exam on behalf of someone else constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Having another person take an exam on one's behalf is cheating. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 85064.4 of these regulations.

Section 85064.2(d)(3)

Specific Purpose:

The specific purpose of this addition is to specify that possessing unauthorized materials at the exam constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Use of unauthorized materials and devices during an exam are also a common means of cheating so their possession and use are included here. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 85064.4 of these regulations.

Section 85064.2(d)(4)

Specific Purpose:

The specific purpose of this addition is to specify that not following exam instructions or security rules constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Failure to follow exam instructions (e.g., starting before or continuing after times are called) is also a means of cheating. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1550 and Section 85064.4 of these regulations.

Section 85064.2(e)

Specific Purpose:

The specific purpose of this addition is to specify the consequences of cheating on the exam.

Factual Basis:

This addition is necessary to place in regulations information on the consequences of cheating on the Department-administered administrator exam. Historically, the Department has noted cases of cheating, so is clarifying here for applicants what constitutes cheating as well as the consequences. At minimum, one caught cheating would be deemed to have failed that exam and thus need to retake it at another time in order to continue the certification process, but could also be denied certification pursuant to the regulation cited and in accordance with H&SC section 1550. The consequences are necessary to deter cheating and avoid certifying unqualified administrators to care for vulnerable populations.

Sections 85064.2(f), (g) and (h) Renumbered from Sections 85064.2(d), (e) and (f)

Specific Purpose/Factual Basis:

These sections are renumbered from Section 85064.2(d), (e) and (f), respectively, per the addition of new sections (d) and (e) as described above.

Section 85064.2(i) Renumbered from Section 85064.2(g)

Specific Purpose:

This section is renumbered from Section 85064.2(g) per the addition of new sections as described above. The specific purpose of this amendment is to clarify how and when extensions to the administrator certification process timeframes may be filed and approved.

Factual Basis:

This amendment is necessary to clarify and provide appropriate time frames for the extension process allowed by H&SC section 1562.3(c)(3). Establishing a 60-day maximum for good cause extensions, and a 60-day window in which an applicant may request an extension, addresses a current Department problem whereby the records of applicants not meeting the timelines may be left in pending status in perpetuity. Clarifying where to submit the extension request should also reduce the problem of misdirected mail that delays ACS receipt and processing of such time-sensitive extension requests.

Section 85064.2(i)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that failing the exam is not good cause for an extension to the application timeframes.

Factual Basis:

This addition is necessary to clearly advise applicants that failing the administrator exam is not a good cause for an extension of the application timeframes. This will reduce ACS workload of reviewing and responding to inappropriate extension requests and help avoid certifying marginally qualified applicants to care for vulnerable populations.

Section 85064.2(i)(2)

Specific Purpose:

The specific purpose of this addition is to clarify that the application must be submitted within the specified time frames or may be deemed withdrawn.

Factual Basis:

This addition is necessary to provide the Department with a specific procedure for handling applications that are submitted beyond the time frames. The Department has hundreds of such applications still on file as there has been no regulatory procedure to officially close them out. This amendment provides a process for closing such files and eliminating this problem in the future.

Section 85064.2(i)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that the application must be submitted within the specified time frames, and if it is not, what the applicant needs to do to reapply.

Factual Basis:

This addition is necessary to further effectuate the purpose of the statute (H&SC section 1562.3(c)(3)) and to clarify for potential applicants what they need to do to restart the certificate application process if they fail to meet the timelines for submitting their application. Placing this information in the regulations will help ensure all applicants have access to the information and help ensure more consistent and complete re-applications are received by the Department for processing.

Section 85064.3(a)

Specific Purpose:

The specific purpose of this amendment is to add the words "each" and "including" to clarify that the total continuing education requirement is for each two-year certificate cycle and includes the topics and hours specified in the subsequent sections.

Factual Basis:

This amendment is necessary to clarify for administrators in regulations that the continuing education hours are required for each two-year certification cycle. While this seems fairly clear in statute (e.g., H&SC section 1562.3(f)(1)), historically, some administrators have not realized this and been subject to late fees for not submitting adequate hours for a given period.

Section 85064.3(a)(1)

Specific Purpose:

The specific purpose of this addition is to require that a portion of the CEUs for ARF administrators relate to the legal authority impacting ARFs.

Factual Basis:

This addition is necessary to ensure that certified administrators have current information of the legal authority that governs their facilities. Currently, certified administrators' CEUs may all be within a single core of knowledge category. The Department is of the opinion that it is vital to residents' health and safety that certified ARF administrators keep abreast of the current ARF law and regulations so complete a few hours of such coursework during each certification cycle.

Section 85064.3(a)(2)

Specific Purpose:

The specific purpose of this addition is to require that a portion of the CEUs cover cultural competency and sensitivity in issues relating to the aging lesbian, gay, bisexual, and transgender community, unless the administrator's ICTP included this material.

Factual Basis:

This addition is necessary to ensure that certified administrators have this knowledge, recently added to the ICTP Core of Knowledge by AB 663 (Chapter 675, Statutes of 2013) at H&SC section 1562.3(c)(1)(J) (and being added to Section 85090 of these regulations). If the administrator has not recently completed an ICTP, then he or she should fulfill this new knowledge requirement as part of the continuing education for recertification.

Section 85064.3(b)

Specific Purpose:

The specific purpose of this amendment is to ensure that certified administrators receive credit only for relevant continuing education courses. As this is a new topic, the section is given its own paragraph as (b) for clarity instead of being included in (a) above.

Factual Basis:

This amendment is necessary to assist the Department in evaluating course subject matter acceptable for continuing education of facility administrators as outlined in H&SC section 1562.3(f)(1). While the Core of Knowledge subject areas (specified in H&SC section 1562.3(c)(1) and Section 85090(h) of these regulations) are quite broad, continuing education study must still be relevant to ARF facility operations and the care being provided in ARFs in order to fulfill the statutory purpose of having adequately trained administrators caring for the vulnerable clients in ARFs.

Section 85064.3(b)(1) Renumbered from 85064.3(a)(1)

Specific Purpose:

This section is renumbered from Section 85064.3(a)(1) per the break out of a new section (b) as described above. The specific purpose of this amendment is to clarify that continuing education may be fulfilled by completing courses approved by the Department.

Factual Basis:

This amendment is necessary to clarify that the rule allows ARF administrators to fulfill their continuing education requirement by completing courses approved for their facility type (i.e., ARFs) by the Department. Historically, some administrators have misread this rule as it was written and thought they could take and submit for continuing education credit any course from a vendor approved by the Department, not realizing that most entities approved as vendors for ACS continuing education also offer courses not specific to facility administrators and not approved by the Department, and/or courses approved by the Department but not for the administrator's facility type. This amendment will correct that problem and help administrators avoid late fees incurred when they fail to submit adequate acceptable CEUs by their renewal deadline. Also, the word "or" is deleted for clarity as per the introduction in section (b), administrators may fulfill the requirements by any combination of sections (1) and/or (2).

Section 85064.3(a)(2)

Specific Purpose:

The specific purpose of this amendment is to delete the use of courses from institutions not approved as vendors by the Department.

Factual Basis:

The amendment is needed to remove this unnecessary option as any organization authorized to do business in California, including educational institutions, may apply to the Department to be a CEU course vendor. Some such institutions (e.g., community colleges, universities) are already vendors to offer Department-approved CEU courses. Limiting acceptable CEU courses to those approved by the Department ensures greater consistency in training quality received by administrators, reduces Department workload in assessing the equivalency of non-Department approved courses, and reduces additional costs to administrators for more training and late fees when their recertification applications are deemed incomplete due to lack of acceptable CEUs.

Handbook Section 85064.3(a)(2)

Specific Purpose/Factual Basis:

This handbook section is deleted as unnecessary given the deletion of the related section (a)(2) of regulations.

Section 85064.3(a)(3)

Specific Purpose:

The specific purpose of this amendment is to remove the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other California State agencies provided that the courses met the conditions in sections (A) and (B) following. The Department has found, however, that such courses usually do not meet both of these provisions, or it's very difficult to confirm that they do, so they should not be accepted. Removing this section is necessary to clarify the acceptable courses for administrators. Limiting acceptable CEU courses to those approved by the Department (and Regional Centers as provided in 85064.3(b)(2) as authorized by H&SC section 1562.3(f)(1)) ensures greater consistency in training quality received by administrators, reduces Department workload in assessing the equivalency of non-Department approved courses, and reduces additional costs to administrators for more training and late fees when their recertification applications are deemed incomplete due to lack of acceptable CEUs.

Section 85064.3(a)(3)(A)

Specific Purpose:

The specific purpose is to remove this provision for the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other State agencies provided that the courses met the condition that the other agencies' courses were approved and enforced in a manner comparable to those approved for ACS by the Department. The Department has found that this is no longer the case (i.e., other agencies' courses are generally not approved or enforced in a similar manner). So this amendment is necessary to ensure more consistent quality of administrator training by eliminating this continuing education option.

Section 85064.3(a)(3)(B)

Specific Purpose:

The specific purpose is to remove this provision for the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other State agencies provided that the courses were related to the ARF Core of Knowledge. While this criteria has more frequently been met than that of section (A), given the overall difficulty of proving that such courses meet the training requirements for facility administrators, this section is being removed.

Handbook Section 85064.3(a)(3)

Specific Purpose/Factual Basis:

This handbook section is deleted as no longer needed given the deletion of the related section 85064.3(a)(3) of regulations.

Sections 85064.3(b)(2) and (b)(2)(A) Renumbered from Sections 85064.3(a)(4) and (a)(4)(A)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 85064.3(a)(4) and (a)(4)(A) per the addition and deletion of sections as described above.

Section 85064.3(b)(2)(B) Renumbered from Section 85064.3(a)(4)(B)

Specific Purpose/Factual Basis:

The editorial amendment is to modify the reference to the core of knowledge for simplicity. This section is renumbered from Section 85064.3(a)(4)(B) per the addition and deletion of sections as described above.

Section 85064.3(a)(5)

Specific Purpose/Factual Basis:

This section is deleted as no longer necessary given the clarifications in new sections 85064.3(b) and (c)(3).

Section 85064.3(c) Renumbered from Section 85064.3(b)

Specific Purpose:

This section is renumbered from 85064.3(b) per the addition of a new section (b) as described above. The specific purpose of this amendment is to implement the online education criteria enacted by AB 2675 (Chapter 421, Statutes of 2006) at H&SC section 1562.3(h)(7).

Factual Basis:

This amendment is necessary to comply with statutory requirements to provide interactive online educational opportunities. Specifying here the amount of CEU coursework that may be accepted from online courses provides clarity for administrators as currently this information is only available in statute (H&SC section 1562.3(h)(7)) and they often do not review that for requirements and thus find themselves subject to late fees for not submitting adequate in-class CEUs.

Section 85064.3(c)(1) Renumbered from Section 85064.3(b)(1)

Specific Purpose:

This section is renumbered from Section 85064.3(b)(1) per the addition of a new section (b) as described above. The existing language is deleted and replaced by the updated information on online learning in Section 85064.3(c). New information regarding acceptable daily hours of instruction is added.

Factual Basis:

The deletion is necessary to comply with statutory requirements regarding online educational opportunities (H&SC sections 1562.3(f)(1) and (h)(7)). The new language specifying a CEU limit of ten hours of instruction per day is necessary to address the problem of administrators claiming completion of many hours (e.g., 20 - 23 hours) of online training in a single day. Currently the Department has no specific authority to reject such training when renewing an administrator's certificate but is aware that even if someone really did spend 23 hours taking online courses in a day they probably would not retain much of the information, which is the purpose of the continuing education requirements. The ten-hour limit brings the current limit on online coursework into line with the current maximum daily length of CDSS-approved in-class training courses and reasonable limits on how much information one can be expected to learn and retain in a day.

Section 85064.3(c)(2)

Specific Purpose:

The specific purpose of this addition is to clarify that home study and correspondence courses are not acceptable toward meeting the continuing education requirements.

Factual Basis:

This addition is necessary to clarify for administrators what formats of continuing education courses are and are not acceptable. Historically, some administrators have submitted certificates from correspondence-type courses toward their continuing education requirements and the Department has not accepted these courses as they are not interactive. This resulted in administrators having to take additional coursework and often paying late fees due to not submitting adequate CEUs before their certificates expired. Specifying in regulations that these courses will not be counted for CEUs will address that issue.

Section 85064.3(c)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that an ICTP may not be counted toward fulfillment of the continuing education requirements.

Factual Basis:

This amendment is necessary to move this information on ICTPs from existing Section 85064.3(a)(5) to this Section (c)(3) which now provides in one place more detail on what may not be accepted for CEUs. This amendment clarifies for administrators that completion of an ICTP, or components thereof, cannot be used to fulfill the continuing education requirements. The ICTP is intended to fulfill the initial training requirements for new administrators and not the continuing education requirements. Historically, some administrators have not understood this and tried to submit ICTP certificates for their CEUs. This amendment should remedy this.

Section 85064.3(c)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that a specific course can only be counted once per renewal period toward fulfilling the continuing education requirements for a given renewal period.

Factual Basis:

This addition is necessary to clarify for administrators that any given course can only be counted once toward the continuing education requirements for a given renewal period. Historically, administrators have frequently taken and submitted the same course more than once during a given certification period and the Department has not accepted the duplicate hours as they do not fulfill the statutory intent of adequate training. This amendment should remedy this.

Section 85064.3(d) Renumbered from Section 85064.3(c)

Specific Purpose:

This section is renumbered from Section 85064.3(c) per the addition of a new section as described above. The specific purpose of this amendment is to clarify that all specified application materials must be submitted to the ACS prior to the certificate expiration date.

Factual Basis:

This amendment is necessary to clarify for recertification applicants that "prior" to their certificate expiration date means a postmark on or up to ninety days before that expiration date, and to specify the Section within the Department to which to direct the application. The Department is using the postmark as it is referenced in H&SC section 1562.3(f)(4) for this purpose and is a commonly recognized way to determine legal compliance with a deadline. The amendment limits the advance submittals to 90 days as that's the date renewal reminders are due out per H&SC section 1562.3(f)(3) and helps prevent processing delays for soon-expiring certificates due to very early receipt of renewal applications. Adding the Section name here and elsewhere in these regulations should help prevent delays in application receipt and processing due to misrouted mail.

Section 85064.3(d)(1) Renumbered from Section 85064.3(c)(1)

Specific Purpose:

This section is renumbered from 85064.3(c)(1) per the addition of a new section as described above. The specific purpose of this amendment is to place into regulation a requirement that the renewal applicant must use the Department's application form LIC 9214 being incorporated by reference in Section 87102.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to efficiently process the renewal. This amendment will remedy that.

Section 85064.3(d)(2) Renumbered from Section 85064.3(c)(2)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85064.3(c)(2) per the addition of a new section as described above.

Section 85064.3(d)(3) Renumbered from Section 85064.3(c)(3)

Specific Purpose:

This section is renumbered from Section 85064.3(c)(3) per the addition of a new section (b) as described above. The specific purpose of the amendment is to clarify that the \$100 renewal application processing fee is non-refundable.

Factual Basis:

The fee, required by H&SC section 1562.3(f)(4), covers costs of processing a submitted application. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment is necessary to address that misunderstanding.

Section 85064.3(e) Renumbered from Section 85064.3(d)

Specific Purpose:

This section is renumbered from Section 85064.3(d) per the addition of a new section (b) as described above. The specific purpose of this amendment is to clarify that all specified late application materials must be submitted to the ACS.

Factual Basis:

This amendment is necessary to clarify for late recertification applicants where to submit their application package. Adding the Section name here and elsewhere in these regulations should help prevent delays in application receipt and processing due to misrouted mail.

Section 85064.3(e)(1) Renumbered from Section 85064.3(d)(1)

Specific Purpose:

This section is renumbered from Section 85064.3(d)(1) per the addition of a new section (b) as described above. The specific purpose of this amendment is to place in regulations a requirement that a late applicant for recertification must also use the Department's application form LIC 9214 being incorporated by reference in Section 87102.

Factual Basis:

This amendment is necessary to ensure all applications are submitted and processed in a consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to efficiently process the renewal. This amendment will remedy that.

Section 85064.3(e)(2) Renumbered from Section 85064.3(d)(2)

Specific Purpose:

This section is renumbered from Section 85064.3(d)(2) per the addition of a new section (b) as described above. The specific purpose of this amendment is to clarify how the required number of CEUs is determined for a very late applicant.

Factual Basis:

An applicant for recertification must have completed 40 hours of continuing education during their two-year certification period. This amendment clarifies that for applicants seeking recertification up to four years after the expiration of their prior certificate, the additional number of continuing education hours required will be based on how much time has elapsed from the certificate expiration to ACS receipt of the renewal application. Not knowing this, late applicants have often not submitted adequate units to bring their certificate current, resulting in further delays in their certificate renewal.

Section 85064.3(e)(3) Renumbered from Section 85064.3(d)(3)

Specific Purpose:

This section is renumbered from 85064.3(d)(3) per the addition of a new section (b) as described above. The specific purpose of this amendment is to clarify that the \$300 total fee for delinquent applications is non-refundable.

Factual Basis:

The fee, required by H&SC section 1562.3(f)(3), covers costs of processing a submitted late application for recertification. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment is necessary to address that misunderstanding.

Section 85064.3(f) Renumbered from Section 85064.3(e)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85064.3(e) per the addition of a new section (b) as described above.

Section 85064.3(f)(1) Renumbered from Section 85064.3(e)(1)

Specific Purpose:

This section is renumbered from Section 85064.3(e)(1) per the addition of a new section (b) as described above. The specific purpose of this amendment is to clarify the recertification process for administrators who fail to renew their certificate within four years of expiration.

Factual Basis:

The amendment is necessary to clarify for administrators that if they do not renew their certificate within four years of its expiration they need to begin the entire certification process anew. As currently worded, this section only mentions the ICTP, which is just the first step of the certification process, so is unclear and generates questions to the Department. This amendment should remedy that and more clearly implement the provisions of H&SC section 1562.3(f)(6).

Section 85064.3(g) Renumbered from Section 85064.3(f)

Specific Purpose:

This section is renumbered from 85064.3(f) per the addition of a new section (b) as described above, and the specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC Section 1522 issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements.

Section 85064.3(h) Renumbered from Section 85064.3(g)

Specific Purpose:

This section is renumbered from Section 85064.3(g) per the addition of a new section (b) as described above, and the specific purpose of this amendment is to clarify that the \$25 certificate replacement fee is non-refundable.

Factual Basis:

The fee, required by H&SC section 1562.3(f)(7), covers costs of processing a replacement certificate request. To that end, "non-refundable" is being added to the description of the fee for clarity and consistency with other ACS fees.

Section 85064.3(i) Renumbered from Section 85064.3(h)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85064.3(h) per the addition of a new section (b) as described above. The section is amended to capitalize the term "Administrator Certification Section" for clarity and consistency throughout these regulations.

Section 85064.3(j) Renumbered from Section 85064.3(i)

Specific Purpose/Factual Basis:

This section is renumbered from 85064.3(i) per the addition of a new section (b) as described above.

Section 85064.3(j)(1) Renumbered from Section 85064.3(i)(1)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85064.3(i)(1) per the addition of a new section as described above, and updates the reference to the Department's local licensing offices to use the correct current term and thus be clear for administrators where to provide the required notice.

Section 85064.3(j)(2) Renumbered from Section 85064.3(i)(2)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85064.3(i)(2) per the addition of a new section as described above, and editorially amended to capitalize the term "Administrator Certification Section" for clarity and consistency throughout these regulations.

Section 85064.4

Specific Purpose/Factual Basis:

The section title is amended for clarity and consistency to match that of the corresponding GH and RCFE sections (84064.4 and 87408) of these regulations.

Section 85064.4(a)

Specific Purpose/Factual Basis:

This editorial amendment makes a grammatical correction and adds the word "grounds" for clarity. The amendment also removes the capital "S" from the code section reference for consistency throughout these regulations.

Section 85064.4(a)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify when a certificate may be denied or revoked due to unlawful activities.

Factual Basis:

This amendment is necessary to clarify for administrators that a certificate may be denied or revoked by the Department when it finds an applicant or an existing certificate holder obtained or attempted to obtain the certificate by fraud, misrepresentation, bribery or other unlawful activities. This will make more specific statutory requirements (e.g., H&SC section 1550), and clarify, for example, that cases of cheating on the Department-administered exam as described in Section 85064.2(d) may be grounds for denial of a certificate. It will also address bribery, which has occasionally been attempted by administrators over the years.

Section 85064.4(a)(2)

Specific Purpose:

The specific purpose of this amendment is to clarify that the rule applies to applicants as well as existing certificate holders.

Factual Basis:

This amendment is necessary to clarify for administrators that a certificate may be denied or revoked by the Department when it finds an applicant or an existing certificate holder made or gave a false statement or information in conjunction with the application. Clarifying this information in the regulations is important to ensuring both current and potential administrators are aware of the consequences of providing inaccurate information.

Section 85064.4(a)(3)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from the code section reference for consistency throughout these regulations

Section 85064.4(a)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption, and that this rule applies to applicants as well as existing certificate holders.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1522 to issue a criminal record exemption to an applicant or an existing certificate holder who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements.

Section 85064.4(b)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from the code section reference for consistency throughout these regulations

Handbook Section 85064.4(c)

Specific Purpose/Factual Basis:

This editorial amendment is to remove the capital "S" from the code section reference for consistency in capitalization throughout these regulations, to add quotation marks at the beginning and end of the quoted reference for clarify, and to make the wording consistent with the current code sections quoted.

Section 85064.5

Specific Purpose/Factual Basis:

The section title is amended for clarity and consistency to match that of the corresponding titles in the GH and RCFE sections (84064.5 and 87409) of these regulations.

Sections 85064.5(a)(2) and (b)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section references for consistency throughout these regulations

Handbook Section 85064.5(b)

Specific Purpose/Factual Basis:

This editorial amendment is to make the references and wording consistent with the current code sections quoted, remove the capital "S" from the code section references for consistency in capitalization throughout these regulations, and to add quotation marks at the beginning and end of the quoted reference for clarity.

Section 85090

Specific Purpose:

The title of this section is amended to more clearly specify the section contents.

Factual Basis:

This amendment is necessary to clarify that this section on ICTP requirements covers both the ICTP vendor requirements and the ICTP approval requirements. Historically, the Department has found the existing title sometimes confusing to those searching for ICTP vendor information which is included in the section but not noted in the title. This amendment should remedy that.

Section 85090(a)

Specific Purpose/Factual Basis:

The word "administrator" is added for clarity and consistency to match the descriptions in the corresponding sections in the GH and RCFE sections (84090(a) and 87785(a)) of these regulations.

Section 85090(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of ICTPs and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure vendor applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1562.3(h)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays Department receipt and review of applications. The amendment also updates the language regarding the signatory's certification from a perjury statement to a statement of accuracy and completeness to be consistent with other such statements used on Departmental forms. The form names are also added for clarity and consistency.

Section 85090(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify the basic applicant information included on the vendor application form.

Factual Basis:

This amendment is necessary to ensure applications include the basic business and contact information necessary for the Department to process the application and contact the vendors as needed. The type of business entity is required so the Department can more readily confirm that the entity is approved to conduct business in California such as is required by Corporations Code sections 2105, 15909.02, 16959 or 17451. The e-mail address is added as that is now a frequently used means of communication.

Section 85090(b)(3)

Specific Purpose:

The specific purpose of this amendment is to clearly specify for applicants what information must be provided with the course approval request for an ICTP.

Factual Basis:

This amendment is necessary to ensure the Department has the information required to fully evaluate the proposed ICTP pursuant to statutory [e.g., H&SC section 1562.3(c)(1)] and regulatory requirements. Historically, the Department has received such requests in a wide range of formats and with inconsistent levels of detail, making it difficult to efficiently and consistently review and approve the requests. Clarifying this in regulation will provide vendors with a consistent structure and make the review and approval process more efficient.

Section 85090(b)(3)(A)

Specific Purpose:

The specific purpose of this addition is to clarify for vendors that visual recordings may not be used as an ICTP or any subject matter component thereof.

Factual Basis:

This addition is necessary to clarify the acceptable use of visual recordings in an ICTP. Historically, videos have been acceptable as teaching aids, such as to show case examples when discussing a particular topic, but have also inappropriately been used to cover an entire subject matter component such as for students making up a missed session. This addition should make clear the appropriate use of videos in an ICTP and avoid misuse in the future and help ensure potential administrators receive the appropriate classroom training as required by H&SC section 1562.3(c)(1).

Section 85090(b)(4)

Specific Purpose/Factual Basis:

This amendment simply updates the cross-reference as needed due to the addition of other sections.

Section 85090(b)(5)

Specific Purpose:

The specific purpose of this amendment is to clarify that the course approval request include the location(s) of the proposed ICTP.

Factual Basis:

This amendment is necessary to clarify this requirement by changing the term "geographic area" to the more specific "localities" in which the course will be offered. This information is necessary to assist the Department with its course monitoring functions [authorized by H&SC section 1562.3(h)(4)] as well as to gather some data on where courses are being offered. Historically, the Department has received comments from administrators that some regions of California have few courses available. Having clearer information on course locations available can help the Department assess whether, and if so, where this is still a problem.

Section 85090(b)(6)

Specific Purpose:

The specific purpose of this amendment is to clarify the recordkeeping information to be included in the vendor's ICTP application.

Factual Basis:

This amendment is necessary to clarify for potential ICTP vendors what recordkeeping information they need to include in their course request. Currently, vendors frequently include limited information on this topic, and the Department staff must request additional detail to ensure vendors are aware of the recordkeeping requirements in Section 85090(i)(5) and have a plan to comply with them. Recordkeeping is important to ensure the Department can verify administrator training course attendance and thus help prevent fraud.

Section 85090(b)(7)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors.

Factual Basis:

A statement as to whether a proposed vendor or instructor holds any current professional licenses or certifications allows the Department to cross-check such licenses or certificates for administrative actions and legal concerns (such as outlined in H&SC section 1550) and to confirm an instructor's qualifications for teaching a particular course. The statement is included on the vendor and course application forms and already in use. This amendment simply adds that it is also provided for instructors.

Section 85090(b)(8)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors and requests information about State-issued care facility licenses.

Factual Basis:

A statement as to whether a proposed vendor or instructor holds any State-issued care facility licenses or has been employed by a State-licensed care facility allows the Department to check the status of such licenses as authorized by H&SC section 1522.08 and to confirm the applicant (or proposed instructor) is in good standing as a licensee [such as required by Section 85090(i)(7)(D)]. The statement is included on the vendor and course application forms and already in use.

Section 85090(b)(9)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors.

Factual Basis:

A statement as to whether a proposed vendor or instructor has been the subject of any legal or administrative actions regarding their licenses or licensed facilities' work enables the Department to cross-check their criminal background clearance as required by law (e.g., H&SC section 1550 et seq) to avoid endangering the vulnerable populations residing in the facilities. The statement is included on the vendor and course application forms and already in use. This amendment is necessary to add that it is also provided for instructors as they may come into contact with facility residents, and to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 85090(b)(10)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$150 processing fee for ICTP vendor applications (or renewal applications) is non-refundable.

Factual Basis:

The fee, authorized by H&SC section 1562.3(h)(6), covers costs of processing the vendor and course application. To that end, "nonrefundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds when their applications were denied. This amendment is necessary to address that misunderstanding.

Section 85090(c)

Specific Purpose:

The specific purpose of this amendment is to clarify the term of the ICTP and who provides the approval.

Factual Basis:

The amendment is necessary to clarify that the ICTP is approved for a two year period from the date the ICTP vendorship is approved by the Department as sometimes the course approval itself takes longer than the vendor application approval due to the volume of course material to review and revise. For clarity, the ICTPs are approved to expire at the same time as the two-year vendorship term.

Section 85090(d)

Specific Purpose:

The specific purpose of this amendment is to clarify that the vendor applicants use only the Department forms for renewal of their ICTP and submit them to the Department's ACS.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1562.3(h)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays Department receipt and review of applications. The form names are also added for clarity and consistency.

Section 85090(d)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that only vendors with an approved ICTP can renew their ICTP vendorship.

Factual Basis:

This addition is necessary to clarify for ARF vendors that they must have an approved ARF ICTP in order to renew their ARF ICTP vendorship as is the intent of the ICTP renewal process. Historically, some vendors have not understood this so this amendment should remedy that.

Section 85090(h)

Specific Purpose:

The specific purpose of this amendment is to clarify the ICTP being described.

Factual Basis:

This amendment is necessary to clarify for vendors and administrators that this section specifically describes the content of the ICTP for ARF administrators. GH and RCFE ICTPs have different content and are described in their respective sections [84090(h) and 87785(h)] of these regulations.

Section 85090(h)(1)

Specific Purpose:

The specific purpose of this amendment is to add reference to the applicable definition for clarity.

Factual Basis:

This amendment is necessary to ensure all vendors' ARF ICTPs provide a full 35 hours of classroom instruction as required by statute (H&SC section 1562.3(c)(1)) to ensure new facility administrators are adequately trained. Historically, the Department has noted variability in actual instruction time among vendors' course proposals depending on how they have interpreted a "classroom hour." Adding reference here to the common definition of classroom hour should eliminate that problem.

Section 85090(h)(1)(H)

Specific Purpose:

The specific purpose of this amendment is to reduce the time required for this knowledge component in order to provide time for a new component required by AB 663 (Chapter 675, Statutes of 2013) at H&SC section 1562.3(c)(1)(J) and added here as Section 85090(h)(1)(J).

Factual Basis:

This amendment is necessary to bring the regulations into alignment with recently enacted law that requires all new administrators have training on cultural competency and sensitivity toward the aging lesbian, gay, bisexual, and transgender communities. As the law does not allow the Department to add time to the total ICTP, the amendment reduces this general business component by one hour to allow time for instruction in the new requirement [being added at (J)].

Section 85090(h)(1)(J)

Specific Purpose:

The specific purpose of adding this section is to bring the regulations into alignment with AB 663 (Chapter 675, Statutes of 2013) and establish hours for this topic in the ARF Core of Knowledge.

Factual Basis:

This amendment is necessary to bring the regulations into alignment with recently enacted law (now in H&SC section 1562.3(c)(1)(J)) that requires all new administrators have training on cultural competency and sensitivity toward the aging lesbian, gay, bisexual, and transgender communities.

Section 85090(h)(2)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency throughout these regulations, and also to clarify that the exam is the one developed by the Department.

Factual Basis:

The exam for administrators is developed and administered by the Department, as part of the Department-approved administrator certification program required by statute [H&SC section 1562.3(b)(1)]. This amendment is necessary to clarify this for administrators who have sometimes thought that completion of a test within the ICTP constituted the administrator exam.

Section 85090(h)(2)(A)

Specific Purpose/Factual Basis:

The term "test" is changed to "exam" here and throughout these regulations for consistency.

Section 85090(h)(2)(B)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency, and to clarify reference to the Core of Knowledge.

Factual Basis:

AB 663 (Chapter 675, Statutes of 2013) recently added a new category to the Core of Knowledge at H&SC section 1562.3(c)(1)(J) , and future legislation may do the same. This amendment is necessary to bring this section into alignment with the updated Core of Knowledge by providing reference to that entire section of these regulations and to the related chart [in Section 85002(a)] and eliminating the unnecessary restatement of the number of categories.

Additionally, the term "test" is changed to "exam" here and throughout these regulations for consistency.

Section 85090(i)(1)

Specific Purpose:

The specific purpose of this amendment is to ensure ICTPs are conducted in a classroom setting.

Factual Basis:

This amendment is necessary to ensure ICTPs are conducted in environments conducive to learning. Historically, the Department has received complaints of some courses or segments thereof being conducted in homes, for example, with numerous distractions. The amendment should remedy this problem.

Section 85090(i)(1)(A)

Specific Purpose/Factual Basis:

This amendment simply updates the cross-referenced section per the addition of other sections.

Section 85090(i)(1)(B) Renumbered from Section 85090(i)(1)(A)1.

Specific Purpose/Factual Basis:

This section is renumbered from Section 85090(i)(1)(A)1. and adds the word "Department" and capitalizes the section name for consistency and clarity.

Section 85090(i)(2)

Specific Purpose:

The specific purpose of this amendment is to clarify the program completion requirements.

Factual Basis:

This amendment is necessary to clarify that vendors must have a procedure in place to allow ICTP participants to make-up any ICTP component they've missed (e.g., due to illness or other good cause) in order to complete the total hours and content required in the ICTP. Historically, the Department has discovered that some "make-up" units were not for the full hours required for that component and/or did not cover all the content of the component so effectively reduced the required training provided to administrators. This amendment should clarify for administrators and vendors that the "make-up" components ensure the trainee complete the full ICTP hours and content intended per H&SC section 1562.3(c)(1).

Section 85090(i)(3)

Specific Purpose:

The specific purpose of this addition is to specify that vendors provide certificates to individuals completing their ICTPs.

Factual Basis:

This addition is necessary because currently the statute (H&SC section 1562.3(d)(1)) and regulations (Section 85064.2(b)(3)(A)) require administrators to show proof of completion of the ICTP but do not require vendors to issue said proof. This will clearly require vendors to provide certificates.

Section 85090(i)(3)(A)

Specific Purpose:

The specific purpose of this addition is to clarify what information vendors are to include on the certificate provided to participants completing an ICTP.

Factual Basis:

This addition is necessary because currently the statute [H&SC section 1562.3(d)(1)] and regulations [Section 85064.2(b)(3)(C)] require administrators to show proof of completion of the ICTP but do not require vendors to issue said proof or to provide it in a consistent and complete format. This amendment is needed to ensure the applicant can adequately document their ICTP completion to the Department when applying for certification. Currently, such documentation includes variable information on the ICTP and vendor which increases the amount of time it takes Department staff to review applications for certification and confirm ICTP attendance, and delays approval of such certificates.

Section 85090(i)(4) Renumbered from Section 85090(i)(3)

Specific Purpose:

This section is renumbered from Section 85090(i)(3) per the addition of a new section (3) described above, and amended to specify that vendors use a Department form for submitting information on who completes their ICTPs.

Factual Basis:

This amendment is necessary to ensure vendors' regulatory compliance by creating a record of ICTP participant information and providing it to the Department upon request. For processing administrator certifications, the Department needs a means to check applicants' completion of ICTP programs, particularly in cases where the certificate submitted appears fraudulent. The ability to collect consistently-formatted rosters of ICTP participants facilitates that task, and reduces the need for vendors to field requests for individual administrator attendance information from the Department.

Section 85090(i)(5) Renumbered from Section 85090(i)(4)

Specific Purpose:

This section is renumbered from 85090(i)(4) per the addition of a new section (3) described above. The specific purpose of the amendment is to delete the term "written" so as not to preclude vendors from maintaining, or the Department from reviewing, other types of records (e.g., electronic documents or recordings) now commonly maintained. The amendment also clarifies the three-year record maintenance term.

Factual Basis:

The first amendment is necessary to ensure the Department has access to all formats of vendor records when needed to fulfill its statutory duty to ensure vendors are complying with training course requirements. As currently written, the regulation could be construed by vendors to block Department access to other types of records than "written." The second amendment is necessary to clarify for vendors that the required three-year record maintenance period starts from the date of vendor approval, course approval or course offering, whichever is most recent. This ensures records will be available for a reasonable amount of time for the Department to fulfill its monitoring responsibilities per H&SC section 1562.3(h)(4).

Section 85090(i)(5)(A) Renumbered from Section 85090(i)(4)(A)

Specific Purpose:

This section is renumbered from Section 85090(i)(4)(A) per the addition of a new section described above, and amended to add course outlines to the list of required records to be maintained.

Factual Basis:

This amendment is necessary to clarify for vendors that their records should also include the ICTP outlines. Historically, some vendors have not kept such documents, which are important for ensuring the ICTP is taught as approved.

Section 85090(i)(5)(B) Renumbered from Section 85090(i)(4)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85090(i)(4)(B) per the addition of a new section described above, and amended for grammatical clarity and to update the cross-reference.

Section 85090(i)(5)(C) Renumbered from Section 85090(i)(4)(C)

Specific Purpose:

This section is renumbered from Section 85090(i)(4)(C) per the addition of a new section described above, and amended for grammatical clarity and to add the number of the form for clarity and consistency.

Factual Basis:

The amendments are necessary to clarify that the vendor must maintain the roster of registered ICTP participants and documentation of who completed the ICTP as not all registrants may complete the program. This allows the Department to confirm administrator completion of the program as required by law. Using a standardized form (as most already do) ensures consistency of information collected.

Section 85090(i)(5)(E)

Specific Purpose:

This section is added to include audio-visual recordings of ICTPs offered outside California in the list of vendor records to be maintained.

Factual Basis:

This addition is necessary to ensure that all vendors maintain such visual recordings of their ICTPs offered outside California. While such recordings may already be made by some vendors, without this amendment, vendors might not maintain them similarly to other records or have them available for Department review when needed to ensure compliance. The Department is not currently proposing to require recordings of ICTPs offered in California as those are accessible for on-site monitoring but vendors may make and keep those if desired, too, as they may be helpful in responding to complaints, for example.

Section 85090(i)(6) Renumbered from Section 85090(i)(5)

Specific Purpose:

This section is renumbered from Section 85090(i)(5) per the addition of a new section described above, and amended to add language requiring vendors to submit their proposed ICTP schedules upon request. The amendment also deletes language regarding monitoring which is being moved to Section 85090(j).

Factual Basis:

This amendment is necessary to provide a consistent structure for vendors to submit their ICTP schedules and related information to the Department. Currently the information is not submitted in a consistent format making it difficult for the Department to fulfill its statutory monitoring obligations. Making the information available upon request will meet the Department's monitoring and inspection needs without burdening the vendors with unnecessary submittal requirements.

Section 85090(i)(7) Renumbered from Section 85090(i)(6)

Specific Purpose:

This section is renumbered from Section 85090(i)(6) per the addition of a new section (3) described above, and amended to clarify the wording regarding instructors' necessary knowledge and experience.

Factual Basis:

This amendment is necessary to clarify that ICTP instructors must have relevant knowledge and experience in the subject taught to ensure that administrators receive adequate instruction in the subject. There's been some confusion in the past as to what is meant by "subject area" so the wording is changed here to "subject matter and content" for greater clarity. Similarly, the word "verifiable" is added to clarify that the stated education or experience should be supportable by documentation (e.g., diplomas, resumes).

Section 85090(i)(7)(A) Renumbered from Section 85090(i)(6)(A)

Specific Purpose:

This section is renumbered from Section 85090(i)(6)(A) per the addition of a new section described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify for vendors the type of education and amount of related experience required of their instructors under this option. Historically, some vendors have not understood what was meant by "four year college degree" and tried to use, for example, instructors who had taken a few years of college classes but not completed a bachelor's degree. So this amendment changes the wording to state "bachelor's or higher degree." Furthermore, to better ensure the quality of administrator training, the amendment specifies that the degree be from an accredited institution, and that it, like the work experience, be in a field related to the subject(s) to be taught. The term "course" is changed to "subject" for clarity and consistency as a given instructor may be teaching part but not all of a given course.

Section 85090(i)(7)(B) Renumbered from Section 85090(i)(6)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85090(i)(6)(B) per the addition of a new section described above, and amended to add the word "of" for grammatical clarity.

Section 85090(i)(7)(C) Renumbered from Section 85090(i)(6)(C)

Specific Purpose:

This section is renumbered from Section 85090(i)(6)(C) per the addition of a section as described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify the existing intent that the professional certification be in a field related to the subject(s) to be taught. Also, to better ensure the quality of the administrator training, the amendment adds that the professional have at least two years of related field experience, similar to the existing criteria in (A) above. This should eliminate the problem of persons with licenses but no related experience teaching subjects in which they have little hands-on knowledge and thus better ensure administrators receive adequate training.

Section 85090(i)(7)(D) Renumbered from Section 85090(i)(6)(D)

Specific Purpose:

This section is renumbered from Section 85090(i)(6)(D) per the addition of a section as described above, and amended to clarify the instructors' required knowledge and experience under this criteria, and to update a cross reference.

Factual Basis:

This amendment is necessary to clarify the existing intent of this criteria that the instructor be a current or very recent administrator and have his or her facility(ies) in substantial compliance with the law and regulations. The amendment changes the timeframe from four years within the last eight years to four years within the last six years to better ensure the person's knowledge of current facility administration requirements and issues and thus the ability to provide correct instruction to other administrators. The amendment also adds that the administrator-instructor have verifiable training in the subject(s) to be taught to help ensure they're not teaching a topic on which, despite their general administrator experience, they have little or no specific knowledge. This all helps ensure the quality of training for administrators. The related cross reference is updated pursuant to other changes in that section.

Section 85090(i)(8)

Specific Purpose:

The specific purpose of this addition is to clarify how vendors are to obtain the Department's approval of changes to course instructors.

Factual Basis:

This addition is necessary to specify the process and form used by vendors to add or replace an approved instructor for a course. Using a standard form ensures clarity and consistency of information requested and reviewed. Requiring specific Department approval of instructor changes is important to ensuring course quality for administrators.

Section 85090(i)(9)

Specific Purpose:

The specific purpose of this addition is to place in regulations a requirement that vendors encourage and respond to questions during their training programs.

Factual Basis:

This addition is necessary to address a historical problem of some vendors not providing time for questions and/or adequately responding to questions by ICTP participants. This amendment should remedy that and help ensure the ICTPs better facilitate learning.

Section 85090(i)(10)

Specific Purpose:

The specific purpose of this addition is to place in regulations the minimum content of participant evaluations.

Factual Basis:

This addition is necessary to ensure that all ICTP vendors solicit adequate information in their participant evaluations, and thus can improve their administrator training programs when and where needed. Historically, the Department has found that while many vendors do solicit course and instructor feedback in their end-of-course evaluations, others do not, leading to the continuation of inadequate training. This addition should clarify the basic evaluation content expected and thus remedy this problem and help foster improved administrator training.

Section 85090(i)(11)

Specific Purpose:

The specific purpose of this addition is to require vendors report to ACS changes in business contact or address information.

Factual Basis:

This addition is necessary to ensure that the Department has the correct current contact information on file for the approved ACS vendors. The regulations already specify that facility administrators report address changes to ACS within thirty (30) days [see, for example, Section 84064.3(i)] but does not specify this for vendors. This addition will remedy that inconsistency and ensure the Department can quickly contact all vendors when needed (e.g., to send out information regarding statutory changes, complaints, etc). This addition is also necessary to ensure disciplinary matters are properly and effectively served pursuant to Government Code section 11505, subdivision (c).

Section 85090(j)(1)

Specific Purpose:

The specific purpose of this addition is to more clearly state in regulations that the Department's representatives may monitor ICTPs. This new language replaces that of current Section 85090(i)(5).

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority and obligation to oversee the ICTPs as part of its administrator certification duties [H&SC section 1562.3(h)(4)]. While prior language in Section 85090(i)(5) addressed this in brief, the Department has not always had sufficient staffing to conduct much ICTP monitoring so vendors may be unused to the process. This more detailed section will help clarify for vendors the Department's monitoring role.

Section 85090(j)(2)

Specific Purpose:

The specific purpose of this addition is to ensure privacy for potential ICTP participant interviews and for the Department's examination of vendor records.

Factual Basis:

This addition is necessary to alleviate concerns of ICTP participants and vendors about participating in interviews or sharing records, respectively, with Department representatives.

Section 85090(j)(3)

Specific Purpose:

The specific purpose of this addition is to specify that the Department may inspect, audit and copy records related to the vendor's ICTP, and may remove the records for copying if needed.

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority to oversee the ICTPs as part of its administrator certification duties, and to clarify how records may be removed for copying if needed.

Section 85090(j)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that despite Section 85090(j)(3) added, the Department will not remove vendors' emergency or health-related personnel records unless they are duplicative, and shall return the materials within three days.

Factual Basis:

This addition is necessary to provide a process for handling unique personnel information and addressing vendor concerns that the information could be lost if the sole copy is removed for copying by the Department. The amendment also provides a timeframe for the Department to return the materials to the vendor.

Section 85090(k)

Specific Purpose:

The specific purpose of this addition is to specify the process for notifying vendors of any deficiencies found per the Department's monitoring of the ICTP.

Factual Basis:

This addition is necessary to place in regulations and make clear for vendors the process for how the Department will officially notify vendors of any significant deficiencies identified during the monitoring (authorized by H&SC section 1562.3(h)(4)). The amendment also provides for handling minor deficiencies, such that if they are corrected immediately, they won't be included in the notice. The notice will be provided in person or by registered mail to ensure its receipt by the vendor.

Section 85090(k)(1)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice be in writing.

Factual Basis:

This addition is necessary to specify how deficiencies identified during the monitoring will be noticed to the vendor. Providing the notice of deficiencies in writing helps ensure clarity for all the parties involved as to what was found and needs to be resolved.

Section 85090(k)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice will include a reference to the applicable statute or regulation.

Factual Basis:

This addition is necessary to ensure the notice clearly identifies the basis for the deficiency for all parties involved.

Section 85090(k)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include a statement as to how the ICTP failed to comply with the referenced statute or regulations.

Factual Basis:

This addition is necessary to ensure clarity as to what is deficient. Without such clarity, the vendor could have a difficult time resolving the deficiency.

Section 85090(k)(1)(C)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include the amount of any penalty to be assessed if the deficiency is not addressed.

Factual Basis:

This addition is necessary to ensure vendors are informed of potential penalty amounts at the time of the deficiency notice.

Section 85090(k)(1)(D)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include reference to the applicable appeal process.

Factual Basis:

This addition is necessary to ensure all vendors with deficiencies know that there is an appeal process and where to find it.

Section 85090(k)(2)

Specific Purpose:

The specific purpose of this addition is to specify the process for the vendor to develop a corrective action plan for the deficiency(ies) and add it to the notice of deficiency.

Factual Basis:

This addition is necessary to make specific in regulations how deficiencies identified during the monitoring will be corrected. Having the vendor work with the Department to develop the corrective action plan and add it to the notice is similar to standard audit processes and helps make the correction process clear and efficient.

Section 85090(k)(3)

Specific Purpose:

The specific purpose of this addition is to specify the timeframe for vendors to correct identified deficiencies related to the ICTP.

Factual Basis:

This addition is necessary to ensure vendors know the required timelines for correction and ensure a consistent timeline for all vendors. The regulation also provides some flexibility for vendors making corrections to the ICTP itself as "the next offering of the" ICTP could be pushed out to provide more time for making the corrections.

Section 85090(l) Renumbered from Section 85090(k)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85090(k) per the addition of a new section (k) as described above, and the facility type acronyms spelled out for clarity as they're not otherwise used in this section.

Section 85090(m) Renumbered from Section 85090(l)

Specific Purpose:

This section is renumbered from Section 85090(l) per the addition of a new section as described above. The specific purpose of this amendment is to clearly state that ARF ICTP instructors as well as vendors who are seeking administrator certificates cannot attend their own ICTPs for credit.

Factual Basis:

This amendment is necessary to ensure that all ARF ICTP vendors and instructors are aware that they cannot receive credit for attending their own ARF ICTPs when they are applying to be ARF administrators. Historically the question has arisen as to whether the existing regulation includes vendors' instructors as sometimes a vendor is an individual instructing his or her own courses and sometimes is a company with one or more instructors. This amendment should clarify that.

Handbook Section 85090.1(a)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the wording consistent with the current code sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 85090.1(c)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from the code section reference here for consistency throughout these regulations.

Handbook Section 85090.1(c)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the wording consistent with the current code sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 85090.2(a)(3)

Specific Purpose:

The specific purpose of this amendment is to include misconduct during instruction as a cause for revoking an ICTP.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke an ICTP if it finds conduct during ICTP instruction that is illegal, inappropriate or inconsistent with the program requirements. Historically, the Department has received complaints of apparently inappropriate conduct during ICTPs but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misconduct.

Section 85090.2(a)(4)

Specific Purpose:

The specific purpose of this amendment is to include misrepresentation or false statements during instruction as a cause for revoking an ICTP and to clarify that it's knowingly providing false information that is also a grounds for revocation.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke an ICTP if it finds a vendor misrepresents or knowingly makes false statements during program instruction. Historically, the Department has received complaints of apparent misinformation or false information being provided during instruction but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misinformation.

Additionally, this amendment adds the term "knowingly" to describe the type of false statements that can result in ICTP revocation. It is not the Department's intent to punish inadvertent false statements but to prevent fraud and misinformation in the Administrator Certification Program so this amendment should clarify that. Finally, the amendment adds the word "or" for grammatical clarity per the addition of a new section (5) as described below.

Section 85090.2(a)(5)

Specific Purpose:

The specific purpose of this addition is to include in the regulation all the reasons why an ICTP may be revoked.

Factual Basis:

This addition is necessary to clearly state in the regulations that a vendor's failure to correct deficiencies or to pay civil penalties due is also reason for revoking an ICTP as it shows the inability of the vendor to comply with basic program requirements established pursuant to H&SC section 1562.3(h).

Sections 85090.2(b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from each code section reference here for consistency throughout these regulations.

Handbook Section 85090.2(c)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the reference and wording consistent with the current code sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 85091(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of continuing education training programs and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure vendor applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1562.3(h)(1). The Department has received numerous handwritten requests that lack the content necessary to process the application, and misrouted mail delays Department receipt and review of applications. The amendment also updates the language regarding the signatory's certification from a perjury statement to a statement of accuracy and completeness. This is consistent with other such statements now used on Departmental forms. The full form name is also added for clarity and consistency.

Section 85091(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify the basic applicant information included on the vendor application form.

Factual Basis:

This amendment is necessary to ensure applications include the basic business and contact information necessary for the Department to process the application and contact the vendors as needed. The type of business entity is required so the Department can more readily confirm that the entity is approved to conduct business in California such as is required by Corporations Code section 2105, 15909.02, 16959 or 17451. The e-mail address is added as that is now a frequently used means of communication.

Section 85091(b)(3)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to include other State-licensed care facilities the Department may ask about.

Factual Basis:

This amendment is necessary to clearly include in the statement affiliation with other State-licensed care facilities to help the Department check the vendor's background relative to care facility operations and avoid certifying someone to train residential facility administrators (who care for a vulnerable population) who has had prior misconduct or compliance issues related to such facilities. Requesting this information is within the authority of H&SC section 1522.08 wherein the legislature has provided authority for various State departments to share information with respect to applicants, licensees, certificates, or individuals who have been subject to any administrative action resulting in a denial, suspension, probation, or revocation of a license, permit, certificate, or in an exclusion.

Section 85091(b)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to eliminate confusion.

Factual Basis:

This amendment is necessary to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 85091(b)(5)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$100 processing fee for Continuing Education Training Program vendor applications (or renewal applications) is non-refundable.

Factual Basis:

The fee, authorized by H&SC section 1562.3(h)(6), covers costs of processing the vendor and course application. To that end, "nonrefundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds when their applications were denied. This amendment addresses that misunderstanding.

Section 85091(d)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting renewal of continuing education training program vendorships.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1562.3(h)(1). The Department has received numerous handwritten requests that lack the content necessary to process the application. The full form name is also added for clarity and consistency. Additionally, the term "vendorship" is added to clarify that Section 85091 describes the vendorship application process; the continuing education course approval process is described in Section 85091.1.

Section 85091(d)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that only vendors with approved continuing education courses can renew their continuing education vendorship.

Factual Basis:

This addition is necessary to clarify for ARF vendors that they must have one or more approved ARF continuing education courses in order to renew their ARF continuing education vendorship as is the intent of the course renewal process. Historically, some vendors have not understood this so this amendment should remedy that.

Section 85091(e)

Specific Purpose:

The specific purpose of this amendment is to clarify that this section relates to the vendorship application process.

Factual Basis:

This amendment is necessary to clarify for vendors that Section 85091 describes the continuing education program vendorship requirements and application process. The continuing education course approval process is described in Section 85091.1.

Section 85091(h)(1)

Specific Purpose:

The specific purpose of this addition is to specify that vendors provide certificates to individuals completing their approved continuing education courses.

Factual Basis:

This addition is necessary because the statute [H&SC section 1562.3(f)(4)] and regulations [Section 85064.3(d)(2)] require administrators to show proof of completion of continuing education courses but do not require vendors to issue said proof. This will clearly require vendors to provide certificates.

Section 85091(h)(1)(A)

Specific Purpose:

The specific purpose of this addition is to clarify what information vendors are to include on the certificate provided to participants completing an approved continuing education course.

Factual Basis:

This addition is necessary because the statute and regulations require administrators to show proof of completion of continuing education courses but do not require vendors to issue said proof or to provide it in a consistent and complete format. This amendment is needed to ensure the administrator can adequately document their course completion to the Department when applying for recertification. Currently, such documentation includes variable information on the course and vendor which increases the amount of time it takes Department staff to review applications for recertification and delays approval of such certificates.

Section 85091(h)(2) Renumbered from Section 85091(h)(1)

Specific Purpose:

This section is renumbered from Section 85091(h)(1) per the addition of a new section as described above. The specific purpose is to clarify the three-year record maintenance term and to delete the term "written" so as not to preclude vendors from maintaining, or the Department from reviewing, other types of records (e.g., electronic documents or recordings) now commonly maintained.

Factual Basis:

The amendment is necessary to ensure the Department has access to all formats of vendor records when needed to fulfill its statutory duty to ensure vendors are complying with training course requirements. As currently written, the regulation could be construed by vendors to block Department access to other types of records than "written." Further, the amendment clarifies for vendors that the three-year record maintenance requirement starts from the date of vendor approval, course approval or course offering, whichever is most recent. This ensures records will be available for a reasonable amount of time for the Department to fulfill its monitoring responsibilities per H&SC section 1562.3(h)(4).

Section 85091(h)(2)(A) Renumbered from Section 85091(h)(1)(A)

Specific Purpose:

This section is renumbered from Section 85091(h)(1)(A) per the addition of a section as described above. The specific purpose of this amendment is to add course outlines to the list of required records to be maintained.

Factual Basis:

This amendment is necessary to clarify for vendors that their records should also include the course outlines. Historically, some vendors have not kept such documents, which are important for ensuring the courses are taught as approved.

Section 85091(h)(2)(B) Renumbered from Section 85091(h)(1)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85091(h)(1)(B) and amended to update the cross-referenced section due to the addition of a new section as described above. It also pluralizes "lists" for accuracy as vendors usually have multiple courses and thus multiple lists of instructors.

Section 85091(h)(2)(C) Renumbered from Section 85091(h)(1)(C)

Specific Purpose:

This section is renumbered from Section 85091(h)(1)(C) per the addition of a new section as described above and amended to add the term "rosters" and the form number for clarity of the type of information to be maintained.

Factual Basis:

Vendors are required to maintain records of who completed their approved continuing education courses. This amendment is necessary to clarify that this information is to be maintained in a standardized roster format, as it typically is by course. Without this clarification some vendors may believe they must maintain copies of the individual students' certificates of completion which is an option but not required given the volume of courses and students.

Section 85091(h)(2)(E)

Specific Purpose:

The specific purpose of this addition is to include audio-visual recordings of continuing education courses offered outside California in the list of vendor records to be maintained.

Factual Basis:

This addition is necessary to ensure that all vendors maintain such visual recordings of their continuing education courses offered outside California. While such recordings may already be made by some vendors, without this amendment, vendors might not maintain them similarly to other records or have them available for Department review when needed to ensure compliance. The Department is not currently proposing to require recordings of courses offered in California as those are accessible for on-site monitoring but vendors may make and keep those if desired, too, as they may be helpful in responding to complaints, for example.

Section 85091(h)(3) Renumbered from Section 85091(h)(2)

Specific Purpose:

This section is renumbered from Section 85091(h)(2) per the addition of a new section as described above, and amended to clarify the wording regarding instructors' necessary knowledge and experience.

Factual Basis:

This amendment is necessary to clarify that continuing education course instructors must have relevant knowledge and experience in the subject taught to ensure that administrators receive adequate instruction in the subject. There has been some confusion in the past as to what is meant by "subject area" so the wording is changed here to "subject matter and content" for greater clarity. Similarly, the word "verifiable" is added to clarify that the stated education or experience should be supportable by documentation (e.g., diplomas, resumes).

Section 85091(h)(3)(A) Renumbered from Section 85091(h)(2)(A)

Specific Purpose:

This section is renumbered from Section 85091(h)(2)(A) per the addition of a new section as described above, and is amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify for vendors the type of education and amount of related experience required of their instructors under this option. Historically, some vendors have not understood what was meant by "four year college degree" and tried to use, for example, instructors who had taken a few years of college classes but not completed a bachelor's degree. So this amendment changes the wording to state "bachelor's or higher degree." Furthermore, to better ensure the quality of administrator training, the amendment specifies that the degree be from an accredited institution, and that it, like the work experience, be in a field related to the subject(s) to be taught. The term "course" is changed to "subject" for clarity and consistency as a given instructor may be teaching part but not all of a given course.

Section 85091(h)(3)(B) Renumbered from Section 85091(h)(2)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85091(h)(2)(B) per the addition of a new section as described above, and amended to add the word "of" for grammatical clarity.

Section 85091(h)(3)(C) Renumbered from Section 85091(h)(2)(C)

Specific Purpose:

This section is renumbered from Section 85091(h)(2)(C) per the addition of a section as described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify the existing intent that the professional certification be in a field related to the subject(s) to be taught. Also, to better ensure the quality of the administrator training, the amendment adds that the professional have at least two years of related field experience, similar to the existing criteria in (h)(3)(A) above. This should eliminate the problem of persons with licenses but no related experience teaching subjects in which they have little hands-on knowledge and thus better ensure administrators receive adequate training.

Section 85091(h)(3)(D) Renumbered from Section 85091(h)(2)(D)

Specific Purpose:

This section is renumbered from Section 85091(h)(2)(D) per the addition of a section as described above, and amended to clarify the instructors' required knowledge and experience under this criteria and to correct the cross-referenced section per prior Departmental updates to the definitions.

Factual Basis:

This amendment is necessary to clarify the existing intent of this criteria that the instructor be a current or very recent administrator and have his or her facility(ies) in substantial compliance with the law and regulations. The amendment changes the timeframe from four years within the last eight years to four years within the last six years to better ensure the person's knowledge of current facility administration requirements and issues and thus the ability to provide correct instruction to other administrators. The amendment also adds that the administrator-instructor have verifiable training in the subject(s) to be taught to help ensure they're not teaching a topic on which, despite their general administrator experience, they have little or no specific knowledge. This all helps ensure the quality of training for administrators.

Section 85091(h)(4)

Specific Purpose:

The specific purpose of this addition is to include language requiring vendors to submit their proposed continuing education course schedules to the Department upon request.

Factual Basis:

This addition is necessary to provide a consistent structure for vendors to submit their continuing education course schedules and related information to the Department. Currently the information is not submitted in a consistent format making it difficult for the Department to fulfill its course monitoring obligations. Making the information available upon request will meet the Department's needs without burdening the vendors with unnecessary submittal requirements.

Section 85091(h)(5)

Specific Purpose:

The specific purpose of this addition is to clarify how vendors are to obtain the Department's approval of changes to course instructors.

Factual Basis:

This addition is necessary to specify the process and form used by vendors to add or delete an approved instructor for a course. Using a standard form ensures clarity and consistency of information requested and reviewed. Requiring specific Department approval of instructor changes is important to ensuring course quality for administrators.

Section 85091(h)(6)

Specific Purpose:

The specific purpose of this addition is to place in regulations a requirement that vendors encourage and respond to questions during their training programs.

Factual Basis:

This addition is necessary to address a historical problem of some vendors not providing time for questions and/or adequately responding to questions by continuing education course participants. This amendment should remedy that and help ensure the courses better facilitate learning.

Section 85091(h)(7)

Specific Purpose:

The specific purpose of this addition is to place in regulations the minimum content of participant evaluations.

Factual Basis:

This addition is necessary to ensure that all continuing education course vendors solicit adequate information in their participant evaluations, and thus can improve their courses when and where needed. Historically, the Department has found that while many vendors do solicit course and instructor feedback in their end-of-course evaluations, others do not, leading to the continuation of inadequate training. This addition should clarify the basic evaluation content expected and thus remedy this problem and help foster improved administrator training.

Section 85091(h)(8)

Specific Purpose:

The specific purpose of this addition is to require vendors report to ACS changes in business contact or address information.

Factual Basis:

This addition is necessary to ensure that the Department has the correct current contact information on file for the approved ACS vendors. The regulations already specify that facility administrators report address changes to ACS within thirty (30) days [see, for example, Section 84064.3(i)] but does not specify this for vendors. This addition will remedy that inconsistency and ensure the Department can quickly contact all vendors when needed (e.g., to send out information regarding statutory changes, complaints, etc). This addition is also necessary to ensure disciplinary matters are properly and effectively served pursuant to Government Code section 11505, subdivision (c).

Section 85091(i)

Specific Purpose:

The specific purpose of this amendment is to implement the online education criteria enacted by AB 2675 (Chapter 421, Statutes of 2006) at H&SC Section 1562.3(h)(7). The amendment also adds cross-reference to the definition of "classroom setting" for clarity.

Factual Basis:

The amendment is necessary to comply with statutory requirements regarding online educational opportunities. It also clarifies what is meant by classroom learning, as now defined in the cross-referenced section, to help ensure administrators are adequately trained and not simply entertained.

Section 85091(i)(1)

Specific Purpose:

This specific purpose of this amendment is to clarify the approval of online continuing education courses as allowed by statute.

Factual Basis:

The amendment is necessary to comply with statutory requirements regarding online educational opportunities and to clearly summarize them here. Historically, many vendors have not understood the interactivity of these courses as required by statute [H&SC section 1562.3(h)(7)(A)(i)] so this regulation clarifies that.

Section 85091(i)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify in regulations how a webinar or similar type of live online course may be approved pursuant to statute.

Factual Basis:

This addition is necessary to provide clarity to vendors on how the Department may approve webinars and similar type of live online courses. Historically, there has been no specific process for reviewing and approving such courses.

Section 85091(i)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify how an online course will be designed so that participants get the benefit of the full number of training hours approved.

Factual Basis:

This addition is required to ensure that administrators taking online courses to fulfill some of their continuing education requirements [as allowed by H&SC section 1562.3(f)(1)] receive adequate instruction in the subject. Historically, in monitoring the use of such courses, the Department has found administrators receiving credit for a multi-hour course when they actually only spent a fraction of that time taking the course. Clarifying vendors' responsibility to ensure the courses do take the amount of time approved (e.g., through their interactivity) and that participants cannot print a certificate without completing the course hours will help remedy this problem.

Handbook Section 85091(i)(1)

Specific Purpose:

This specific purpose of this new handbook section is to include the statutory requirements for online training.

Factual Basis:

This addition is necessary to provide clarity for vendors developing online courses. Historically, the Department has often found vendors' online courses lacking in the required interactivity, for example.

Section 85091(k)

Specific Purpose:

The specific purpose of this amendment is to clarify that the Department may monitor and inspect specific courses of a vendor's continuing education program.

Factual Basis:

This amendment is necessary to clarify for vendors the Department's authority [per H&SC section 1562.3(h)(4)] to monitor their programs in whole or part.

Section 85091(k)(1)

Specific Purpose:

The specific purpose of this addition is to clearly state in regulations that the Department's representatives may monitor continuing education training courses.

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority (per H&SC section 1562.3(h)(4)) to oversee their continuing education training programs as part of its administrator certification duties.

Section 85091(k)(2)

Specific Purpose:

The specific purpose of this addition is to ensure privacy for potential course participant interviews and for the Department's examination of vendor records.

Factual Basis:

This amendment is necessary to alleviate concerns of course participants and vendors about participating in interviews or sharing records, respectively, with Department representatives.

Section 85091(k)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that the Department may inspect, audit and copy records related to the vendor's continuing education program, and may remove the records for copying if needed. This replaces general language currently in Section 85091.1(h).

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority and obligation to oversee the continuing education programs as part of its administrator certification duties, and to clarify how records may be carefully removed for copying if needed.

Section 85091(k)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that despite section (k)(3) added, the Department will not remove emergency or health-related personnel records unless they are duplicative, and shall return the materials within three days.

Factual Basis:

This addition is needed to provide a process for handling unique personnel information and address vendor concerns that the information could be lost if the sole copy is removed for copying by the Department. The amendment also provides a timeframe for the Department to return the materials to the vendor.

Section 85091(l)

Specific Purpose:

The specific purpose of this addition is to specify the process for notifying vendors of any deficiencies found per the Department's monitoring of the vendor's continuing education program.

Factual Basis:

This addition is necessary to place in regulations and make clear for vendors the process for how the Department will officially notify vendors of any significant deficiencies identified during the monitoring (authorized per H&SC section 1562.3(h)(4)). The amendment also provides for handling minor deficiencies, such that if they are corrected immediately, they will not be included in the notice. The notice will be provided in person or by registered mail to ensure its receipt by the vendor.

Section 85091(l)(1)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice be in writing.

Factual Basis:

This addition is necessary to specify how deficiencies identified during the monitoring will be noticed to the vendor. Providing the notice of deficiencies in writing helps ensure clarity for all the parties involved as to what is deficient and needs to be corrected.

Section 85091(I)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice will include a reference to the applicable statute or regulation.

Factual Basis:

This addition is necessary to ensure the notice clearly identifies the basis for the deficiency for all parties involved.

Section 85091(I)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include a statement as to how the program failed to comply with the referenced statute or regulations.

Factual Basis:

This addition is necessary to ensure clarity as to what is deficient. Without such clarity, the vendor would have a difficult time resolving the deficiency.

Section 85091(I)(1)(C)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include the amount of any penalty to be assessed if the deficiency is not addressed.

Factual Basis:

This addition is necessary to ensure vendors are informed of potential penalty amounts at the time of the deficiency notice.

Section 85091(I)(1)(D)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include reference to the applicable appeal process.

Factual Basis:

This addition is necessary to ensure all vendors with deficiencies know that there is an appeal process and where to find it.

Section 85091(1)(2)

Specific Purpose:

The specific purpose of this addition is to specify the process for the vendor to develop a corrective action plan for the deficiency(ies) and add it to the notice of deficiency.

Factual Basis:

This addition is necessary to make specific in regulations how deficiencies identified during the monitoring will be corrected. Having the vendor work with the Department to develop the corrective action plan and add it to the notice is similar to standard audit processes and helps make the correction process efficient.

Section 85091(1)(3)

Specific Purpose:

The specific purpose of this addition is to specify the timeframe for vendors to correct identified deficiencies related to the program.

Factual Basis:

This addition is necessary to ensure vendors know the required timelines for correction and ensure a consistent timeline for all vendors. The regulation also provides some flexibility for vendors making course corrections, as "the next offering of the" course could be pushed out to provide more time for making the corrections.

Section 85091(m) Renumbered from Section 85091(l)

Specific Purpose/Factual Basis:

This section is renumbered from 85091(l) per the addition of a new section as described above, and amended to spell out the facility type acronyms of the facility types not otherwise used in these regulations, and to change the word "those" to "participants" for clarity.

Section 85091(n) Renumbered from Section 85091(m)

Specific Purpose/Factual Basis:

This section is renumbered from Section 85091(m) per the addition of a new section as described above, and amended to spell out the facility type acronyms not otherwise used in these regulations.

Section 85091(n)(1)

Specific Purpose:

This section is added to clarify that the hours approved for co-located courses may differ by program type.

Factual Basis:

This addition is necessary to clearly state in regulations that the Department may approve differing hours for co-located courses depending on the course content pertinent to each facility type. Historically, the Department has noticed a problem wherein a course may be proposed, for example, for four hours credit for both ARFs and RCFEs but includes perhaps three hours content relevant to ARF administration and four hours relevant to RCFE administration. This amendment will clearly advise vendors that the courses may be offered at the same time and place but may be approved for varying hours of credit. This helps ensure administrators get credit only for applicable training for their facility type.

Section 85091(o) Renumbered from Section 85091(n)

Specific Purpose:

This section is renumbered from 85091(n) per the addition of a section as described above. The specific purpose of this amendment is to clearly state that ARF continuing education instructors as well as vendors who are renewing administrator certificates cannot attend their own courses for credit.

Factual Basis:

This amendment is necessary to ensure that all ARF continuing education vendors and instructors are aware that they cannot receive credit for attending their own ARF courses when they are renewing their ARF administrator certificates. Historically the question has arisen as to whether the existing regulation includes vendors' instructors as sometimes a vendor is an individual instructing his or her own courses and sometimes is a company with one or more instructors. This amendment should clarify that.

Section 85091.1(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of each continuing education course and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1562.3(h)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays Department receipt and review of the applications. The amendment also updates the language regarding the signatory's certification from a perjury statement to a statement of accuracy and completeness. This is consistent with other such statements now used on Departmental forms.

The amendment also clarifies that a course approval request is to be submitted for each course. While this is currently implied in the sections following, including it here is clearer.

Section 85091.1(b)(1)

Specific Purpose/Factual Basis:

This amendment removes the unnecessary phrase "of each course" as the entire section (b) is related to requesting approval for each individual course and pluralizes the word "instructor" for clarity as a course may have multiple instructors.

Section 85091.1(b)(2)

Specific Purpose:

The specific purpose of this amendment is to remove the unnecessary phrase "for this course" and to clarify the level of detail required for a continuing education course outline.

Factual Basis:

This amendment is needed to ensure greater consistency of course approval requests submitted by vendors. Historically, vendors have submitted greatly variable levels of detail in course outlines. The Department has found that having the outline detailed at least to the hourly level provides sufficient information to determine if the course fits the applicable core of knowledge subjects. Similarly, the description of evaluation methods is clarified to include course and participant evaluations, as has been historically requested and submitted to help ensure the quality of administrator training.

Section 85091.1(b)(2)(A)

Specific Purpose:

The specific purpose of this addition is to clarify for vendors that visual recordings may not be used as a continuing education course.

Factual Basis:

This addition is necessary to clarify the acceptable use of visual recordings in a continuing education course. Historically, videos have been acceptable as teaching aids, such as to show case examples when discussing a particular topic, but may have inappropriately been used to cover an entire course. This addition should make clear the appropriate use of videos in a continuing education course and avoid misuse in the future to ensure administrators receive appropriate live continuing education classes as required by H&SC section 1562.3(f)(1).

Section 85091.1(b)(3)

Specific Purpose/Factual Basis:

This amendment updates the cross-referenced section pursuant to the addition of a new section there.

Section 85091.1(b)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify the recordkeeping information to be included in the vendor's continuing education course application and to update the cross-referenced section.

Factual Basis:

This amendment is necessary to clarify for potential continuing education vendors what recordkeeping information they need to include in their application. Currently, vendors frequently include limited information and the Department staff must request additional detail to ensure vendors are aware of the records to be maintained per Section 85091(h)(2) and have a plan to comply with this. Recordkeeping is important to ensure the Department can verify administrator training course attendance and thus help prevent fraud.

Section 85091.1(b)(6)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to include other State-licensed care facilities the Department may ask about.

Factual Basis:

This amendment is necessary to clearly include in the statement affiliation with other State-licensed care facilities to help the Department check the instructor's background relative to care facility operations and avoid certifying someone to train residential facility administrators (who care for a vulnerable population) who has had prior misconduct or compliance issues related to such facilities. Requesting this information is within the authority of H&SC section 1522.08 wherein the legislature has provided authority for various State departments to share information with respect to applicants, licensees, certificates, or individuals who have been subject to any administrative action resulting in a denial, suspension, probation, or revocation of a license, permit, certificate, or in an exclusion.

Section 85091.1(b)(7)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement.

Factual Basis:

This amendment is necessary to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 85091.1(c)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting renewal approval of continuing education training courses, and submit them to the appropriate office before the current approval expires.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a timely, consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to process the application, and misrouted mail delays Department receipt and review of requests. The amendment is also necessary to add a specific timeframe by which vendors must submit their course renewal request in order to allow sufficient time for the Department to review the request and the vendor to respond to any questions before the current course expiration. Historically, many renewals have been received too late to process before the expiration, leading to a lapse in course approvals and difficulties for vendors and administrators due to cancelled courses. Specifying more timely submittals should eliminate these problems. The form names are also added for clarity and consistency.

Section 85091.1(c)(2)

Specific Purpose:

The specific purpose of this addition is to clarify the consequences of late course renewals.

Factual Basis:

This addition is necessary to include in regulations the process for handling late course renewal requests. Specifically, the amendment provides that course renewal requests received by the Department after the course expiration date will be denied and the vendor required to submit the courses for new approvals. Historically, many renewals have been received too late to process before the expiration, leading to a lapse in course approvals and difficulties for vendors and administrators due to cancelled courses. Placing the process in regulations will clarify for vendors the consequences of late renewals and provide an incentive (less paperwork) for timely submittals.

Section 85091.1(c)(3)

Specific Purpose:

The specific purpose of this addition is to clarify the process for course revisions.

Factual Basis:

This amendment is necessary to include in regulations the process for handling renewal requests for courses with changing content. The amendment specifies that renewal requests for courses where the content is known to have changed or needs to be updated (e.g., regarding some diseases, regulations) will be denied and the vendor required to submit the revised courses for new approvals. Historically, many renewals have been received for courses with content known or very likely to have changed but there's been no process for the Department to consistently require they be updated. This amendment will address that problem, and help to ensure that the training provided to administrators is current and accurate.

Section 85091.1(g)

Specific Purpose/Factual Basis:

The specific purpose of this amendment is simply to remove an unnecessary phrase and thus clarify the statement.

Section 85091.1(h)

Specific Purpose/Factual Basis:

This amendment deletes language regarding monitoring which is moved to Section 85091(k)

Section 85091.2(a)(1)

Specific Purpose:

The specific purpose of this amendment is to clearly advise where vendors are to send any requests for administrative review.

Factual Basis:

This amendment is necessary to clarify where vendors must send the request to avoid misrouted mail and missed deadlines. Directing such requests to the ACS Manager also ensures they quickly reach the party who likely will be reviewing them without getting mixed into the great volume of daily mail routed to various staff.

Section 85091.2(a)(4) Renumbered from Section 85091.2(a)(3)(A)

Specific Purpose:

This section is renumbered from Section 85091.2(a)(3)(A). The specific purpose is to provide a clear and reasonable timeframe for the Department's response.

Factual Basis:

This amendment is necessary to clarify for vendors the Department's timeline and method for responding to requests for review of a denied or revoked course. Requiring a written response helps ensure the response is clearly stated for the requestor and Department staff. Providing 30 instead of 10 days gives the Department adequate time to handle such requests in line with other Department processes.

Section 85091.2(a)(5) Renumbered from Section 85091.2(a)(4)

Specific Purpose/Factual Basis:

This section is renumbered from 85091.2(a)(4) per the addition of a new section (4) as described above.

Sections 85091.3(a), (b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section references for consistency throughout these regulations.

Handbook Sections 85091.3(a) and (c)

Specific Purpose/Factual Basis:

These handbook sections are editorially amended to make the wording consistent with the current code sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section references here for consistency throughout these regulations.

Section 85091.4(a)(3)

Specific Purpose:

The specific purpose of this amendment is to include misconduct during instruction as a cause for revoking a continuing education training program.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke a continuing education training program approval if it finds conduct during course instruction that is illegal, inappropriate or inconsistent with the program requirements. Historically, the Department has received complaints of apparently inappropriate conduct during continuing education courses but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misconduct.

Section 85091.4(a)(4)

Specific Purpose:

The specific purpose of this amendment is to include misrepresentation or false statements during instruction as a cause for revoking continuing education program approval and to clarify that it's knowingly providing false information that is also a grounds for revocation.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke a continuing education training program approval if it finds a vendor misrepresents or knowingly makes false statements during course instruction. Historically, the Department has received complaints of apparently misinformation or false information being provided during instruction but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misinformation.

Additionally, this amendment adds the term "knowingly" to describe the type of false statements that can result in course revocation. It is not the Department's intent to punish inadvertent false statements but to prevent fraud and misinformation in the Administrator Certification Program so this amendment should clarify that. Finally, the amendment adds the word "or" for grammatical clarity per the addition of a new section (5) as described below.

Section 85091.4(a)(5)

Specific Purpose:

The specific purpose of this addition is to include in the regulation all the reasons why a continuing education training program may be revoked.

Factual Basis:

This amendment is necessary to clearly state in the regulations that a vendor's failure to correct deficiencies or to pay civil penalties due is also reason for revoking a continuing education training program (as authorized by H&SC section 1562.3(h)(1)(A)) as it shows the likely inability of the vendor to comply with basic program requirements and provide quality training.

Sections 85091.4(b) and (c)

Specific Purpose/Factual Basis:

These sections are amended to remove the capital "S" from each code section reference for consistency throughout these regulations.

Handbook Section 85091.4(c)

Specific Purpose/Factual Basis:

This handbook section is editorially amended to make the reference and wording consistent with the current code sections quoted, add quotation marks for clarity, and remove the capital "S" from the code section reference here for consistency throughout these regulations.

Section 85092

Specific Purpose/Factual Basis:

This section is added to include information on the civil penalties which the Department may use when deficiencies are not corrected.

Section 85092(a)

Specific Purpose:

The specific purpose of this addition is to specify the amount of penalties per violation that may be assessed.

Factual Basis:

This addition is necessary to place in regulations the amount of penalties that may be assessed for deficiencies that are not corrected by the noticed deadline. The specific amounts (\$50 to \$150 per day) are based on the levels of penalties used elsewhere in the community care licensing program and on the Department's belief that this amount is adequate to deter statutory and regulatory violations.

Section 85092(b)

Specific Purpose:

The specific purpose of this addition is to specify when the penalties will be due and how they are to be paid.

Factual Basis:

This addition is necessary to clearly advise all vendors of the penalty payment process. Payment by money order only is provided to avoid added costs to the State of trying to process invalid checks. Historically, the Department has received numerous bad checks and has no viable avenue to collect such payments as going to court is usually too costly relative to the payment due.

Section 85092(c)

Specific Purpose:

The specific purpose of this addition is to clearly state that the Department may take a vendor to court for failure to pay penalties when due.

Factual Basis:

This addition is necessary to place in regulations the Department's authority (per H&SC section 1549) to take follow up legal action for non-payment of penalties when necessary, even if such action is not frequently taken due to cost constraints.

Section 85093

Specific Purpose/Factual Basis:

This section is added to include the process by which vendors may appeal a deficiency or penalty notice.

Section 85093(a)

Specific Purpose:

The specific purpose of this new section is to specify how and when vendors may appeal a deficiency or penalty notice.

Factual Basis:

This addition is necessary for consistent application of the appeal process for all vendors. The ten-day timeframe ensures a prompt notice to the Department of any appeal, and is similar to the timeframes in other programs (e.g., Section 87763). The review by a higher level staff than that person issuing the notice helps assure that vendors receive a fair review, and is again similar to other Department appeals processes.

Section 85093(b)

Specific Purpose:

The specific purpose of this section is to specify what an appeal reviewer may do in reviewing an appeal.

Factual Basis:

This addition is necessary to clearly state for vendors the potential outcomes of the review, including amendment or dismissal of the notice, or extended time for correction, depending on what is warranted by the facts. This process is based on similar existing processes in the Department as described above.

Section 85093(c)

Specific Purpose:

The specific purpose of this section is to specify the timeframe for Department response to an appeal.

Factual Basis:

This addition is necessary to clearly specify a reasonable timeline for the Department to respond to an appeal. The amendment also specifies a written response to help ensure clarity for all the parties involved.

Section 87101(c)(6)

Specific Purpose:

The specific purpose of this amendment is to clarify the definition of classroom hour.

Factual Basis:

This amendment is necessary to bring this definition into accord with that used by educational institutions. Specifically, the amendment clarifies that a classroom hour is from 50 to 60 minutes and does not include meal breaks. Historically, Department staff have received course requests based on varying assumptions of how much instruction is required and how much time for breaks is allowed in a specific amount of course hours. This amendment will clarify for RCFE course vendors and Department staff the standard and make more specific the terms "hours of classroom instruction" and "hours of continuing education" used in H&SC section 1569.616.

Section 87101(c)(7)

Specific Purpose:

The specific purpose of this amendment is to add a definition for clarity.

Factual Basis:

This addition is necessary to make specific what constitutes a "classroom" setting as used in H&SC sections 1569.616(c)(1) and (f)(1) regarding required initial and continuing education courses for administrators. Historically, the Department has received complaints of classes being conducted in places not really conducive to learning (e.g., homes). Including this definition should remedy that problem.

Sections 87101(c)(8) through (19) Renumbered from 87101(c)(7) through (18)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 87101(c)(7) through (c)(18) per the addition of new section (c)(7) as described above.

Section 87101(i)(2)

Specific Purpose:

The specific purpose of this amendment is to update the number of hours in the definition to match the updated statute.

Factual Basis:

This amendment is necessary to bring this definition into alignment with recent legislation (AB 1570 and Senate Bill [SB] 911, Chapters 698 and 705, Statutes of 2014) which changed the length of the RCFE ICTP from 40 to 80 hours.

Section 87101(i)(3)

Specific Purpose:

The specific purpose of this amendment is to delete an unnecessary definition.

Factual Basis:

This amendment is necessary to remove definition of a particular application form (LIC 9141), as the ACS forms are now all incorporated in Section 87102 and their usage discussed in these program regulations (e.g., Sections 87785, 87788).

Sections 87101(i)(4) and (5) Renumbered to Section 87101(i)(3) and (4)

Specific Purpose/Factual Basis:

These sections are renumbered to 87101(i)(3) and (i)(4) per the deletion of a section as described above.

Section 87101(r)(3)

Specific Purpose:

The specific purpose of this amendment is to delete an unnecessary definition.

Factual Basis:

This amendment is necessary to remove definition of a particular application form (LIC 9141) as the ACS forms are now all incorporated in Section 87102 and their usage discussed in the core of these program regulations (e.g., Sections 87785, 87788).

Sections 87101(r)(4) through (7) Renumbered to 87101(r)(3) through (6)

Specific Purpose/Factual Basis:

These sections are renumbered to Sections 87101(r)(3) through (r)(6) per the deletion of a section as described above.

Section 87102

Specific Purpose:

The specific purpose of this amendment is to clarify that both the unique RCFE forms, and all the forms currently used by ACS, are listed in this section of regulations.

Factual Basis:

This amendment is necessary to clarify that the forms incorporated by reference in this section include the several current Administrator Certification Program and other Community Care Licensing forms applicable to all three program areas (GH, ARF, RCFE) and not otherwise incorporated in regulations, as well as those forms unique to the RCFE portion of the program. This is necessary for clarity and to avoid redundantly incorporating documents into the California Code of Regulations.

Section 87102(a)

Specific Purpose/Factual Basis:

This section is amended to add form LIC 9139's new version date for clarity and consistency.

Sections 87102(b)

Specific Purpose/Factual Basis:

This section is amended to add form LIC 9140's new version date for clarity and consistency.

Section 87102(c)

Specific Purpose:

The specific purpose of this addition is to incorporate all applicable forms into these regulations.

Factual Basis:

This addition is necessary to incorporate the new version of form LIC 9140A, required of vendors to consistently seek and obtain approval of a change in previously approved course instructors. Such approval is necessary as instructors are approved based on their qualifications and specific to each course or course component, to help ensure administrators receive accurate and adequate training. The form has been in use but not previously included in the regulations.

Section 87102(d) Renumbered from Section 87102(c)

Specific Purpose/Factual Basis:

This section was renumbered from Section 87102(c) due to the addition of a new section (c) as described above, and also amended to add form LIC 9141's new version date for clarity and consistency.

Section 87102(e)

Specific Purpose:

The specific purpose of this addition is to incorporate all applicable forms into these regulations.

Factual Basis:

This addition is necessary to incorporate in this central location for ACS forms the current version of form LIC 9142A, previously incorporated in Section 85002(d). This form is required of vendors to consistently document participants in their courses so the Department can confirm administrator certificate applicants' completion of initial and continuing education requirements.

Section 87102(f)

Specific Purpose:

The specific purpose of this addition is to incorporate all applicable forms into these regulations.

Factual Basis:

This addition is necessary to incorporate the current version of form LIC 9142B, which the Department uses to document participants in the required administrator certification exam but has not previously included in the regulations.

Section 87102(g)

Specific Purpose:

The specific purpose of this addition is to incorporate all applicable forms into these regulations.

Factual Basis:

This addition is necessary to incorporate the current version of form LIC 9163, which the Department uses for facility administrators, among others, to request live scan (fingerprinting) services. The form is collected as part of the administrator certification application so applicants can confirm they have completed this step in the background check process.

Section 87102(h)

Specific Purpose:

The specific purpose of this addition is to incorporate all applicable forms into these regulations.

Factual Basis:

This addition is necessary to incorporate the current version of form LIC 508, which the Department uses for facility administrators, among others, to ensure they have the appropriate background clearance before being certified.

Section 87102(i)

Specific Purpose:

The specific purpose of this addition is to incorporate all applicable forms into these regulations.

Factual Basis:

This addition is necessary to incorporate the new version of form LIC 9214, which the Department uses to collect the basic data required of initial and renewal applicants for administrator certification but was not previously included in these regulations.

Section 87102(j) Renumbered from Section 87102(d)

Specific Purpose/Factual Basis:

This section was renumbered from Section 87102(d) due to the addition of new sections as described above.

Section 87102(k) Renumbered from Section 87102(e)

Specific Purpose:

This section was renumbered from Section 87102(e) due to the addition of new sections as described above, and it is amended to update the chart's name and version date for clarity and consistency.

Factual Basis:

This amendment is necessary to align the hours in the RCFE Core of Knowledge Training Standard chart with the statutory changes per AB 1570 and SB 911 (Chapters 698 and 705, Statutes of 2014) at H&SC sections 1569.23(b)(1) and 1569.616(c)(1). The change from "Guidelines" to "Standards" is also necessary pursuant to input from stakeholders as to what the RCFE Core of Knowledge should contain and to ensure all RCFE ICTP vendors are covering specified subtopics identified by the Department and stakeholders as the most crucial for RCFE administrators. Ensuring the quality content of initial training and continuing education is critical to protecting the health and safety of the vulnerable population in administrators' care.

Section 87405(a)

Specific Purpose:

The specific purpose of this amendment is to clarify the administrator requirement.

Factual Basis:

The phrase "qualified and currently" is added to clearly state that RCFE facilities must have an administrator who is qualified and also certified pursuant to statute [e.g., H&SC section 1569.616(a)(1)] and regulations. The current text is unclear as a potential administrator might be able to obtain a certificate but not fulfill other qualifications to become an administrator. This amendment is necessary to eliminate confusion about these requirements. Additionally, the word "fulfill" is added to correctly complete the final sentence in the Section.

Section 87405(g)

Specific Purpose:

The specific purpose of this amendment is to strike this obsolete provision.

Factual Basis:

This regulatory language appears to have been promulgated to clarify H&SC section 1569.62. This regulatory language is no longer necessary as knowledge requirements for continuing education have subsequently been clarified at H&SC section 1569.616(c)(1) and promulgated at Section 87407.

Sections 87405(g), (h) and (i) Renumbered from Sections 87405(h), (i) and (j)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 87405(h), (i) and (j) to (g), (h) and (i) per the deletion of current section (g) as described above.

Section 87405(h)(5) Renumbered from Section 87405(i)(5)

Specific Purpose:

This section is renumbered from Section 87405(i)(5) per the deletion of a section as described above. The specific purpose of this amendment is to clarify an existing requirement.

Factual Basis:

The phrase "Pre-Admission Appraisals" is capitalized for consistency with its use elsewhere in the licensing regulations, and the parallel "Reappraisal" and applicable regulation reference are added to clearly state the requirement in full.

Section 87406(a)

Specific Purpose:

This amendment is to clarify that RCFE administrators must be holders of an RCFE administrator certificate prior to their employment as RCFE administrators.

Factual Basis:

This amendment is necessary to make more specific the statutory requirement regarding administrator certification (e.g., H&SC section 1569.616(a)(1)) as there is a failure by some applicants to understand that a facility category-specific certificate is required prior to employment. This amendment will clarify that only a holder of an RCFE certificate, and not a holder of a GH or ARF certificate, may be employed as an administrator of a RCFE. All administrator certificates are category-specific and may not be used for employment in a category other than the one specified on the certificate.

Section 87406(a)(1)

Specific Purpose:

The amendments are to clearly identify the parties involved as applicants for administrator certificates and to correctly identify the Department of Public Health as the entity that now issues Nursing Home Administrator (NHA) licenses. The term "test" is also changed to "exam" here and throughout these regulations, and the word "uniform" is deleted for consistency.

Factual Basis:

This amendment is necessary to clarify that this section applies to applicants for an RCFE administrator certificate who already have a valid NHA license. The rules regarding recertification of existing administrators are covered in Section 87407. The licensing entity for NHAs has changed since these regulations were first adopted so the reference is updated. The term "test" is changed to "exam" here and throughout these regulations, and the word "uniform" deleted, for consistency.

Section 87406(a)(1)(A)

Specific Purpose:

The specific purpose of this amendment is to place into regulation a requirement that four (4) hours of the specified twelve (12) hours of classroom instruction must be in the laws, regulations, and procedural standards that impact the operation of an RCFE, including but not limited to the authority referenced in this chapter.

Factual Basis:

This amendment is necessary to prevent a prospective RCFE administrator who also holds a valid NHA license from taking all twelve (12) of the required classroom hours in a single statutorily-specified subject category. H&SC section 1569.616(b)(1) sets forth three categories of instruction but fails to specify a number of hours for each category. The Department believes that all three categories are essential to the proper administration of an RCFE so is specifying the hours in this and the following sections of this regulation.

Section 87406(a)(1)(B)

Specific Purpose:

The specific purpose of this amendment is to place into regulation a requirement that four (4) hours of the specified twelve (12) hours of classroom instruction must be in the use, misuse, and interaction of drugs commonly used by the elderly in a residential setting.

Factual Basis:

This amendment is necessary to prevent a prospective RCFE administrator, who also holds a valid NHA license, from taking all or most of the required hours in a single subject category. Statute sets forth three categories of instruction but fails to specify a number of hours for each category. The Department believes that sufficient hours in all three categories are essential to the proper administration of an RCFE. The amendment also updates the wording to correspond with changes made by AB 1570 and SB 911 (Chapters 698 and 705, Statutes of 2014) to the description of this subject area at H&SC sections 1569.23(c)(7) and 1569.616(c)(1)(G).

Section 87406(a)(1)(C)

Specific Purpose:

The specific purpose of this amendment is to place into regulation a requirement that four (4) of the specified twelve (12) hours of classroom instruction must be in resident admission, retention, and assessment procedures.

Factual Basis:

This amendment is necessary to prevent a prospective RCFE administrator, who also holds a valid NHA license, from taking all or most of the required hours in a single subject category. Statute sets forth three categories of instruction but fails to specify a number of hours for each category. The Department believes that sufficient hours in all three categories are essential to the proper administration of an RCFE.

Sections 87406(a)(2), (a)(2)(A) and (a)(2)(B)

Specific Purpose/Factual Basis:

The term "test" is changed to "exam" here and throughout these regulations for consistency.

Section 87406(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify that a RCFE certificate applicant must complete the RCFE ICTP.

Factual Basis:

This amendment is necessary to clarify for RCFE administrator applicants that they must complete the ICTP specific to their program area (i.e., RCFEs) as the ICTPs are program-specific. Content of the RCFE ICTP is outline in statute (H&SC section 1569.616(c)(1) and detailed in Section 87785(h) of these regulations.

Section 87406(b)(2)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency throughout the regulations, clarify that the exam is the one developed by the Department, and limit the number of exam attempts.

Factual Basis:

The exam for residential facility administrators is developed and administered by the Department as part of the Department-approved administrator certification program required by statute [H&SC section 1569.616(d)]. This amendment is necessary to clarify this for administrators who have sometimes thought that completion of a test within the ICTP constituted the administrator exam. The amendment is also necessary to limit an exam-taker to three attempts per ICTP completion. Historically, some applicants have taken multiple tries to pass the exam resulting in significant workload for the Department and probably marginally qualified individuals becoming facility administrators and caring for vulnerable populations.

Section 87406(b)(3)

Specific Purpose:

The primary purpose of this amendment is to place into regulation a requirement that the applicant for administrator certification use the Department's application form and submit it to the Department's ACS. The amendment also changes the term "test" to "exam" for consistency throughout these regulations, and gives the full name of the initial training program for clarity.

Factual Basis:

The amendment to identify the application form is necessary to ensure administrator applications for certification are submitted and processed in a consistent and efficient manner within the statutorily-required program (H&SC sections 1569.23 and 1569.616). The Department has received self-made and handwritten applications that lack the content necessary to process the application. The amendment to clearly name the ACS is necessary to ensure the application is sent to the correct section at the Department and prevent unnecessary delays in processing due to misdirected mail. The amendment also spells out the full name of the ICTP for clarity, and changes the term "test" to "exam" for consistency throughout these regulations.

Section 87406(b)(3)(A)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

While the administrator certification application form (LIC 9214) is also being incorporated by reference in Section 87102 of these regulations, identifying the basic content in this section of the regulations is necessary to provide clarity for RCFE applicants using this section as a checklist to complete the administrator certification process broadly outlined in H&SC section 1569.616(d). This may reduce the number of questions and incomplete administrator applications received by ACS staff, and thereby reduce the time it takes to process applications.

Specifically, the applicant's name, address, e-mail and phone number(s) are needed so the Department can contact the individual if there are questions regarding the application, as well as mail the certificate to the correct current address. The address information also helps correctly identify applicants with the same or very similar names in the large pool of administrators. The date of birth is needed to confirm the applicant meets the statutory requirement of being at least 21 years of age (H&SC section 1569.613(a)), also helps to correctly identify applicants with the same or similar names in the administrator pool, and may be used by the applicant to establish the renewal date of the certificate (as allowed by H&SC section 1569.616(f)(3)).

Section 87406(b)(3)(B)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information already requested in the administrator application form.

Factual Basis:

While the administrator certification application form (LIC 9214) is being incorporated by reference in Section 87102 of these regulations, identifying the basic content in this section of the regulations is necessary to provide clarity for RCFE applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications.

The subsequent statements regarding the applicants provide information needed by the Department when completing applicant criminal background checks and otherwise confirming their qualifications to be administrators in accordance with statutory requirements (e.g., H&SC section 1569.616(d)).

Section 87406(b)(3)(B)(i)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests information on whether the applicant has any current professional licenses or certifications primarily to determine if they have another administrator certificate and thus may already be in our databases and to check if they have an NHA license and thus may qualify for the reduced educational requirements of Section 87406(a)(1). The Department also needs the information in order to cross-check an administrator certificate applicant's status regarding other licenses, to avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has, for example, had confirmed misconduct under another type of license. This helps the Department implement the statutory background check requirements (e.g., H&SC section 1569.616(d)).

Section 87406(b)(3)(B)(ii)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests information on whether the applicant has a State-issued care facility license or is or was employed by a State-licensed care facility, so it can appropriately include this information in the applicant's file. The Department also needs the information in order to check that a licensee's facility has been operated in compliance, and whether a facility employee has had any misconduct, to avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has had prior misconduct or compliance issues related to such facilities. This helps the Department implement the statutory background check requirements (e.g., H&SC section 1569.616(d)).

Section 87406(b)(3)(B)(iii)

Specific Purpose:

The specific purpose of this addition is to place into regulation the basic applicant information requested in the administrator application form.

Factual Basis:

The Department requests a statement as to whether the applicant has had any legal or administrative actions involving the licenses, certificates or other approvals noted in the prior two statements, in order to check for this information and avoid certifying someone to administer a residential facility (and care for a vulnerable population) who has had prior misconduct or compliance issues. This helps the Department implement the statutory background check requirements (e.g., H&SC section 1569.616(d)).

Section 87406(b)(3)(C) Renumbered from Section 87406(b)(3)(A)

Specific Purpose:

This section is renumbered from Section 87406(b)(3)(A) per the addition of new sections (A) and (B) as described above, and changes the description of the instructional hours for clarity.

Factual Basis:

The hours of instruction required of applicants with a NHA license are already specified in Section 87406(a)(1) so this amendment is necessary to appropriately cross-reference them for clarity and without redundancy.

Section 87406(b)(3)(D) Renumbered from Section 87406(b)(3)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87406(b)(3)(B) per the addition of new sections (A) and (B) as described above, and the term "test" is changed to "exam" here and throughout these regulations for consistency.

Section 87406(b)(3)(E) Renumbered from Section 87406(b)(3)(C)

Specific Purpose:

This section is renumbered from Section 87406(b)(3)(C) per the addition of new sections (A) and (B) as described above, and the specific purpose is to remove unnecessary language regarding the age requirement and update the certification statement required of applicants.

Factual Basis:

This amendment to update the certification statement is necessary to preserve the integrity of the Administrator Certification Program. Procuring a certificate by fraud or misrepresentation, or knowingly making or giving any false statement or information in conjunction with the application for the issuance of a certificate, is grounds for revoking an administrator's certificate (see H&SC section 1569.50). This amendment will deter applicants from providing false information. The language regarding the applicant's age is removed as unnecessary as the date of birth is already included in the application and thus the overall information for which the applicant certifies accuracy.

Section 87406(b)(3)(F)

Specific Purpose:

The specific purpose of this addition is to place in regulations that applicants submit a completed Criminal Record Statement form.

Factual Basis:

While the Criminal Record Statement form (LIC 508) is being incorporated in Section 87102 of these regulations, identifying it in this section is necessary to provide clarity for RCFE applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications. This amendment is also necessary to clarify that the ACS must obtain and retain these forms from administrator applicants and certificate holders as the individuals are not always associated with a facility which would otherwise retain these forms.

The form is mandated to ensure clarity and consistency in the information submitted by applicants to document their criminal record background as part of the statutorily-required certification process (e.g., H&SC section 1569.616(d)).

Section 87406(b)(3)(G) Renumbered from Section 87406(b)(3)(D)

Specific Purpose:

This section is renumbered from Section 87406(b)(3)(D) per the addition of new sections as described above. The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption. The amendment also clarifies what constitutes "proof" and adds reference to the form used.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1569.17 to issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements. The amendment also updates the language to remove specific reference to fingerprint cards as the process is now typically electronic, and to correctly reference live scan "locations" as they are more commonly known.

Additionally, while the Request for Live Scan Service (LIC 9163) is being incorporated by reference in Section 87102 of these regulations, identifying it in this section of the regulations will help provide clarity for RCFE applicants using this section as a checklist to complete the administrator certification process. This may reduce the number of questions and incomplete applications received by ACS staff, and thereby reduce the time it takes to process applications.

Section 87406(b)(3)(H) Renumbered from Section 87406(b)(3)(E)

Specific Purpose:

This section is renumbered from Section 87406(b)(3)(E) per the addition of new sections as described above. The specific purpose of this amendment is to clarify that the \$100 application processing fee is non-refundable. This section is also renumbered from (E) due to the addition of new sections as described above.

Factual Basis:

The fee, required for this purpose by H&SC section 1569.616(d)(2), covers costs of processing a submitted application. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment is necessary to address that misunderstanding.

Section 87406(b)(3)(I) Renumbered from Section 87406(b)(3)(F)

Specific Purpose/Factual Basis:

This section was renumbered from Section 87406(F) due to the addition of new sections as described above.

Section 87406(c)

Specific Purpose:

The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1569.17 to issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements. The amendment also removes the capital "S" from the code section references here for consistency throughout these regulations.

Section 87406(d)

Specific Purpose:

The specific purpose of this addition is to clearly advise administrator applicants not to cheat on or subvert the administrator certification exam.

Factual Basis:

This amendment is necessary to place in regulations information on what constitutes cheating on the Department-administered administrator exam. Historically, the Department has noted cases of cheating, so is clarifying this information in the regulations for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1569.50 and Section 87408 of these regulations.

Section 87406(d)(1)

Specific Purpose:

The specific purpose of this addition is to identify what communication during the exam constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Unauthorized communication is a frequent means of inappropriately sharing exam information so it stated here. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1569.50 and Section 87408 of these regulations.

Section 87406(d)(2)

Specific Purpose:

The specific purpose of this addition is to specify that someone taking the exam on behalf of someone else constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Having another person take an exam on one's behalf is cheating. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants as cheating would constitute grounds for denial of a certificate per H&SC section 1569.50 and Section 87408 of these regulations.

Section 87406(d)(3)

Specific Purpose:

The specific purpose of this addition is to specify that possessing unauthorized materials at the exam constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Use of unauthorized materials and devices during an exam are also a common means of cheating so their possession and use are included here. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants. as cheating would constitute grounds for denial of a certificate per H&SC section 1569.50 and Section 87408 of these regulations.

Section 87406(d)(4)

Specific Purpose:

The specific purpose of this addition is to specify that not following exam instruction or security rules constitutes cheating.

Factual Basis:

This addition is necessary to place in regulations detail of what constitutes cheating on the Department-administered administrator exam. Failure to follow exam instructions (e.g., starting before or continuing after times are called) is also a means of cheating. Historically, the Department has noted cases of cheating, so is clarifying this information for applicants. as cheating would constitute grounds for denial of a certificate per H&SC section 1569.50 and Section 87408 of these regulations.

Section 87406(e)

Specific Purpose:

The specific purpose of this addition is to specify the consequences of cheating on the exam.

Factual Basis:

This amendment is necessary to place in regulations information on the consequences of cheating on the Department-administered administrator exam. Historically, the Department has noted cases of cheating, so is clarifying here for applicants what constitutes cheating as well as the consequences. At minimum, one caught cheating would be deemed to have failed that exam and thus need to retake it at another time in order to continue the certification process, but could also be denied certification pursuant to the regulation cited and in accordance with H&SC section 1569.50. The consequences are necessary to deter cheating and avoid certifying unqualified administrators to care for vulnerable populations.

Sections 87406(f), (g) and (h) Renumbered from Sections 87406(d), (e) and (f)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 87406(d), (e) and (f) per the addition of new sections (d) and (e) as described above.

Section 87406(i) Renumbered from Section 87406(g)

Specific Purpose:

This section is renumbered from Section 87406(g) per the addition of new sections as described above. The specific purpose of this amendment is to clarify how and when extensions to the administrator certification process timeframes may be filed and approved.

Factual Basis:

This amendment is necessary to clarify and provide appropriate time frames for the extension process allowed by H&SC section 1569.616(c)(2). Establishing a 60-day maximum for good cause extensions, and a 60-day window in which an applicant may request such an extension, addresses a current Department problem whereby the records of applicants not meeting the timelines may be left in pending status in perpetuity. Clarifying where to submit the extension request should also reduce the problem of misdirected mail that delays Department receipt and processing of such time-sensitive extension requests.

Section 87406(i)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that failing the exam is not good cause for an extension to the application timeframes.

Factual Basis:

This addition is necessary to clearly advise applicants that failing the administrator exam is not good cause for an extension of the application timeframes. This will reduce ACS workload of reviewing and responding to inappropriate extension requests.

Section 87406(i)(2)

Specific Purpose:

The specific purpose of this addition is to clarify that the application must be submitted within the specified time frames or may be deemed withdrawn.

Factual Basis:

This addition is necessary to provide the Department with a specific procedure for handling applications that are submitted beyond the time frames. The Department currently has hundreds of such applications still on file as there has been no regulatory procedure to officially close them out. This amendment provides a process for closing such files and eliminating this problem in the future.

Section 87406(i)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that the application must be submitted within the specified time frames, and if it is not, what the applicant needs to do to reapply.

Factual Basis:

This addition is necessary to further effectuate the purpose of statute (H&SC section 1569.616(c)(2)) and to clarify for potential applicants what they need to do to restart the certificate application process if they fail to meet the timelines for submitting their application. Placing this information in the regulations will help ensure all applicants have access to the information and help ensure more consistent and complete re-applications are received by the Department for processing.

Section 87407(a)

Specific Purpose/Factual Basis:

The specific purpose of this amendment is to add the word "including" to clarify that the total continuing education requirement includes the topics and hours specified in the subsequent sections.

Section 87407(a)(1)

Specific Purpose/Factual Basis:

This amendment restructures the statement regarding required hours of training in dementia so that it clearly and grammatically follows the introductory statement in section 87407(a).

Section 87407(a)(2)

Specific Purpose:

The specific purpose of this addition is to require that a portion of the CEUs for RCFE administrators relate to the legal authority impacting RCFEs.

Factual Basis:

This addition is necessary to ensure that certified administrators have current information of the legal authority that governs their facilities. Except for the dementia requirement in section (a), certified administrators' CEUs may currently all be within a single core of knowledge category. The Department is of the opinion that it is vital to residents' health and safety that certified RCFE administrators keep abreast of the current RCFE law and regulations so complete a few hours of such coursework during each certification cycle.

Section 87407(a)(3)

Specific Purpose:

The specific purpose of this addition is to require that a portion of the CEUs cover cultural competency and sensitivity in issues relating to the aging lesbian, gay, bisexual, and transgender community, unless the administrator's ICTP included this material.

Factual Basis:

This addition is necessary to ensure that certified administrators have this knowledge, recently added to the ICTP Core of Knowledge by AB 663 (Chapter 675, Statutes of 2013) at H&SC section 1569.616(c)(1)(J) (and being added to Section 87785 of these regulations). If the administrator has not recently completed an ICTP, then he or she should fulfill this new knowledge requirement as part of the continuing education for recertification.

Section 87407(b)

Specific Purpose:

The specific purpose of this amendment is to ensure that certified administrators receive credit only for relevant continuing education courses.

Factual Basis:

This amendment is necessary to assist the Department in evaluating course subject matter acceptable for continuing education of facility administrators as outlined in H&SC section 1569.616(f)(1). While the Core of Knowledge subject areas (specified in H&SC section 1569.616(c)(1) and Section 87785(h) of these regulations) are quite broad, continuing education study must still be relevant to RCFE facility operations and the care being provided in RCFEs in order to fulfill the statutory purpose of having adequately trained administrators caring for the vulnerable clients in RCFEs.

Section 87407(b)(1)

Specific Purpose:

This section is incorporated into section (b) and its specific purpose is to clarify that continuing education may only be fulfilled by completing courses approved by the Department.

Factual Basis:

This amendment is necessary to clarify that the rule only allows RCFE administrators to fulfill their continuing education requirement by completing courses approved for their facility type (i.e., RCFEs) by the Department. Historically, some administrators have misread this rule as it was written and thought they could take and submit for continuing education credit any course from a vendor approved by the Department, not realizing that most entities approved as vendors for ACS continuing education also offer courses not specific to facility administrators and not approved by the Department, and/or courses approved by the Department but not approved for the administrator's facility type. This amendment will correct that problem and help administrators avoid late fees incurred when they fail to submit adequate acceptable CEUs by their renewal deadline.

The amendment also removes the word "or" pursuant to the deletion of section (b)(2) as described below.

Section 87407(b)(2)

Specific Purpose:

The specific purpose of this amendment is to delete the use of courses from institutions not approved as vendors by the Department.

Factual Basis:

The amendment is needed to remove this unnecessary option as any organization authorized to do business in California, including educational institutions, may apply to the Department to be a CEU course vendor. Some such institutions (e.g., community colleges, universities) are already vendors to offer Department-approved CEU courses. Limiting acceptable CEU courses to those approved by the Department ensures greater consistency in training quality received by administrators, reduces Department workload in assessing the equivalency of non-Department approved courses, and reduces additional costs to administrators for more training and late fees when their recertification applications are deemed incomplete due to lack of acceptable CEUs.

Handbook Section 87407(b)(2)

Specific Purpose/Factual Basis:

This handbook section is deleted as unnecessary given the deletion of the related Section (b)(2) of regulations.

Section 87407(b)(3)

Specific Purpose:

The specific purpose is to remove the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other California State agencies provided that the courses met the conditions in sections (A) and (B) following. The Department has found, however, that such courses usually do not meet both of these provisions, or it's very difficult to confirm that they do, so they should not be accepted. Removing this section is necessary to clarify the acceptable courses for administrators. Limiting acceptable CEU courses to those approved by the Department ensures greater consistency in training quality received by administrators, reduces Department workload in assessing the equivalency of non-Department approved courses, and reduces additional costs to administrators for more training and late fees when their recertification applications are deemed incomplete due to lack of acceptable CEUs.

Section 87407(b)(3)(A)

Specific Purpose:

The specific purpose is to remove this provision for the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other State agencies provided that the courses met the condition that the other agencies' courses were approved and enforced in a manner comparable to those approved for ACS by the Department. The Department has found that this is no longer the case (i.e., other agencies' courses are not generally approved or enforced in a comparable manner). So this amendment is necessary to ensure more consistent quality of administrator training by eliminating this continuing education option.

Section 87407(b)(3)(B)

Specific Purpose:

The specific purpose is to remove this provision for the acceptance of CEU courses approved by other State agencies.

Factual Basis:

The original intent of this provision was to allow the ACS to accept CEUs for courses approved by other State agencies provided that the courses were related to the RCFE Core of Knowledge. While this criteria has more frequently been met than that of section (A), given the overall difficulty of proving that such courses meet the training requirements for facility administrators, this section is being removed.

Handbook Section 87407(b)(3)

Specific Purpose/Factual Basis:

This handbook section is deleted as no longer needed given the deletion of this related section (b)(3) of regulations.

Section 87407(c)

Specific Purpose:

The specific purpose of this amendment is to implement the online education criteria enacted by AB 2675 (Chapter 421, Statutes of 2006) at H&SC Section 1569.616(i)(2).

Factual Basis:

This amendment is necessary to comply with statutory requirements to provide interactive online educational opportunities. Specifying here the amount of CEU coursework that may be accepted from online courses provides clarity for administrators as currently this information is only available in statute (H&SC section 1569.616(f)(1)) and they often do not review that for requirements and thus find themselves subject to late fees for not submitting adequate in-class CEUs.

Section 87407(c)(1)

Specific Purpose:

This existing language is deleted and replaced by the updated information on online learning in Section 87407(c). New information regarding acceptable daily hours of instruction is added.

Factual Basis:

The deletion is necessary to comply with statutory requirements regarding online educational opportunities (H&SC sections 1569.616(f)(1) and (i)(2)). The new language specifying a CEU limit of ten hours of instruction per day is necessary to address the problem of administrators claiming completion of many hours (e.g., 20 - 23 hours) of online training in a single day. Currently the Department has no specific authority to reject such training when renewing an administrator's certificate but is aware that even if someone really did spend 23 hours taking online courses in a day they probably would not retain much of the information, which is the purpose of the continuing education requirements. The ten-hour limit brings the current limit on online coursework into line with the current maximum daily length of CDSS-approved in-class training courses, and reasonable limits on how much information one can be expected to learn and retain in a day.

Section 87407(c)(2)

Specific Purpose:

The specific purpose of this addition is to clarify that home study and correspondence courses are not acceptable toward meeting the continuing education requirements.

Factual Basis:

This addition is necessary to clarify for administrators what formats of continuing education courses are and are not acceptable. Historically, some administrators have submitted certificates from correspondence-type courses toward their continuing education requirements and the Department has not accepted these courses as they are not interactive. This resulted in administrators having to take additional coursework and often paying late fees due to not submitting adequate CEUs before their certificates expired. Specifying in regulations that these courses will not be counted for CEUs will address that issue.

Section 87407(c)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that an ICTP may not be counted toward fulfillment of the continuing education requirements.

Factual Basis:

This addition is necessary to clarify for administrators that completion of an ICTP, or a component thereof, cannot be used to fulfill continuing education requirements. The ICTP is intended to fulfill the initial training requirements for new administrators and not the continuing education requirements. Historically, some administrators have not understood this and tried to submit ICTP certificates for their CEUs. This amendment should remedy this.

Section 87407(c)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that a specific course can only be counted once toward fulfilling the continuing education requirements for a given renewal period.

Factual Basis:

This addition is necessary to clarify for administrators that any given course can only be counted once toward the continuing education requirements for a given renewal period. Historically, administrators have frequently taken and submitted the same course more than once during a given certification period and the Department has not accepted the duplicate hours as they do not fulfill the statutory intent of adequate training. This amendment should remedy this.

Section 87407(d)

Specific Purpose:

The specific purpose of this amendment is to clarify that all specified application materials must be submitted to the ACS prior to the certificate expiration date.

Factual Basis:

This amendment is necessary to clarify for recertification applicants that "prior" to their certificate expiration date means a postmark on or up to ninety days before that expiration date, and to specify the Section within the Department to which to direct the application. The Department is using the postmark as it is referenced in H&SC section 1569.616(f)(4) for this purpose and is a commonly recognized way to determine legal compliance with a deadline. The amendment limits the advance submittals to 90 days as that's the date renewal reminders are due out per H&SC section 1569.616(f)(3) and helps prevent processing delays for soon-expiring certificates due to premature receipt of renewal applications. Adding the Section name here and elsewhere in these regulations should help prevent delays in application receipt and processing due to misrouted mail.

Section 87407(d)(1)

Specific Purpose:

The specific purpose of this amendment is to place into regulation a requirement that the renewal applicant must use the Department's application form LIC 9214.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to efficiently process the renewal. This amendment will remedy that.

Section 87407(d)(2)

Specific Purpose:

The specific purpose of this amendment is to clarify the required continuing education hours for RCFE administrators with NHA licenses.

Factual Basis:

Per H&SC section 1569.616(f)(1), Section 87407(g) provides a reduced CEU requirement for RCFE administrators who are also NHAs. Including those hours in this section clarifies the requirement for administrators using this section as a checklist for renewing their certificate, and should reduce the number of applications submitted with deficient CEU hours for RCFE/NHA administrators.

Section 87407(d)(3)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$100 renewal application processing fee is non-refundable.

Factual Basis:

The fee, required by H&SC section 1569.616(f)(4), covers costs of processing a submitted application. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment is needed to address that misunderstanding.

Section 87407(d)(4)

Specific Purpose:

The specific purpose of this amendment is to place in regulations a requirement that renewing RCFE/NHA certificate holders include a copy of their NHA license with the renewal application.

Factual Basis:

This amendment is necessary to ensure that RCFE/NHA certificate holders present a copy of their current NHA license with their renewal application just as they do with their initial application for certification. Historically, many such renewal applicants have not done this, resulting in additional time required for CDSS staff to research the applicant's status to determine the number of CEUs required (as fewer units are required for NHA license holders) and process these renewals. The amendment will remedy that problem.

Section 87407(e)

Specific Purpose:

The specific purpose of this amendment is to clarify where to submit late application materials.

Factual Basis:

The amendment is necessary to clarify for late recertifying applicants that they need to submit their application materials to the ACS. Adding the Section name here and elsewhere in these regulations should help prevent delays in application receipt and processing due to misrouted mail.

Section 87407(e)(1)

Specific Purpose:

The specific purpose of this amendment is to place in regulations a requirement that a late applicant for recertification must use the Department's application form LIC 9214.

Factual Basis:

This amendment is necessary to ensure all applications are submitted and processed in a consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to efficiently process the renewal. This amendment will remedy that.

Section 87407(e)(2)

Specific Purpose:

The specific purpose of this amendment is to clarify how the required number of CEUs is determined for a very late applicant.

Factual Basis:

An applicant for recertification must have completed 40 hours of continuing education (or 20 hours for NHAs) during their two-year certification period. This amendment clarifies the total hours required by adding the reference to the section on NHAs. It also clarifies that for applicants seeking recertification up to four years after the expiration of their prior certificate, the additional number of continuing education hours required will be based on how much time has elapsed from the certificate expiration to Department ACS receipt of the renewal application. Not knowing this, late applicants have often not submitted adequate units to bring their certificate current, resulting in further delays in their certificate renewal.

Section 87407(e)(3)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$300 total fee for delinquent applications is non-refundable.

Factual Basis:

The fee, required by H&SC section 1569.616(f)(3), covers costs of processing a submitted late application for recertification. To that end, "non-refundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds based on the denial of a certificate. This amendment addresses that misunderstanding.

Section 87407(e)(4)

Specific Purpose:

The specific purpose of this addition is to place in regulations a requirement that late renewing RCFE/NHA certificate holders include a copy of their NHA license with the renewal application.

Factual Basis:

This amendment is necessary to ensure that RCFE/NHA certificate holders present a copy of their current NHA license with their late renewal application just as they do with their initial on-time application for certification. Historically, many such renewal applicants have not done this, resulting in additional time required for CDSS staff to research the applicant's status to determine the number of CEUs required (as fewer units are required for NHA license holders) and process these renewals. This amendment will remedy that problem.

Section 87407(f)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify the recertification process for administrators who fail to renew their certificate within four years of expiration.

Factual Basis:

The amendment is necessary to clarify for administrators that if they do not renew their certificate within four years of its expiration they need to begin the entire certification process anew. As currently worded, this section only mentions the ICTP, which is just the first step of the certification process, so is unclear and generates questions to the Department. This amendment should remedy that and more clearly implement the provisions of H&SC section 1569.616(f)(6).

Section 87407(g)

Specific Purpose:

The specific purpose of this amendment is to clarify that the specific subject-matter CEU requirements apply to all RCFE administrators.

Factual Basis:

This amendment is necessary to clarify for RCFE/NHA administrators that the subject-matter CEU requirements (e.g., dementia) also apply to them even though less total CEU hours are required. The amendment adds reference to the sections describing the subject-matter requirements. This amendment should remedy the current problem of some RCFE/NHA administrators incurring late fees due to not submitting CEUs in dementia.

Section 87407(h)

Specific Purpose:

The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1569.17 to issue a criminal record exemption to an applicant who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements.

Section 87407(i)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$25 certificate replacement fee is non-refundable.

Factual Basis:

The fee, required by H&SC section 1569.616(f)(7), covers costs of processing a replacement certificate request. To that end, "non-refundable" is being added to the description of the fee for consistency with other fees.

Section 87407(j)

Specific Purpose/Factual Basis:

This editorial amendment simply capitalizes the term "Administrator Certification Section" for clarity and consistency throughout these regulations.

Section 87407(k)(1)

Specific Purpose/Factual Basis:

This amendment updates the reference to the Department's local licensing offices to use the correct current term and thus be clear for administrators where to provide the required notice.

Section 87407(k)(2)

Specific Purpose/Factual Basis:

This editorial amendment capitalizes the term "Administrator Certification Section" for clarity and consistency throughout these regulations.

Section 87408(a)

Specific Purpose/Factual Basis:

This editorial amendment simply makes a grammatical correction for clarity.

Section 87408(a)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify when a certificate may be denied or revoked due to unlawful activities.

Factual Basis:

This amendment is necessary to clarify for administrators that a certificate may be denied or revoked by the Department when it finds an applicant or an existing certificate holder obtained or attempted to obtain the certificate by fraud, misrepresentation, bribery or other unlawful activities. This will make more specific statutory requirements (e.g., H&SC section 1569.50), and clarify, for example, that cases of cheating on the Department-administered exam as described in Section 87406(e) may be grounds for denial of a certificate. It will also address bribery, which has occasionally been attempted by administrators over the years.

Section 87408(a)(2)

Specific Purpose:

The specific purpose of this amendment is to clarify that the rule applies to applicants as well as existing certificate holders.

Factual Basis:

This amendment is necessary to clarify for potential and current administrators that a certificate may be denied or revoked by the Department when it finds an applicant or an existing certificate holder made or gave a false statement or information in conjunction with the application. Clarifying this information in the regulations is important to ensuring both current and potential administrators are aware of the consequences of providing false information.

Sections 87408(a)(3), (b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section references for consistency throughout these regulations.

Section 87408(a)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify that administrators may qualify for certification with either a criminal record clearance or Department-issued criminal record exemption, and that this rule applies to applicants as well as existing certificate holders.

Factual Basis:

The amendment is necessary to clarify that the Department has authority under H&SC section 1569.17 to issue a criminal record exemption to an applicant or existing certificate holder who proves present good character despite his or her criminal history. Either a clearance or exemption will satisfy the Department's criminal background check requirements.

Handbook Section 87408(c)

Specific Purpose/Factual Basis:

This amendment corrects the wording in the first paragraph to match statute as intended, adds quotation marks at the beginning and end of the quoted reference for clarity, and removes the capital "S" from the code section reference for consistency throughout these regulations.

Section 87409(b)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from the code section reference for consistency throughout these regulations.

Handbook Section 87409(b)

Specific Purpose/Factual Basis:

This amendment corrects the wording in the first paragraph to match statute as intended, adds quotation marks at the beginning and end of the quoted references for clarity, and removes the capital "S" from the code section references for consistency throughout these regulations.

Section 87785

Specific Purpose:

The title of this section is amended to more clearly specify the section contents.

Factual Basis:

This amendment is necessary to clarify that this section on ICTP requirements covers both the ICTP vendor requirements and the ICTP approval requirements. Historically, the Department has found the existing title sometimes confusing to those searching for ICTP vendor information which is included in the section but not noted in the title. This amendment should remedy that.

Section 87785(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of ICTPs and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure vendor applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1569.616(i)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays receipt and review of applications. The amendment also updates the language regarding the signatory's certification from a perjury statement to a statement of accuracy and completeness to be consistent with other such statements used on Departmental forms. The form names are also added for clarity and consistency.

Section 87785(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify the basic applicant information included on the vendor application form.

Factual Basis:

This amendment is necessary to ensure applications include the basic business and contact information necessary for the Department to process the application and contact the vendors as needed. The type of business entity is required so the Department can more readily confirm that the entity is approved to conduct business in California such as is required by Corporations Code section 2105, 15909.02, 16959 or 17451. The address is added as that is now a frequently used means of communication.

Section 87785(b)(3)

Specific Purpose:

The specific purpose of this amendment is to clearly specify for applicants what information must be provided with the course approval request for an ICTP.

Factual Basis:

This amendment is necessary to ensure the Department has the information required to fully evaluate the proposed ICTP pursuant to statutory (e.g., H&SC section 1569.616(c)(1)) and regulatory requirements. Historically, the Department has received such requests in a wide range of formats and with inconsistent levels of detail, making it difficult to efficiently and consistently review and approve the requests. Clarifying this in regulation will provide vendors with a consistent structure and make the review and approval process more efficient.

Section 87785(b)(3)(A)

Specific Purpose:

The specific purpose of this addition is to clarify for vendors that visual recordings may not be used as an ICTP or any subject matter component thereof.

Factual Basis:

This addition is necessary to clarify the acceptable use of visual recordings in an ICTP. Historically, videos have been acceptable as teaching aids, such as to show case examples when discussing a particular topic, but have also inappropriately been used to cover an entire subject matter component such as for students making up a missed session. This addition should make clear the appropriate use of videos in an ICTP and avoid misuse in the future and ensure administrators receive the appropriate classroom training as required by H&SC section 1569.616(c)(1).

Section 87785(b)(4)

Specific Purpose/Factual Basis:

This amendment simply updates the cross-reference as needed due to the addition of other sections.

Section 87785(b)(5)

Specific Purpose:

The specific purpose of this amendment is to clarify that the course approval request include the location(s) of the proposed ICTP.

Factual Basis:

This amendment is necessary to clarify this requirement by changing the term "geographic area" to the more specific "localities" in which the course will be offered. This information is necessary to assist the Department with its course monitoring functions (authorized by H&SC section 1569.616(i)(5)) as well as to gather some data on where courses are being offered. Historically, the Department has received comments from administrators that some regions of California have few courses available. Having clearer information on course locations available can help the Department assess whether, and if so, where, this is a problem.

Section 87785(b)(6)

Specific Purpose:

The specific purpose of this amendment is to clarify the recordkeeping information to be included in the vendor's ICTP application.

Factual Basis:

This amendment is necessary to clarify for potential ICTP vendors what recordkeeping information they need to include in their course request. Currently, vendors frequently include limited information on this topic, and the Department staff must request additional detail to ensure vendors are aware of the recordkeeping requirements in Section 87785(i)(5) and have a plan to comply with them. Recordkeeping is important to ensure the Department can verify administrator training course attendance and thus help prevent fraud.

Section 87785(b)(7)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors.

Factual Basis:

A statement as to whether a proposed vendor or instructor holds any current professional licenses or certifications allows the Department to cross-check such licenses or certificates for administrative actions and legal concerns (such as outlined in H&SC section 1569.50) and to confirm an instructor's qualifications for teaching a particular course. The statement is included on the vendor and course application forms and already in use. This amendment simply adds that it is also provided for instructors.

Section 87785(b)(8)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors and requests information about State-issued care facility licenses.

Factual Basis:

A statement as to whether a proposed vendor or instructor holds any State-issued care facility licenses or has been employed by a State-licensed care facility allows the Department to check the status of such licenses as authorized by H&SC section 1569.16 and to confirm the applicant (or proposed instructor) is in good standing as a licensee (such as required by Section 87785(i)(7)(D)). The statement is included on the vendor and course application forms and already in use.

Section 87785(b)(9)

Specific Purpose:

The specific purpose of this amendment is to clarify that the statement is to be provided for both vendor applicants and each of their proposed instructors.

Factual Basis:

A statement as to whether a proposed vendor or instructor has been the subject of any legal or administrative actions regarding their licenses or licensed facilities' work enables the Department to cross-check their criminal background clearance as required by law (e.g., H&SC section 1569.50) to avoid endangering the vulnerable populations residing in the facilities. The statement is included on the vendor and course application forms and already in use. This amendment is necessary to add that it is also provided for instructors as they may come into contact with facility residents, and to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 87785 (b)(10)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$150 processing fee for ICTP vendor applications (or renewal applications) is non-refundable.

Factual Basis:

The fee, authorized by H&SC section 1569.616(i)(7), covers costs of processing the vendor and course application. To that end, "nonrefundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds when their applications were denied. This amendment is necessary to address that misunderstanding.

Section 87785(c)

Specific Purpose:

The specific purpose of this amendment is to clarify the term of the ICTP and who provides the approval.

Factual Basis:

The amendment is necessary to clarify that the ICTP is approved for a two-year period from the date the ICTP vendorship is approved by the Department as sometimes the course approval itself takes longer than the vendor application approval due to the volume of course material to review and revise. For clarity, the ICTPs are approved to expire at the same time as the two-year vendorship term.

Section 87785(d)

Specific Purpose:

The specific purpose of this amendment is to clarify that the vendor applicants use only the Department forms for renewal of their ICTP and submit them to the Department's ACS.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1569.616(i)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays receipt and review of applications. The form names are also added for clarity and consistency.

Section 87785(d)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that only vendors with an approved ICTP can renew their ICTP vendorship.

Factual Basis:

This addition is necessary to clarify for RCFE vendors that they must have an approved RCFE ICTP in order to renew their RCFE ICTP vendorship as is the intent of the ICTP renewal process. Historically, some vendors have not understood this so this amendment should remedy that.

Section 87785(h)

Specific Purpose:

The specific purpose of this amendment is to clarify the ICTP being described.

Factual Basis:

This amendment is necessary to clarify for vendors and administrators that this section specifically describes the content of the ICTP for RCFE administrators. GH and ARF ICTPs have different content and are described in their respective Sections (84090(h) and 85090(h)) of these regulations.

Section 87785(h)(1)

Specific Purpose:

The specific purpose of this amendment is to update the RCFE ICTP hours per recent legislation, add reference to the applicable definition for clarity, and add the word "uniform" for consistency.

Factual Basis:

This amendment is necessary to ensure all vendors' RCFE ICTPs provide eighty (80) hours of coursework, including at least sixty (60) hours of instruction in person, as specified in H&SC sections 1569.23(b)(1) and 1569.616(c)(1) by recently enacted legislation (AB 1570 and SB 911 / Chapters 698 and 705, Statutes of 2014), to ensure new RCFE facility licensees and administrators are adequately trained. Additionally, the Department has historically noted variability in actual instruction time among vendors' course proposals depending on how they have interpreted a "classroom hour." Adding reference here to the common definition of classroom hour should eliminate that problem.

This amendment also adds the word "uniform" to make this section describing the RCFE ICTPs consistent with the corresponding GH and ARF regulations regarding ICTPs (Sections 84090(h)(1) and 85090(h)(1)).

Section 87785(h)(1)(A)

Specific Purpose:

The specific purpose of this amendment is to remove personal rights from this section as it now has its own section per recent legislation.

Factual Basis:

Historically, the subject of personal rights was included under the RCFE Core of Knowledge subject of laws and regulations but per recent legislation (AB 1570 and SB 911/ Chapters 698 and 705, Statutes of 2014) it now will have its own section in regulations (see new (h)(1)(L)) as it does in statute (H&SC sections 1569.23(c)(11) and 1569.616(c)(1)(K) effective January 1, 2016). Sponsors of the legislation believed it was a topic important enough to have its own category in the RCFE Core of Knowledge so this amendment is necessary to bring regulation into alignment with revised statute.

Section 87785(h)(1)(B)

Specific Purpose:

The specific purpose of this amendment is to update the hours for this subject in the RCFE Core of Knowledge.

Factual Basis:

This amendment is necessary to update the hours from three to six for the subject area of business operations per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements.

Section 87785(h)(1)(C)

Specific Purpose:

The specific purpose of this amendment is to update the hours for this subject in the RCFE Core of Knowledge.

Factual Basis:

This amendment is necessary to update the hours from three to six for the subject area of management and supervision per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements.

Section 87785(h)(1)(D)

Specific Purpose:

The specific purpose of this amendment is to update the hours for this subject in the RCFE Core of Knowledge.

Factual Basis:

This amendment is necessary to update the hours from five to seven for the subject area of psychosocial needs per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements.

Section 87785(h)(1)(E)

Specific Purpose:

The specific purpose of this amendment is to update the hours for this subject in the RCFE Core of Knowledge.

Factual Basis:

This amendment is necessary to update the hours from five to eight for the subject area of physical needs per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements.

Section 87785(h)(1)(G)

Specific Purpose:

The specific purpose of this amendment is to update the description of this subject in the RCFE Core of Knowledge to match recent changes in statute and to update the hours.

Factual Basis:

The RCFE Core of Knowledge subject of medication was expanded by recent legislation (Chapters 698 and 705, Statutes of 2014) to include specific reference to antipsychotics and psychotropic drugs, now frequently used among the elderly. So this amendment is necessary to bring the regulations into alignment with the statutes (H&SC sections 1569.23(c)(7) and 1569.616(c)(1)(G), effective January 1, 2016).

This amendment is also necessary to update the hours from five to eight for this subject area per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements.

Section 87785(h)(1)(H)

Specific Purpose:

The specific purpose of this amendment is to update the hours for this subject in the RCFE Core of Knowledge and to clarify the wording.

Factual Basis:

This amendment is necessary to update the hours from five to ten for the subject area of resident admission and retention per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements. Additionally, the word "resident" is added to make the subject description match that in statute (H&SC sections 1569.23(c)(8) and 1569.616(c)(1)(H), effective January 1, 2016), and the word "on" changed to "in" for grammatical clarity.

Section 87785(h)(1)(I)

Specific Purpose:

The specific purpose of this amendment is to update the hours for this subject in the RCFE Core of Knowledge and to clarify the wording.

Factual Basis:

This amendment is necessary to update the hours from four to eight for the subject area of Alzheimer's Disease per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements. Additionally, the subtopic of nonpharmacologic person-centered care is added to make the subject description match that in statute (H&SC sections 1569.23(c)(9) and 1569.616(c)(1)(I), effective January 1, 2016).

Section 87785(h)(1)(J)

Specific Purpose:

The specific purpose of adding this section is to bring the regulations into alignment with AB 663 (Chapter 675, Statutes of 2013) and establish hours for this new subject in the RCFE Core of Knowledge.

Factual Basis:

This amendment is necessary to bring the regulations into alignment with recently enacted law that requires all new administrators have training on cultural competency and sensitivity toward the aging lesbian, gay, bisexual, and transgender communities (see current H&SC section 1569.616(c)(1)(J)). The amendment is also necessary to establish an hour for this subject area per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements.

Section 87785(h)(1)(K)

Specific Purpose:

The specific purpose of adding this section is to bring the regulations into alignment with AB 1570 and SB 911 (Chapters 698 and 705, Statutes of 2014) and establish hours for this new subject in the RCFE Core of Knowledge.

Factual Basis:

This amendment is necessary to bring the regulations into alignment with recently enacted law that requires all new RCFE licensees and administrators have training on managing the physical environment, including maintenance and housekeeping (see H&SC sections 1569.23 (c)(10) and 1569.616(c)(1)(L), effective January 1, 2016). The amendment is also necessary to establish four hours for this subject area per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements.

Section 87785(h)(1)(L)

Specific Purpose:

The specific purpose of adding this section is to bring the regulations into alignment with AB 1570 and SB 911 (Chapters 698 and 705, Statutes of 2014) and establish hours for this new subject in the RCFE Core of Knowledge.

Factual Basis:

This amendment is necessary to bring the regulations into alignment with recently enacted law that requires all new RCFE licensees and administrators have training on residents' rights and ensuring these rights are respected and implemented (see H&SC sections 1569.23 (c)(11) and 1569.616(c)(1)(K), effective January 1, 2016). The amendment is also necessary to establish four hours for this subject area per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding RCFE administrator training requirements.

Section 87785(h)(1)(M)

Specific Purpose:

The specific purpose of adding this section is to bring the regulations into alignment with AB 1570 and SB 911 (Chapters 698 and 705, Statutes of 2014) and establish hours for this new subject in the RCFE Core of Knowledge.

Factual Basis:

This amendment is necessary to bring the regulations into alignment with recently enacted law that requires all new RCFE licensees and administrators have training on postural supports, restricted health conditions and hospice care (see H&SC sections 1569.23 (c)(13) and 1569.616(c)(1)(M), effective January 1, 2016). The amendment is also necessary to establish eight hours for this broad subject area per consideration of all the subject areas and hours added by recent legislation and per discussions with program stakeholders regarding training requirements.

Handbook Section 87785(h)(1)

Specific Purpose/Factual Basis:

The amendments are necessary to clarify the existing handbook content by removing the unnecessary and incorrect lettering inadvertently continued from the regulatory text and updating reference to the related RCFE Core of Knowledge chart. The amendments also remove the specific number of core of knowledge components and the related detail in the cross-referenced section as the number of components changes with changing legislation and does not need to be specified here. Finally, the amendments add reference to the Government Code, as it is another source of information regarding facility operations.

Section 87785(h)(2)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency throughout these regulations, and to clarify that the exam is the one developed by the Department.

Factual Basis:

The exam for administrators is developed and administered by the Department, as part of the Department-approved administrator certification program required by statute (H&SC section 1569.616(a)(1)). This amendment seeks to clarify this for administrators who have sometimes thought that completion of a test within the ICTP constituted the administrator exam.

Section 87785(h)(2)(A)

Specific Purpose/Factual Basis:

The specific purpose of this amendment is to change the term "test" to "exam" here for consistency throughout these regulations.

Section 87785(h)(2)(B)

Specific Purpose:

The specific purpose of this amendment is to change the term "test" to "exam" for consistency, and to clarify reference to the Core of Knowledge.

Factual Basis:

AB 663 (Chapter 675, Statutes of 2013) and AB 1570 and SB 911 (Chapters 698 and 705, Statutes of 2014) recently added new categories to the Core of Knowledge, and future legislation may do the same. This amendment is necessary to bring this section into alignment with the updated Core of Knowledge by providing reference to that entire section of these regulations and the related chart and by eliminating the unnecessary restatement of the number of categories.

Additionally, the term "test" is changed to "exam" here and throughout these regulations for consistency.

Section 87785(i)(1)

Specific Purpose:

The specific purpose of this amendment is to bring the hours of the RCFE ICTP into alignment with recently updated statute.

Factual Basis:

Recent legislation (AB 1570 and SB 911, Chapters 698 and 705, Statutes of 2014) amended law to require potential RCFE licensees and administrators have eighty (80) hours of training in the ICTP rather than the prior forty (40). This amendment is necessary to bring regulations into alignment with statute (see H&SC sections 1569.23(b)(1) and 1569.616(c)(1), effective January 1, 2016).

Section 87785(i)(2)

Specific Purpose:

The specific purpose of this amendment is to clarify the program completion requirements.

Factual Basis:

This amendment is necessary to clarify that vendors must have a procedure in place to allow ICTP participants to make-up any ICTP component they've missed (e.g., due to illness or other good cause) in order to complete the total hours and content required in the ICTP. Historically, the Department has discovered that some "make-up" units were not for the full hours required for that component and/or did not cover all the content of the component so effectively reduced the required training provided to administrators. This amendment should clarify for administrators and vendors that the "make-up" components ensure the trainee complete the full ICTP hours and content intended per H&SC section 1569.616(c)(1).

Section 87785(i)(3)

Specific Purpose:

The specific purpose of this addition is to specify that vendors provide certificates to individuals completing their ICTPs.

Factual Basis:

This addition is necessary because the statute (H&SC section 1569.616(d)(1)) and regulations (Section 87406(b)(3)(C)) require administrators to show proof of completion of the ICTP but do not require vendors to issue said proof. This will clearly require vendors to provide certificates.

Section 87785 (i)(3)(A)

Specific Purpose:

The specific purpose of this addition is to clarify what information vendors are to include on the certificate provided to participants completing an ICTP.

Factual Basis:

This addition is necessary because the statute (H&SC section 1569.616(d)(1)) and regulations (Section 87406(b)(3)(C)) require administrators to show proof of completion of the ICTP but do not require vendors to issue said proof or to provide it in a consistent and complete format. This amendment is needed to ensure the applicant can adequately document their ICTP completion to the Department when applying for certification. Currently, such documentation includes variable information on the ICTP and vendor which increases the amount of time it takes Department staff to review applications for certification and confirm ICTP attendance and delays approval of such certificates.

Section 87785(i)(4) Renumbered from Section 87785(i)(3)

Specific Purpose:

This section is renumbered from Section 87785(i)(3) per the addition of a new section described above, and amended to specify that vendors use a Department form for submitting information on who completes their ICTPs.

Factual Basis:

This amendment is necessary to ensure vendors' regulatory compliance by creating a record of ICTP participant information and providing it to the Department upon request. For processing administrator certifications, the Department needs a means to check applicants' completion of ICTP programs, particularly in cases where the certificate submitted appears fraudulent. The ability to collect consistently-formatted rosters of ICTP participants facilitates that task, and reduces the need for vendors to field requests for individual administrator attendance information from the Department.

Section 87785(i)(5) Renumbered from Section 87785(i)(4)

Specific Purpose:

This section is renumbered from Section 87785(i)(4) per the addition of a new section described above. The specific purpose of this amendment is to delete the term "written" so as not to preclude vendors from maintaining, or the Department from reviewing, other types of records (e.g., electronic documents or recordings) now commonly maintained. The amendment also clarifies the three-year record maintenance term.

Factual Basis:

The first amendment is necessary to ensure the Department has access to all formats of vendor records when needed to fulfill its statutory duty to ensure vendors are complying with training course requirements. As currently written, the regulation could be construed by vendors to block Department access to other types of records than "written." The second amendment is necessary to clarify for vendors that the required three-year record maintenance period starts from the date of vendor approval, course approval or course offering, whichever is most recent. This ensures records will be available for a reasonable amount of time for the Department to fulfill its monitoring responsibilities per H&SC section 1569.616(i)(5).

Section 87785(i)(5)(A) Renumbered from Section 87785(i)(4)(A)

Specific Purpose:

This section is renumbered from Section 87785(i)(4)(A) per the addition of a new section described above, and amended to add course outlines to the list of required records to be maintained.

Factual Basis:

This amendment is necessary to clarify for vendors that their records should also include the ICTP outlines. Historically, some vendors have not kept such documents, which are important for ensuring the ICTP is taught as approved. The amendment also changes the word "class" to "course" for consistency with the parallel Sections [84090(i)(5)(A) and 85090(i)(5)(A)] in the GH and ARF regulations.

Section 87785(i)(5)(B) Renumbered from Section 87785(i)(4)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87785(i)(4)(B) per the addition of a new section described above, and amended for grammatical clarity and to update the cross-reference.

Section 87785(i)(5)(C) Renumbered from Section 87785(i)(4)(C)

Specific Purpose:

This section is renumbered from Section 87785(i)(4)(C) per the addition of a new section described above, and amended for grammatical clarity and to add the number of the form for clarity and consistency.

Factual Basis:

The amendments are necessary to clarify that the vendor must maintain the roster of registered ICTP participants and documentation of who completed the ICTP as not all registrants may complete the program. This allows the Department to confirm administrator completion of the program as required by law. Using a standardized form (as most already do) ensures consistency of the information collected.

Section 87785(i)(5)(D) Renumbered from Section 87785(i)(4)(D)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87785(i)(4)(D) per the addition of a new section described above.

Section 87785(i)(5)(E)

Specific Purpose:

This section is added to include audio-visual recordings of ICTPs offered outside California in the list of vendor records to be maintained.

Factual Basis:

This addition is necessary to ensure that all vendors maintain such visual recordings of their ICTPs offered outside California. While such recordings may already be made by some vendors, without this amendment, vendors might not maintain them similarly to other records or have them available for Department review when needed to ensure compliance. The Department is not currently proposing to require recordings of ICTPs offered in California as those are accessible for on-site monitoring but vendors may make and keep those if desired, too, as they may be helpful in responding to complaints, for example.

Section 87785(i)(6) Renumbered from Section 87785(i)(5)

Specific Purpose:

This section is renumbered from Section 87785(i)(5) per the addition of a new section described above, and amended to add language requiring vendors to submit their proposed ICTP schedules upon request. The amendment also deletes language regarding monitoring which is being moved to Section 87785(j).

Factual Basis:

This amendment is necessary to provide a consistent structure for vendors to submit their ICTP schedules and related information to the Department. Currently the information is not submitted in a consistent format making it difficult for the Department to fulfill its statutory monitoring obligations. Making the information available upon request will meet the Department's monitoring and inspection needs without burdening the vendors with unnecessary submittal requirements.

Section 87785(i)(7) Renumbered from Section 87785(i)(6)

Specific Purpose:

This section is renumbered from Section 87785(i)(6) per the addition of a new section described above, and amended to clarify the wording regarding instructors' necessary knowledge and experience.

Factual Basis:

This amendment is necessary to clarify that ICTP instructors must have relevant knowledge and experience in the subject taught to ensure that administrators receive adequate instruction in the subject. There's been some confusion in the past as to what is meant by "subject area" so the wording is changed here to "subject matter and content" for greater clarity. Similarly, the word "verifiable" is added to clarify that the stated education or experience should be supportable by documentation (e.g., diplomas, resumes).

Section 87785(i)(7)(A) Renumbered from Section 87785(i)(6)(A)

Specific Purpose:

This section is renumbered from Section 87785(i)(6)(A) per the addition of a new section described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify for vendors the type of education and amount of related experience required of their instructors under this option. Historically, some vendors have not understood what was meant by "four year college degree" and tried to use, for example, instructors who had taken a few years of college classes but not completed a bachelor's degree. So this amendment changes the wording to state "bachelor's or higher degree." Furthermore, to better ensure the quality of administrator training, the amendment specifies that the degree be from an accredited institution, and that it, like the work experience, be in a field related to the subject(s) to be taught. The term "course" is changed to "subject" for clarity and consistency as a given instructor may be teaching part but not all of a given course.

Section 87785(i)(7)(B) Renumbered from Section 87785(i)(6)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87785(i)(6)(B) per the addition of a new section described above, and amended to add the word "of" for grammatical clarity.

Section 87785(i)(7)(C) Renumbered from Section 87785(i)(6)(C)

Specific Purpose:

This section is renumbered from Section 87785(i)(6)(C) per the addition of a new section as described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify the existing intent that the professional certification be in a field related to the subject(s) to be taught. Also, to better ensure the quality of the administrator training, the amendment adds that the professional have at least two years of related field experience, similar to the existing criteria in (A) above. This should eliminate the problem of persons with licenses but no related experience teaching subjects in which they have little hands-on knowledge and thus better ensure administrators receive adequate training.

Section 87785(i)(7)(D) Renumbered from Section 87785(i)(6)(D)

Specific Purpose:

This section is renumbered from Section 87785(i)(6)(D) per the addition of a new section as described above, and amended to clarify the instructors' required knowledge and experience under this criteria, and to update a cross reference.

Factual Basis:

This amendment is necessary to clarify the existing intent of this criteria that the instructor be a current or very recent administrator and have his or her facility(ies) in substantial compliance with the law and regulations. The amendment changes the timeframe from four years within the last eight years to four years within the last six years to better ensure the person's knowledge of current facility administration requirements and issues and thus the ability to provide correct instruction to other administrators. The amendment also adds that the administrator-instructor have verifiable training in the subject(s) to be taught to help ensure they're not teaching a topic on which, despite their general administrator experience, they have little or no specific knowledge. This all helps ensure the quality of training for administrators. The related cross reference is updated pursuant to other changes in that section.

Section 87785(i)(8) Renumbered from Section 87785(i)(7)

Specific Purpose:

This section is renumbered from Section 87785(i)(7). The specific purpose of this amendment is to increase these required hours of instruction for consistency with the total increase in RCFE ICTP training hours per recent legislation and to update the cross-reference for accuracy.

Factual Basis:

This amendment is necessary to keep the hours of ICTP instruction by an instructor with specified facility administration experience proportionally consistent to the total required ICTP hours. As the RCFE ICTP hours were increased from forty (40) to eighty (80) by AB 1570 and SB 911 (Chapters 698 and 705, Statutes of 2014), this amendment updates the specified instructional hours from ten (10) to twenty (20) to keep them proportionally consistent with those required for GH and ARF ICTPs. Historically, program has found it helpful for potential facility administrators to receive at least 25 percent of their ICTP instruction from instructors with recent, compliant facility administration experience.

Section 87785(i)(8)(A) Renumbered from Section 87785(i)(7)(A)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87785(i)(7)(A) per the addition of a new section described above, and the cross-reference updated for accuracy. For clarity and consistency, the amendment also capitalizes the term "Administrator Certification Section" and adds the word "Department."

Section 87785(i)(9)

Specific Purpose:

The specific purpose of this addition is to clarify how vendors are to obtain the Department's approval of changes to course instructors.

Factual Basis:

This addition is necessary to specify the process and form used by vendors to add or replace an approved instructor from a course. Using a standard form ensures clarity and consistency of information requested and reviewed. Requiring specific Department approval of instructor changes is important to ensuring course quality for administrators.

Section 87785(i)(10)

Specific Purpose:

The specific purpose of this addition is to place in regulations a requirement that vendors encourage and respond to questions during their training programs.

Factual Basis:

This addition is necessary to address a historical problem of some vendors not providing time for questions and/or adequately responding to questions by ICTP participants. This amendment should remedy that and help ensure the ICTPs better facilitate learning.

Section 87785(i)(11)

Specific Purpose:

The specific purpose of this addition is to place in regulations the minimum content of participant evaluations.

Factual Basis:

This addition is necessary to ensure that all ICTP vendors solicit adequate information in their participant evaluations, and thus can improve their administrator training programs when and where needed. Historically, the Department has found that while many vendors do solicit course and instructor feedback in their end-of-course evaluations, others do not, leading to the continuation of inadequate training. This addition should clarify the basic evaluation content expected and thus remedy this problem and help foster improved administrator training.

Section 87785(i)(12)

Specific Purpose:

The specific purpose of this addition is to require vendors report to ACS changes in business contact or address information.

Factual Basis:

This addition is necessary to ensure that the Department has the correct current contact information on file for the approved ACS vendors. The regulations already specify that facility administrators report address changes to ACS within thirty (30) days [see, for example, Section 84064.3(i)] but does not specify this for vendors. This addition will remedy that inconsistency and ensure the Department can quickly contact all vendors when needed (e.g., to send out information regarding statutory changes, complaints, etc). This addition is also necessary to ensure disciplinary matters are properly and effectively served pursuant to Government Code section 11505, subdivision (c).

Section 87785(j)(1)

Specific Purpose:

The specific purpose of this addition is to more clearly state in regulations that the Department's representatives may monitor ICTPs. This new language replaces that of current Section 87785(i)(5).

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority and obligation to oversee the ICTPs as part of its administrator certification duties [H&SC section 1569.616(i)(5)]. While prior language in Section 87785(i)(5) addressed this in brief, the Department has not always had sufficient staffing to conduct much ICTP monitoring so vendors may be unused to the process. This more detailed section will help clarify for vendors the Department's monitoring role.

Section 87785(j)(2)

Specific Purpose:

The specific purpose of this addition is to ensure privacy for potential ICTP participant interviews and for the Department's examination of vendor records.

Factual Basis:

This addition is necessary to alleviate concerns of ICTP participants and vendors about participating in interviews or sharing records, respectively, with Department representatives.

Section 87785(j)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that the Department may inspect, audit and copy records related to the vendor's ICTP, and may remove the records for copying if needed.

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority and obligation to oversee the ICTPs as part of its administrator certification duties, and to clarify how records may be carefully removed for copying if needed.

Section 87785(j)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that despite section 85090(j)(3) added, the Department will not remove vendors' emergency or health-related personnel records unless they are duplicative, and shall return the materials within three days.

Factual Basis:

This addition is necessary to provide a process for handling unique personnel information and addressing vendor concerns that the information could be lost if the sole copy is removed for copying by the Department. The amendment also provides a timeframe for the Department to return the materials to the vendor.

Section 87785(k)

Specific Purpose:

The specific purpose of this addition is to specify the process for notifying vendors of any deficiencies found per the Department's monitoring of the ICTP.

Factual Basis:

This addition is necessary to place in regulations and make clear for vendors the process for how the Department will officially notify vendors of any significant deficiencies identified during the monitoring (authorized by H&SC section 1569.616(i)(5)). The amendment also provides for handling minor deficiencies, such that if they are corrected immediately, they won't be included in the notice. The notice will be provided in person or by registered mail to ensure its receipt by the vendor.

Section 87785(k)(1)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice be in writing.

Factual Basis:

This addition is necessary to specify how deficiencies identified during the monitoring will be noticed to the vendor. Providing the notice of deficiencies in writing helps ensure clarity for all the parties involved as to what was found and needs to be resolved.

Section 87785(k)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice will include a reference to the applicable statute or regulation.

Factual Basis:

This addition is necessary to ensure the notice clearly identifies the basis for the deficiency for all parties involved.

Section 87785(k)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include a statement as to how the ICTP failed to comply with the referenced statute or regulations.

Factual Basis:

This addition is necessary to ensure clarity as to what is deficient. Without such clarity, the vendor could have a difficult time resolving the deficiency.

Section 87785(k)(1)(C)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include the amount of any penalty to be assessed if the deficiency is not addressed.

Factual Basis:

This addition is necessary to ensure vendors are informed of potential penalty amounts at the time of the deficiency notice.

Section 87785(k)(1)(D)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include reference to the applicable appeal process.

Factual Basis:

This addition is necessary to ensure all vendors with deficiencies know that there is an appeal process and where to find it.

Section 87785(k)(2)

Specific Purpose:

The specific purpose of this addition is to specify the process for the vendor to develop a corrective action plan for the deficiency(ies) and add it to the notice of deficiency.

Factual Basis:

This addition is necessary to make specific in regulations how deficiencies identified during the monitoring will be corrected. Having the vendor work with the Department to develop the corrective action plan and add it to the notice is similar to standard audit processes and helps make the correction process clear and efficient.

Section 87785(k)(3)

Specific Purpose:

The specific purpose of this addition is to specify the timeframe for vendors to correct identified deficiencies related to the ICTP.

Factual Basis:

This addition is necessary to ensure vendors know the required timelines for correction and ensure a consistent timeline for all vendors. The regulation also provides some flexibility for vendors making corrections to the ICTP itself, as "the next offering of the" ICTP could be pushed out to provide more time for making the corrections.

Section 87785(l) Renumbered from Section 87785(k)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87785(k) per the addition of a new section (k) as described above, and the facility type acronyms spelled out for clarity as they're not otherwise used in this section.

Section 87785(m) Renumbered from Section 87785(l)

Specific Purpose:

This section is renumbered from Section 87785(l) per the addition of a new section as described above. The specific purpose of this amendment is to clearly state that RCFE ICTP instructors as well as vendors who are seeking administrator certificates cannot attend their own ICTPs for credit.

Factual Basis:

This amendment is necessary to ensure that all RCFE ICTP vendors and instructors are aware that they cannot receive credit for attending their own RCFE ICTPs when they are applying to be RCFE administrators. Historically the question has arisen as to whether the existing regulation includes vendors' instructors as sometimes a vendor is an individual instructing his or her own courses and sometimes is a company with one or more instructors. This amendment should clarify that.

Section 87786(a)

Specific Purpose/Factual Basis:

This section is editorially amended to clarify the numbering of the referenced statutory section from a Roman "I" to an Arabic "1."

Handbook Section 87786(a)

Specific Purpose/Factual Basis:

This section is amended to clarify the numbering of the referenced statutory section from a Roman "I" to an Arabic "1" and to add quotation marks around the citation for clarity and consistency.

Section 87786(c) and Handbook Section 87786(c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section references for consistency throughout these regulations.

Section 87787(a)(3)

Specific Purpose:

The specific purpose of this amendment is to include misconduct during instruction as a cause for revoking an ICTP.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke an ICTP if it finds conduct during ICTP instruction that is illegal, inappropriate or inconsistent with the program requirements. Historically, the Department has received complaints of apparently inappropriate conduct during ICTPs but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misconduct.

Section 87787(a)(4)

Specific Purpose:

The specific purpose of this amendment is to include misrepresentation or false statements during instruction as a cause for revoking an ICTP and to clarify that it's knowingly providing false information that is also a grounds for revocation.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke an ICTP if it finds a vendor misrepresents or knowingly makes false statements during program instruction. Historically, the Department has received complaints of apparent misinformation or false information being provided during instruction but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misinformation.

Additionally, this amendment adds the term "knowingly" to describe the type of false statements that can result in ICTP revocation. It is not the Department's intent to punish inadvertent false statements but to prevent fraud and misinformation in the Administrator Certification Program so this amendment should clarify that. Finally, the amendment adds the word "or" for grammatical clarity per the addition of a new section (5) as described below.

Section 87787(a)(5)

Specific Purpose:

The specific purpose of this addition is to include in the regulation all the reasons why an ICTP may be revoked.

Factual Basis:

This addition is necessary to clearly state in the regulations that a vendor's failure to correct deficiencies or to pay civil penalties due is also reason for revoking an ICTP as it shows the likely inability of the vendor to comply with basic program requirements established pursuant to H&SC section 1569.616(i).

Sections 87787(b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from each code section reference here for consistency throughout these regulations.

Handbook Section 87787(c)

Specific Purpose/Factual Basis:

This editorial amendment is to remove the capital "S" from the code section reference, and to add quotation marks around the citation, for consistency throughout these regulations.

Section 87788(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of Continuing Education training programs and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure vendor applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1569.616(i)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays Department receipt and review of applications. The amendment also updates the language regarding the signatory's certification from a perjury statement to a statement of accuracy and completeness. This is consistent with other such statements now used on Departmental forms. The form name is also added for clarity and consistency.

Section 87788(b)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify the basic applicant information included on the vendor application form.

Factual Basis:

This amendment is necessary to ensure applications include the basic business and contact information necessary for the Department to process the application and contact the vendors as needed. The type of business entity is required so the Department can more readily confirm that the entity is approved to conduct business in California such as is required by Corporations Code section 2105, 15909.02, 16959 or 17451. The e-mail address is added as that is now a frequently used means of communication.

Section 87788(b)(3)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to include other State-licensed care facilities the Department may ask about.

Factual Basis:

This amendment is necessary to clearly include in the statement affiliation with other State-licensed care facilities to help the Department check the vendor's background relative to care facility operations and avoid certifying someone to train residential facility administrators (who care for a vulnerable population) who has had prior misconduct or compliance issues related to such facilities. Requesting this information is within the authority of H&SC section 1569.16 wherein the legislature has provided authority for various State departments to share information with respect to applicants, licensees, certificates, or individuals who have been subject to any administrative action resulting in a denial, suspension, probation, or revocation of a license, permit, certificate, or in an exclusion.

Section 87788(b)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to eliminate confusion.

Factual Basis:

This amendment is necessary to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 87788(b)(5)

Specific Purpose:

The specific purpose of this amendment is to clarify that the \$100 processing fee for Continuing Education Training Program vendor applications (or renewal applications) is non-refundable.

Factual Basis:

The fee, authorized by H&SC section 1569.616(i)(7), covers costs of processing the vendor and course application. To that end, "nonrefundable" is being added to the description of the fee as this fee applies regardless of the final outcome of that process. Not fully understanding this, some applicants have requested refunds when their applications were denied. This amendment is necessary to address that misunderstanding.

Section 87788(d)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting renewal of continuing education training program vendorships.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1569.616(h)(1). The Department has received numerous handwritten requests that lack the content necessary to process the application. The full form name is also added for clarity and consistency. Additionally, the term "vendorship" is added to clarify that Section 87788 describes the vendorship application process; the continuing education course approval process is described in Section 87789.

Section 87788(d)(1)

Specific Purpose:

The specific purpose of this addition is to clarify that only vendors with approved continuing education courses can renew their continuing education vendorship.

Factual Basis:

This addition is necessary to clarify for RCFE vendors that they must have one or more approved RCFE continuing education courses in order to renew their RCFE continuing education vendorship as is the intent of the course renewal process. Historically, some vendors have not understood this so this amendment should remedy that.

Section 87788(e)

Specific Purpose:

The specific purpose of this amendment is to clarify that this section relates to the vendorship application process.

Factual Basis:

This amendment is necessary to clarify for vendors that Section 87788 describes the continuing education program vendorship requirements and application process. The continuing education course approval process is described in Section 87789.

Section 87788(h)(1)

Specific Purpose:

The specific purpose of this addition is to specify that vendors provide certificates to individuals completing their approved continuing education courses.

Factual Basis:

This addition is necessary because the statute (H&SC section 1569.616(f)(4)) and regulations (Section 87407(d)(2)) require administrators to show proof of completion of continuing education courses but do not require vendors to issue said proof. This will clearly require vendors to provide certificates.

Section 87788(h)(1)(A)

Specific Purpose:

The specific purpose of this addition is to clarify what information vendors are to include on the certificate provided to participants completing an approved continuing education course.

Factual Basis:

This addition is necessary because the statute and regulations require administrators to show proof of completion of continuing education courses but do not require vendors to issue said proof or to provide it in a consistent and complete format. This amendment is needed to ensure the administrator can adequately document their course completion to the Department when applying for recertification. Currently, such documentation includes variable information on the course and vendor which increases the amount of time it takes Department staff to review applications for recertification and delays approval of such certificates.

Section 87788(h)(2) Renumbered from Section 87788(h)(1)

Specific Purpose:

This section is renumbered from Section 87788(h)(1) per the addition of a new section as described above. The specific purpose is to clarify the three-year record maintenance term and to delete the term "written" so as not to preclude vendors from maintaining, or the Department from reviewing, other types of records (e.g., electronic documents or recordings) now commonly maintained.

Factual Basis:

The amendment is necessary to ensure the Department has access to all formats of vendor records when needed to fulfill its statutory duty to ensure vendors are complying with training course requirements. As currently written, the regulation could be construed by vendors to block Department access to other types of records than "written." Further, the amendment clarifies for vendors that the three-year record maintenance requirement starts from the date of vendor approval, course approval or course offering, whichever is most recent. This ensures records will be available for a reasonable amount of time for the Department to fulfill its monitoring responsibilities per H&SC section 1569.616(i)(5).

Section 87788(h)(2)(A) Renumbered from Section 87788(h)(1)(A)

Specific Purpose:

This section is renumbered from Section 85091(h)(1)(A) per the addition of a section as described above. The specific purpose of this amendment is to add course outlines to the list of required records to be maintained.

Factual Basis:

This amendment is necessary to clarify for vendors that their records should also include the course outlines. Historically, some vendors have not kept such documents, which are important for ensuring the courses are taught as approved.

Section 87788(h)(2)(B) Renumbered from Section 87788(h)(1)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87788(h)(1)(B) and is amended to update the cross-referenced section due to the addition of a new section as described above. It also pluralizes "lists" for accuracy as vendors usually have multiple courses and thus multiple lists of instructors.

Sections 87788(h)(2)(C) and (D) Renumbered from Sections 87788(h)(1)(C) and (D)

Specific Purpose:

These sections are renumbered from Sections 87788(h)(1)(C) and (D) and amended to add the term "rosters" and the form number for clarity of the type of information to be maintained.

Factual Basis:

Vendors are required to maintain records of who completed their approved continuing education courses. This amendment is necessary to clarify that this information be maintained in a standardized roster format, as it typically is by course. Without this clarification some vendors may believe they must maintain copies of the individual students' certificates of completion which is an option but not required given the volume of courses and students.

Section 87788(h)(2)(E)

Specific Purpose:

The specific purpose of this addition is to include audio-visual recordings of continuing education courses offered outside California in the list of vendor records to be maintained.

Factual Basis:

This addition is necessary to ensure that all vendors maintain such visual recordings of their continuing education courses offered outside California. While such recordings may already be made by some vendors, without this amendment, vendors might not maintain them similarly to other records or have them available for Department review when needed to ensure compliance. The Department is not currently proposing to require recordings of courses offered in California as those are accessible for on-site monitoring but vendors may make and keep those if desired, too, as they may be helpful in responding to complaints, for example.

Section 87788(h)(3) Renumbered from Section 87788(h)(2)

Specific Purpose:

This section is renumbered from Section 87788(h)(2) per the addition of a new section as described above, and amended to clarify the wording regarding instructors' necessary knowledge and experience.

Factual Basis:

This amendment is necessary to clarify that continuing education course instructors must have relevant knowledge and experience in the subject taught to ensure that administrators receive adequate instruction in the subject. There has been some confusion in the past as to what is meant by "subject area" so the wording is changed here to "subject matter and content" for greater clarity. Similarly, the word "verifiable" is added to clarify that the stated education or experience should be supportable by documentation (e.g., diplomas, resumes).

Section 87788(h)(3)(A) Renumbered from Section 87788(h)(2)(A)

Specific Purpose:

This section is renumbered from Section 87788(h)(2)(A) per the addition of a new section as described above, and is amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify for vendors the type of education and amount of related experience required of their instructors under this option. Historically, some vendors have not understood what was meant by "four year college degree" and tried to use, for example, instructors who had taken a few years of college classes but not completed a bachelor's degree. So this amendment changes the wording to state "bachelor's or higher degree." Furthermore, to better ensure the quality of administrator training, the amendment specifies that the degree be from an accredited institution, and that it, like the work experience, be in a field related to the subject(s) to be taught. The term "course" is changed to "subject" for clarity and consistency as a given instructor may be teaching part but not all of a given course.

Section 87788(h)(3)(B) Renumbered from Section 87788(h)(2)(B)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87788(h)(2)(B) per the addition of a new section as described above, and amended to add the word "of" for grammatical clarity.

Section 87788(h)(3)(C) Renumbered from Section 87788(h)(2)(C)

Specific Purpose:

This section is renumbered from Section 87788(h)(2)(C) per the addition of a new section as described above, and amended to clarify the wording regarding instructors' required knowledge and experience under this criteria.

Factual Basis:

This amendment is necessary to clarify the existing intent that the professional certification be in a field related to the subject(s) to be taught. Also, to better ensure the quality of the administrator training, the amendment adds that the professional have at least two years of related field experience, similar to the existing criteria in (h)(3)(A) above. This should eliminate the problem of persons with licenses but no related experience teaching subjects in which they have little hands-on knowledge and thus better ensure administrators receive adequate training.

Section 87788(h)(3)(D) Renumbered from Section 87788(h)(2)(D)

Specific Purpose:

This section is renumbered from Section 87788(h)(2)(D) per the addition of a new section as described above, and amended to clarify the instructors' required knowledge and experience under this criteria and to update the cross-referenced section per prior Departmental updates to the definitions.

Factual Basis:

This amendment is necessary to clarify the existing intent of this criteria that the instructor be a current or very recent administrator and have his or her facility(ies) in substantial compliance with the law and regulations. The amendment changes the timeframe from four years within the last eight years to four years within the last six years to better ensure the person's knowledge of current facility administration requirements and issues and thus the ability to provide correct instruction to other administrators. The amendment also adds that the administrator-instructor have verifiable training in the subject(s) to be taught to help ensure they're not teaching a topic on which, despite their general administrator experience, they have little or no specific knowledge. This all helps ensure the quality of training for administrators.

Section 87788(h)(4)

Specific Purpose:

The specific purpose of this addition is to include language requiring vendors to submit their proposed continuing education course schedules to the Department upon request.

Factual Basis:

This addition is necessary to provide a consistent structure for vendors to submit their continuing education course schedules and related information to the Department. Currently the information is not submitted in a consistent format making it difficult for the Department to fulfill its course monitoring obligations. Making the information available upon request will meet the Department's needs without burdening the vendors with unnecessary submittal requirements.

Section 87788(h)(5)

Specific Purpose:

The specific purpose of this addition is to clarify how vendors are to obtain the Department's approval of changes to course instructors.

Factual Basis:

This addition is necessary to specify the process and form used by vendors to add or delete an approved instructor from a course. Using a standard form ensures clarity and consistency of information requested and reviewed. Requiring specific Department approval of instructor changes is important to ensuring course quality for administrators.

Section 87788(h)(6)

Specific Purpose:

The specific purpose of this addition is to place in regulations a requirement that vendors encourage and respond to questions during their training programs.

Factual Basis:

This addition is necessary to address a historical problem of some vendors not providing time for questions and/or adequately responding to questions by continuing education course participants. This amendment should remedy that and help ensure the courses better facilitate learning.

Section 87788(h)(7)

Specific Purpose:

The specific purpose of this addition is to place in regulations the minimum content of participant evaluations.

Factual Basis:

This addition is necessary to ensure that all continuing education course vendors solicit adequate information in their participant evaluations, and thus can improve their courses when and where needed. Historically, the Department has found that while many vendors do solicit course and instructor feedback in their end-of-course evaluations, others do not, leading to the continuation of inadequate training. This addition should clarify the basic evaluation content expected and thus remedy this problem and help foster improved administrator training.

Section 87788(h)(8)

Specific Purpose:

The specific purpose of this addition is to require vendors report to ACS changes in business contact or address information.

Factual Basis:

This addition is necessary to ensure that the Department has the correct current contact information on file for the approved ACS vendors. The regulations already specify that facility administrators report address changes to ACS within thirty (30) days [see, for example, Section 84064.3(i)] but does not specify this for vendors. This addition will remedy that inconsistency and ensure the Department can quickly contact all vendors when needed (e.g., to send out information regarding statutory changes, complaints, etc). This addition is also necessary to ensure disciplinary matters are properly and effectively served pursuant to Government Code section 11505, subdivision (c).

Section 87788(i)

Specific Purpose:

The specific purpose of this amendment is to implement the online education criteria enacted by AB 2675 (Chapter 421, Statutes of 2006) at H&SC Section 1569.616(i)(2). The amendment also adds cross-reference to the definition of "classroom setting" for clarity.

Factual Basis:

The amendment is necessary to comply with statutory requirements regarding online educational opportunities. It also clarifies what is meant by classroom learning, as now defined in the cross-referenced section, to help ensure administrators are adequately trained and not simply entertained.

Section 87788(i)(1)

Specific Purpose:

This specific purpose of this amendment is to clarify the approval of online continuing education courses as allowed by statute.

Factual Basis:

The amendment is necessary to comply with statutory requirements regarding online educational opportunities and to clearly summarize them here. Historically, many vendors have not understood the interactivity of these courses as required by statute (H&SC section 1569.616(i)(2)(A)(i)) so this regulation clarifies that.

Section 87788(i)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify how a webinar or similar type of live online course may be approved pursuant to statute.

Factual Basis:

This addition is necessary to provide clarity to vendors on how the Department may approve webinars and similar type of live online courses. Historically there has been no specific process for reviewing and approving such courses.

Section 87788(i)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify how an online course will be designed so that participants get the benefit of the full number of training hours approved.

Factual Basis:

This addition is required to ensure that administrators taking online courses to fulfill some of their continuing education requirements (as allowed by H&SC section 1569.616(f)(1)) receive adequate instruction in the subject. Historically, in monitoring the use of such courses, the Department has found administrators receiving credit for a multi-hour course when they actually only spent a fraction of that time taking the course. Clarifying vendors' responsibility and that participants cannot print a certificate without completing the course hours will help remedy this problem.

Handbook Section 87788(i)(1)

Specific Purpose:

This specific purpose of this new handbook section is to include the statutory requirements for online training.

Factual Basis:

This addition is necessary to provide clarity for vendors developing online courses. Historically, the Department has often found vendors' online courses lacking in the required interactivity, for example.

Section 87788(k)

Specific Purpose:

The specific purpose of this amendment is to clarify that the Department may monitor and inspect specific courses of a vendor's continuing education program.

Factual Basis:

This amendment is necessary to clarify for vendors the Department's authority (per H&SC section 1569.616(i)(5)) to monitor their programs in whole or part and for what purposes.

Section 87788(k)(1)

Specific Purpose:

The specific purpose of this addition is to clearly state in regulations that the Department's representatives may monitor continuing education training courses.

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority (per H&SC section 1569.616(i)(5)) and obligation to oversee their continuing education training programs as part of its administrator certification duties.

Section 87788(k)(2)

Specific Purpose:

The specific purpose of this addition is to ensure privacy for potential course participant interviews and for the Department's examination of vendor records.

Factual Basis:

This amendment is necessary to alleviate concerns of course participants and vendors about participating in interviews or sharing records, respectively, with Department representatives.

Section 87788(k)(3)

Specific Purpose:

The specific purpose of this addition is to clarify that the Department may inspect, audit and copy records related to the vendor's continuing education program, and may remove the records for copying if needed. This replaces general language currently in Section 87789(h).

Factual Basis:

The addition is necessary to ensure vendors are fully aware of the Department's authority and obligation to oversee the continuing education programs as part of its administrator certification duties, and to clarify how records may be carefully removed for copying if needed.

Section 87788(k)(4)

Specific Purpose:

The specific purpose of this addition is to clarify that despite section (3) added, the Department will not remove emergency or health-related personnel records unless they are duplicative, and shall return the materials within three days.

Factual Basis:

This addition is needed to provide a process for handling unique personnel information and address vendor concerns that the information could be lost if the sole copy is removed for copying by the Department. The amendment also provides a timeframe for the Department to return the materials to the vendor.

Section 87788(l)

Specific Purpose:

The specific purpose of this addition is to specify the process for notifying vendors of any deficiencies found per the Department's monitoring of the vendor's continuing education program.

Factual Basis:

This addition is necessary to place in regulations and make clear for vendors the process for how the Department will officially notify vendors of any significant deficiencies identified during the monitoring (authorized per H&SC section 1569.616(i)(5)). The amendment also provides for handling minor deficiencies, such that if they are corrected immediately, they won't be included in the notice. The notice will be provided in person or by registered mail to ensure its receipt by the vendor.

Section 87788(l)(1)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice be in writing.

Factual Basis:

This addition is necessary to specify how deficiencies identified during the monitoring will be noticed to the vendor. Providing the notice of deficiencies in writing helps ensure clarity for all the parties involved as to what is deficient and needs to be corrected.

Section 87788(1)(1)(A)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice will include a reference to the applicable statute or regulation.

Factual Basis:

This addition is necessary to ensure the notice clearly identifies the basis for the deficiency for all parties involved.

Section 87788(1)(1)(B)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include a statement as to how the program failed to comply with the referenced statute or regulations.

Factual Basis:

This addition is necessary to ensure clarity as to what is deficient. Without such clarity, the vendor would have a difficult time resolving the deficiency.

Section 87788(1)(1)(C)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include the amount of any penalty to be assessed if the deficiency is not addressed.

Factual Basis:

This addition is necessary to ensure vendors are informed of potential penalty amounts at the time of the deficiency notice.

Section 87788(1)(1)(D)

Specific Purpose:

The specific purpose of this addition is to specify that the deficiency notice include reference to the applicable appeal process.

Factual Basis:

This addition is necessary to ensure all vendors with deficiencies know that there is an appeal process and where to find it.

Section 87788(1)(2)

Specific Purpose:

The specific purpose of this addition is to specify the process for the vendor to develop a corrective action plan for the deficiency(ies) and add it to the notice of deficiency.

Factual Basis:

This addition is necessary to make specific in regulations how deficiencies identified during the monitoring will be corrected. Having the vendor work with the Department to develop the corrective action plan and add it to the notice is similar to standard audit processes and helps make the correction process efficient.

Section 87788(1)(3)

Specific Purpose:

The specific purpose of this addition is to specify the timeframe for vendors to correct identified deficiencies related to the program.

Factual Basis:

This addition is necessary to ensure vendors know the required timelines for correction and ensure a consistent timeline for all vendors. The regulation also provides some flexibility for vendors making course corrections, as "the next offering of the" course could be pushed out to provide more time for making the corrections.

Section 87788(m) Renumbered from Section 87788(l)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87788(l) per the addition of a new section as described above, and amended to spell out the facility type acronyms of the facility types not otherwise used in these regulations, and to change the word "those" to "participants" for clarity.

Section 87788(n) Renumbered from Section 87788(m)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87788(m) per the addition of a new section as described above, and amended simply to spell out the facility type acronyms of the facility types not otherwise used in these regulations.

Section 87788(n)(1)

Specific Purpose:

This section is added to clarify that the hours approved for co-located courses may differ by facility type.

Factual Basis:

This addition is necessary to clearly state in regulations that the Department may approve differing hours for co-located courses depending on the course content pertinent to each facility type. Historically, the Department has noticed a problem wherein a course may be proposed, for example, for four hours credit for both ARFs and RCFEs but includes perhaps three hours content relevant to ARF administration and four hours relevant to RCFE administration. This amendment will clearly advise vendors that the courses may be offered at the same time and place but may be approved for varying hours of credit. This helps ensure administrators get credit only for applicable training for their facility type.

Section 87788(o) Renumbered from Section 87788(n)

Specific Purpose:

This section is renumbered from Section 87788(n) per the addition of a section as described above. The specific purpose of this amendment is to clearly state that RCFE continuing education instructors as well as vendors who are renewing administrator certificates cannot attend their own courses for credit.

Factual Basis:

This amendment is necessary to ensure that all RCFE continuing education vendors and instructors are aware that they cannot receive credit for attending their own RCFE courses when they are renewing their RCFE administrator certificates. Historically the question has arisen as to whether the existing regulation includes vendors' instructors as sometimes a vendor is an individual instructing his or her own courses and sometimes is a company with one or more instructors. This amendment should clarify that.

Section 87789(b)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting approval of each Continuing Education course and submit them with the correct signature to the correct office.

Factual Basis:

This amendment is necessary to ensure applications are submitted in a consistent format to the correct office so they can be processed in a consistent and efficient manner as part of the training course approval process authorized by H&SC section 1569.616(i)(1). The Department has received numerous handwritten requests that lack the consistency necessary to process the application, and misrouted mail delays receipt and review of the applications. The amendment also updates the language regarding the signatory's certification from a perjury statement to a statement of accuracy and completeness. This is consistent with other such statements now used on Departmental forms.

The amendment also clarifies that a course approval request is to be submitted for each course. While this is currently implied in the sections following, including it here is clearer. The form name and version is also added for clarity and consistency.

Section 87789(b)(1)

Specific Purpose/Factual Basis:

This amendment removes the unnecessary phrase "of each course" as the entire section (b) is related to each course.

Section 87789(b)(2)

Specific Purpose:

The specific purpose of this amendment is to remove the unnecessary phrase "for each course" and to clarify the level of detail required for a continuing education course request.

Factual Basis:

This amendment is needed to ensure greater consistency of course approval requests submitted by vendors. Historically, vendors have submitted greatly variable levels of detail in course outlines. The Department has found that having the outline detailed at least to the hourly level provides sufficient information to determine if the course fits the applicable core of knowledge subjects. Similarly, the description of evaluation methods is clarified to include course and participant evaluations, as has been historically requested and submitted to help ensure the quality of administrator training.

Section 87789(b)(2)(A)

Specific Purpose:

The specific purpose of this addition is to clarify for vendors that visual recordings may not be used as a continuing education course.

Factual Basis:

This addition is necessary to clarify the acceptable use of visual recordings in a continuing education course. Historically, videos have been acceptable as teaching aids, such as to show case examples when discussing a particular topic, but may have inappropriately been used to cover an entire course. This addition should make clear the appropriate use of videos in a continuing education course and avoid misuse in the future to ensure administrators receive appropriate live continuing education classes as required by H&SC section 1569.616(f)(1).

Section 87789(b)(3)

Specific Purpose/Factual Basis:

This amendment updates the cross-referenced section pursuant to the addition of a new section there.

Section 87789(b)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify the recordkeeping information to be included in the vendor's continuing education course application.

Factual Basis:

This amendment is necessary to clarify for potential continuing education vendors what recordkeeping information they need to include in their application. Currently, vendors frequently include limited information and the Department staff must request additional detail to ensure vendors are aware of the records to be maintained per Section 87788(h)(2) and have a plan to comply with this. Recordkeeping is important to ensure the Department can verify administrator training course attendance and thus help prevent fraud.

Section 87789(b)(5)

Specific Purpose:

The specific purpose of this amendment is to clarify that all of the required statement relate to the proposed instructors.

Factual Basis:

This amendment is necessary to add the word "proposed" for clarity as at the point in time of the course application the instructors are still proposed, not yet approved. This amendment also brings this section into alignment with the subsequent section (b)(7).

Section 87789(b)(6)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement to include other State-licensed care facilities the Department may ask about, and to clarify that the statement relates to proposed instructors.

Factual Basis:

This amendment is necessary to clearly include in the statement affiliation with other State-licensed care facilities to help the Department check the instructor's background relative to care facility operations and avoid certifying someone to train residential facility administrators (who care for a vulnerable population) who has had prior misconduct or compliance issues related to such facilities. Requesting this information is within the authority of H&SC section 1522.08 wherein the legislature has provided authority for various State departments to share information with respect to applicants, licensees, certificates, or individuals who have been subject to any administrative action resulting in a denial, suspension, probation, or revocation of a license, permit, certificate, or in an exclusion.

This amendment is also necessary to add the word "proposed" for clarity as at the point in time of the course application the instructors are still proposed, not yet approved. This amendment brings this section into alignment with the subsequent section (7).

Section 87789(b)(7)

Specific Purpose:

The specific purpose of this amendment is to clarify the wording of the statement.

Factual Basis:

This amendment is necessary to reorder the terms "legal" and "administrative" for clarity as historically, some persons have misread the question as asking if they had administrative experience or certificates. Putting the word "legal" first should remedy this.

Section 87789(c)(1)

Specific Purpose:

The specific purpose of this amendment is to clarify that vendor applicants use only the appropriate Department forms for requesting renewal approval of continuing education training courses, and submit them to the appropriate office before the current approval expires.

Factual Basis:

This amendment is necessary to ensure applications are submitted and processed in a timely, consistent and efficient manner. The Department has received numerous handwritten requests that lack the content necessary to process the application, and misrouted mail also delays receipt and review of requests. The amendment is also necessary to add a specific timeframe by which vendors must submit their course renewal request in order to allow sufficient time for the Department to review the request and the vendor to respond to any questions before the current course expiration. Historically, many renewals have been received too late to process before the expiration, leading to a lapse in course approvals and difficulties for vendors and administrators due to cancelled courses. Specifying more timely submittals should eliminate these problems. The form names are also added for clarity and consistency.

Section 87789(c)(2)

Specific Purpose:

The specific purpose of this addition is to clarify the consequences of late course renewals.

Factual Basis:

This addition is necessary to include in regulations the process for handling late course renewal requests. Specifically, the amendment provides that course renewal requests received by the Department after the course expiration date will be denied and the vendor required to submit the courses for new approvals. Historically, many renewals have been received too late to process before the expiration, leading to a lapse in course approvals and difficulties for vendors and administrators due to cancelled courses. Placing the process in regulations will clarify for vendors the consequences of late renewals and provide an incentive (less paperwork) for timely submittals.

Section 87789(c)(3)

Specific Purpose:

The specific purpose of this addition is to clarify the process for course revisions.

Factual Basis:

This addition is necessary to include in regulations the process for handling renewal requests for courses with changing content. The amendment specifies that renewal requests for courses where the content is known to have changed or needs to be updated (e.g., regarding some diseases, regulations) will be denied and the vendor required to submit the revised courses for new approvals. Historically, many renewals have been received for courses with content known or very likely to have changed but there's been no process for the Department to consistently require they be updated. This amendment will address that problem, and help to ensure that the training provided to administrators is current and accurate.

Section 87789(g)

Specific Purpose/Factual Basis:

The specific purpose of this amendment is simply to remove an unnecessary phrase and thus clarify the statement.

Section 87789(h)

Specific Purpose/Factual Basis:

This amendment deletes language regarding monitoring which is moved to Section 87788(k)

Section 87791

Specific Purpose/Factual Basis:

The title of this section is amended for clarity and consistency to match that of the corresponding sections in the GH and ARF regulations (Sections 84091.2 and 85091.2).

Section 87791(a)(1)

Specific Purpose:

The specific purpose of this amendment is to clearly advise where vendors are to send any requests for administrative review.

Factual Basis:

This amendment is necessary to clarify where vendors must send the request to avoid misrouted mail and missed deadlines. Directing such requests to the ACS Manager also ensures they quickly reach the party who likely will be reviewing them without getting mixed into the great volume of daily mail routed to various staff.

Section 87791(a)(3)

Specific Purpose:

The specific purpose of this amendment is to clarify the review process.

Factual Basis:

This amendment is necessary to clarify when and why the reviewer might amend the course denial or revocation decision, such as if they find other circumstances existed that would have led to a different decision. Adding the phrase "that would have led to a different decision" brings this section into alignment with the corresponding sections in the GH and ARF regulations (Sections 84091.2(a)(3) and 85091.2(a)(3)).

Section 87791(a)(4)

Specific Purpose:

The specific purpose of this addition is to provide in regulations a timeline for Department response to requests for administrative review.

Factual Basis:

This addition is necessary to clarify for vendors the Department's timeline and method for responding to requests for review of a denied or revoked course. Requiring a written response helps ensure the response is clearly stated for the requestor and Department staff. A 30-day timeline is reasonable and similar to that for other such Department processes.

Section 87791(a)(5) Renumbered from Section 87791(a)(4)

Specific Purpose/Factual Basis:

This section is renumbered from Section 87791(a)(4) per the addition of a new section (4) as described above.

Section 87792(a)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from the code section reference for consistency throughout these regulations.

Handbook Section 87792(a)

Specific Purpose/Factual Basis:

This editorial amendment adds quotation marks for consistency with the other statutory citations in Handbook throughout these regulations.

Section 87792(b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section references for consistency throughout these regulations.

Handbook Section 87792(c)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from the code section reference for consistency throughout these regulations.

Section 87793(a)

Specific Purpose/Factual Basis:

This amendment simply adds the word "or" for grammatical clarity.

Section 87793(a)(3)

Specific Purpose:

The specific purpose of this amendment is to include misconduct during instruction as a cause for revoking a continuing education training program.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke a continuing education training program approval if it finds conduct during course instruction that is illegal, inappropriate or inconsistent with the program requirements. Historically, the Department has received complaints of apparently inappropriate conduct during continuing education courses but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misconduct.

Section 87793(a)(4)

Specific Purpose:

The specific purpose of this amendment is to include misrepresentation or false statements during instruction as a cause for revoking continuing education program approval and to clarify that it's knowingly providing false information that is also a grounds for revocation.

Factual Basis:

This amendment is necessary to place into regulations that the Department may revoke a continuing education training program approval if it finds a vendor misrepresents or knowingly makes false statements during course instruction. Historically, the Department has received complaints of apparently misinformation or false information being provided during instruction but had no means to remedy the problem. This amendment should provide that remedy and discourage vendor misinformation.

Additionally, this amendment adds the term "knowingly" to describe the type of false statements that can result in course revocation. It is not the Department's intent to punish inadvertent false statements but to prevent fraud and misinformation in the Administrator Certification Program so this amendment should clarify that. Finally, the amendment adds the word "or" for grammatical clarity per the addition of a new section (5) as described below.

Section 87793(a)(5)

Specific Purpose:

The specific purpose of this addition is to include in the regulation all the reasons why a continuing education training program may be revoked.

Factual Basis:

This addition is necessary to clearly state in the regulations that a vendor's failure to correct deficiencies or to pay civil penalties due is also reason for revoking a continuing education training program as it shows the inability of the vendor to comply with basic program requirements.

Section 87793(b) and (c)

Specific Purpose/Factual Basis:

These editorial amendments remove the capital "S" from the code section reference for consistency throughout these regulations.

Handbook Section 87793(c)

Specific Purpose/Factual Basis:

This editorial amendment removes the capital "S" from the code section reference, and adds quotation marks around the citation, for consistency throughout these regulations.

Section 87794

Specific Purpose/Factual Basis:

This section is added to include information on the civil penalties which the Department may use when deficiencies are not corrected.

Section 87794(a)

Specific Purpose:

The specific purpose of this addition is to specify the amount of penalties per violation that may be assessed.

Factual Basis:

This addition is necessary to place in regulations the amount of penalties that may be assessed for deficiencies that are not corrected by the noticed deadline. The specific amounts (\$50 to \$150 per day) are based on the levels of penalties used elsewhere in the community care licensing program and on the Department's belief that this amount is adequate to deter statutory and regulatory violations.

Section 87794(b)

Specific Purpose:

The specific purpose of this addition is to specify when the penalties will be due and how they are to be paid.

Factual Basis:

This addition is necessary to clearly advise all vendors of the penalty payment process. Payment by money order only is provided to avoid added costs to the State of trying to process invalid checks. Historically, the Department has received numerous bad checks and has no viable avenue to collect such payments as going to court is usually too costly relative to the payment due.

Section 87794(c)

Specific Purpose:

The specific purpose of this addition is to clearly state that the Department may take a vendor to court for failure to pay penalties when due.

Factual Basis:

This addition is necessary to place in regulations the Department's authority (per H&SC section 1569.495) to take follow up legal action for non-payment of penalties when necessary, even if such action is not frequently taken due to cost concerns.

Section 87795

Specific Purpose/Factual Basis:

This section is added to include the process by which vendors may appeal a deficiency or penalty notice.

Section 87795(a)

Specific Purpose:

The specific purpose of this addition is to specify how and when vendors may appeal a deficiency or penalty notice.

Factual Basis:

This addition is necessary for consistent application of the appeal process for all vendors. The ten-day timeframe ensures a prompt notice to the Department of any appeal, and is similar to the timeframes in other programs (e.g., Section 87763). The review by a higher level staff than that person issuing the notice helps assure that vendors receive a fair review, and is again similar to other Department appeals processes.

Section 87795(b)

Specific Purpose:

The specific purpose of this addition is to specify what an appeal reviewer may do in reviewing an appeal.

Factual Basis:

This addition is necessary to clearly state for vendors the potential outcomes of the review, including amendment or dismissal of the notice, or extended time for correction, depending on what is warranted by the facts. This process is based on similar existing processes in the Department as described above.

Section 87795(c)

Specific Purpose:

The specific purpose of this addition is to specify the timeframe for Department response to an appeal.

Factual Basis:

This addition is necessary to clearly specify a reasonable timeline for the Department to respond to an appeal. The amendment also specifies a written response to help ensure clarity for all the parties involved.

b) **Identification of Documents Upon Which Department Is Relying**

AB 2675 (Chapter 421, Statutes of 2006) regarding on-line learning;
AB 1856 (Chapter 639, Statutes of 2012) regarding cultural competency and sensitivity for the lesbian, gay, bisexual and transgender communities for GH administrators;
AB 663 (Chapter 675, Statutes of 2013) regarding cultural competency and sensitivity for the lesbian, gay, bisexual and transgender communities for ARF and RCFE administrators;
AB 1570 (Chapter 698, Statutes of 2014); and
SB 911 (Chapter 705, Statutes of 2014) regarding increased initial training program topics and hours for RCFE licensees and administrators.

c) **Local Mandate Statement**

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require reimbursement under Section 17500 et seq. of the Government Code.

d) **Statement of Alternatives Considered**

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be more effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons than the proposed action and equally effective in implementing the statutory policy or other provision of law.

While this regulatory action has been in development for several years, in developing this regulatory action, no reasonable alternatives were brought to the attention of CDSS.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal largely clarifies existing regulations under which individual administrators and small businesses already operate if they elect to participate in this program's activities. This determination was based on the fact that these regulations have been in effect for over 20 years so the amendments to clarify them, or detail new training content required by statute, have no significant impact on the affected businesses as discussed in the Economic Impact Assessment.

f) Economic Impact Assessment

The adoption of the proposed amendments will not have any significant economic impact because they either clarify existing regulations or effectuate existing statutes.

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The amendments serve to clarify existing regulations and statutory requirements and thus not change the typical numbers of administrators or vendors (currently some 27,000 and 240, respectively) already engaged in this business.

The Department assessed the following few amendments which appeared they might have an economic impact, with the following results:

Limiting the number of administrator exam attempts to three within the 60-day window after completing an ICTP (Sections 84064.2(b)(2), 85064.2(b)(2) and 87406(b)(2)): This amendment is determined to have no cost impact to most administrators and probably no net cost to the few who are taking the exam in excess of three times now as they incur travel costs to attend exams further from their home (as all but three of the fourteen locations where the exams are given offer it only once per month, based on local demand). So an applicant's cost of taking another ICTP if they fail three exam attempts and wish to continue the certification process would be offset by savings in travel costs.

Restricting the acceptable continuing education courses to those approved by the Department (except designated Regional Center courses; Sections 84064.3(b), 85064.3(b) and 87407(b)): This amendment is not anticipated to significantly impact vendor businesses as these businesses already do, and will continue to have, the option to apply to become a Department-approved training vendor for a nominal, statutorily-authorized, processing fee of \$100.

Requiring vendors to record their out-of-State courses (Sections 84090(i)(5)(E), 84091(h)(2)(E), 85090(i)(5)(E), 85091(h)(2)(E), 87785(i)(5)(E), 87788(h)(2)(E)): This is anticipated to have a very limited cost impact as very few (probably less than five percent) of the current 240 approved vendors offer any courses outside of California, and those that do, do so rarely (e.g., offer an annual conference in Nevada). For the few affected vendors, some may already be recording their courses for other uses but if they don't yet have recording equipment, the estimated cost (per a perusal of electronics vendors) is currently \$300 - \$500 for a video recording camera with memory and tripod. Vendors who offer simultaneous courses on a given date (such as at a conference) would require additional cameras but given that they're also typically larger businesses probably already have some such equipment. So assuming that all of the estimated 12 vendors offering occasional out-of-State courses each purchase two cameras at a cost of \$500 would create a one-time total cost of \$12,000. Overall the Department concludes that the impact of this requirement would be a small increase to a very few vendors' costs of doing business and not one that would eliminate such vendors' participation in the program. Furthermore, the purchase of recording equipment would be a less costly alternative than requiring vendors to pay part or all of the cost for Department staff to travel to monitor such out-of-State courses.

Increased initial training hours from 40 to 80 for new RCFE administrators (per AB 1570 and SB 911 of 2014; Section 87785(h)): This industry-sponsored statutory expansion of the RCFE ICTP is estimated to add approximately \$250 to the typical ICTP fee for potential administrators and is not increased by the regulatory action to detail the course content prescribed in statute. The cost to current RCFE ICTP training vendors (approximately 28) to update their RCFE ICTPs to comply with the statutory changes is being absorbed in their current cost of doing business as they must have the updated courses ready to offer on January 1, 2016. To facilitate this, the Department has already posted on its ACS webpage the draft Core of Knowledge chart incorporated in these regulations (Section 87102(k)) developed with a stakeholder advisory committee in 2014 and early 2015.

The clarified and slightly more stringent requirements for course instructors (Sections 84090(i)(7), 84091(h)(3), 85090(i)(7), 85091(h)(3), 87785(i)(7), 87788(h)(3)): While this amendment may require some vendors to review some instructors for Department-approved courses, it is unlikely they would need to replace many, if any, instructors as the changes to the four qualifying options are small and most instructors probably meet more than one of the options already. Similarly the changes should not have a cost impact to vendors on future instructor hires as the basic qualifications and thus instructor salaries would remain the same.

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows:

The updates and clarifications regarding residential facility administrator training and certification processes are anticipated to result in better trained administrators (currently some 27,500) currently managing over 13,600 licensed facilities with a capacity of almost 200,000 residents, and thus improved safety of facility workers and improved health and welfare of the vulnerable residents (youth, disabled adults, and seniors).

The regulatory action is not anticipated to have any specific impacts on the state's environment.

The following documents were relied upon in proposing the regulatory action:

AB 2675 (Chapter 421, Statutes of 2006) regarding on-line learning;

AB 1856 (Chapter 639, Statutes of 2012) regarding cultural competency and sensitivity for the lesbian, gay, bisexual and transgender communities for GH administrators;

AB 663 (Chapter 675, Statutes of 2013) regarding cultural competency and sensitivity for the lesbian, gay, bisexual and transgender communities for ARF and RCFE administrators;

AB 1570 (Chapter 698, Statutes of 2014); and

SB 911 (Chapter 705, Statutes of 2014) regarding increased initial training program topics and hours for RCFE licensees and administrators.

g) Benefits Anticipated from Regulatory Action

The objectives of this rulemaking are to bring the existing regulations into conformity with recent statutory changes as described herein and into consistency across the three program areas (GH, ARF, RCFE), and to make other changes to clarify and strengthen requirements to address problems identified over the history of the program (e.g., cheating on administrator exams, vendor deficiency corrections), thus better protecting the vulnerable populations in these many residential facilities. The anticipated benefits of this rulemaking to the health and welfare of California residents, worker safety, and the state's environment are as follows: The proposal will benefit Californians, including program participants (i.e., facility administrators and training course vendors), by clarifying existing regulations and program processes in accordance with current statutes, thus providing for greater openness and transparency in the government-business interactions of the program. The clarifications should also result in more complete applications received by the Department from administrators and vendors and thus result in more timely processing and conclusions by Department staff [e.g., (non)certifying of administrators, (non)approval of vendors and their training programs]. The action should also result in more timely resolution of problems with training programs (e.g., when identified due to monitoring, changes in courses) and result in more consistent quality of education for facility administrators and thus improved facility worker safety and improved facility resident health and safety, which is the ultimate public purpose of the Administrator Certification Program. There is no specific anticipated benefit to the state's environment.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.