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Regulation Package #1214-10

CDSS MANUAL LETTER NO. CCL-16-03

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

Regulation Package #1214-10

Effective January 1, 2016

**Sections: 87101, 87102, 87405, 87406, 87407, 87408, 87409, 87785, 87786,
87787, 87788, 87789, 87791, 87792, 87793, 87794, 87795.**

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG646.htm>.

These regulations were first adopted on an emergency basis effective January 22, 2015, and were considered at the Department's public hearing held on September 16, 2015.

This rulemaking action clarifies existing regulations and adds regulations to make specific additional requirements for administrator certification and the related educational programs per recently enacted legislation: Assembly Bill (AB) 2675 (Chapter 421, Statutes of 2006); AB 1856 (Chapter 639, Statutes of 2012); AB 663 (Chapter 675, Statutes of 2013); AB 1570 (Chapter 698, Statutes of 2014); and Senate Bill 911 (Chapter 705, Statutes of 2014).

These statutes require potential residential facility administrators to obtain certification from California Department of Social Services (CDSS) before employment as an administrator and to renew such certification after completing required continuing education. Recent amendments to statute provide for online education, add subject areas to the required "core of knowledge" for each program and expand the initial training hours and exam required of administrators in Residential Care Facilities for the Elderly.

Further, these statutes authorize CDSS to adopt regulations to establish conditions for the certification of administrators and for the approval of vendors of initial and continuing education programs for administrators.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-15-12. The latest prior manual letter containing Residential Care Facilities for the Elderly regulation changes was Manual Letter No. CCL-15-12.

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Attachments

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

- (3) "Care and Supervision" means those activities which if provided shall require the facility to be licensed. It involves assistance as needed with activities of daily living and the assumption of varying degrees of responsibility for the safety and well-being of residents. "Care and Supervision" shall include, but not be limited to, any one or more of the following activities provided by a person or facility to meet the needs of the residents:
- (A) Assistance in dressing, grooming, bathing and other personal hygiene;
 - (B) Assistance with taking medication, as specified in Section 87465, Incidental Medical and Dental Care Services;
 - (C) Central storing and distribution of medications, as specified in Section 87465, Incidental Medical and Dental Care Services;
 - (D) Arrangement of and assistance with medical and dental care. This may include transportation, as specified in Section 87465, Incidental Medical and Dental Care Services;
 - (E) Maintenance of house rules for the protection of residents;
 - (F) Supervision of resident schedules and activities;
 - (G) Maintenance and supervision of resident monies or property;
 - (H) Monitoring food intake or special diets.
- (4) "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in a residential care facility for the elderly.
- (5) "Certified administrator" means an administrator who has been issued a residential care facility for the elderly administrator certificate by the Department and whose certificate is current.
- (6) "Classroom Hour" means fifty (50) to sixty (60) minutes of classroom instruction within a 60-minute period. No credit is given for meal breaks.
- (7) "Classroom setting" means a setting, conducive to learning and free from distractions, for which the primary purpose is education, instruction, training, or conference. Participants must be able to simultaneously interact with each other as well as with the instructor.
- (8) "Close friend" means a person who is attached to another by feelings of personal regard as indicated by both parties involved.

87101 DEFINITIONS (Continued)**87101**

- | (9) "Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for Continuing Education Training Program vendors only.
- | (10) "Community Care Facility" means any facility, place or building providing nonmedical care and supervision, as defined in Section 87101(c)(2).
- | (11) "Complete request" means the vendor applicant has submitted, and the Department has received, all required information and materials necessary to approve or deny the request for certification program and/or course approval.
- | (12) "Conservator" means a person appointed by the Superior Court pursuant to Probate Code section 1800 et. seq. or Welfare and Institutions Code section 5350, to care for the person, or estate, or person and estate, of an adult.
- | (13) "Consultant" means a person professionally qualified by training and experience to provide expert information on a particular subject.
- | (14) "Continuing Care Contract" is defined in Health and Safety Code section 1771(c)(8).

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Health and Safety Code section 1771(c)(8) provides:

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

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- | (15) "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide continuing education training courses to residential care facility for the elderly administrators and certificate holders to qualify them for renewal of their residential care facility for the elderly administrator certificate.

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

- (16) "Control of Property" means the right to enter, occupy, and maintain the operation of the facility property within regulatory requirements. Evidence of control of property shall include, but is not limited to, the following:
- (A) A Grant Deed showing ownership; or
 - (B) The Lease Agreement or Rental Agreement; or
 - (C) A court order or similar document which shows the authority to control the property pending outcome of probate proceeding or estate settlement.
- (17) "Conviction" means:
- (A) A criminal conviction in California; or
 - (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.
- (18) "Course" means either, (1) a quarter- or semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop, or lecture of varying duration.
- (19) "Criminal Record Clearance" means an individual has a California clearance and a FBI clearance.
- (d) (1) "Day" means calendar day unless otherwise specified.
- (2) "Deficiency" means any failure to comply with any provision of the Residential Care Facilities Act for the Elderly and regulations adopted by the Department pursuant to the Act.
- (3) "Delayed Egress Device" means a special egress-control device of the time delay type as specified in Health and Safety Code section 1569.699(a).

87101 DEFINITIONS (Continued)

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Health and Safety Code section 1569.699(a) provides:

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

- (1) Automatic deactivation of the egress-control device upon activation of either the sprinkler system or the detection system.
- (2) Automatic deactivation of the egress-control device upon loss of electrical power to any one of the following: The egress-control device; the smoke-detection system; exit illumination as required by Section 1012 of the California Building Code.
- (3) Be capable of being deactivated by a signal from a switch located in an approved location.
- (4) Initiate an irreversible process that will deactivate the egress-control device whenever a manual force of not more than 15 pounds (66.72N) is applied for two seconds to the panic bar or other door-latching hardware. The egress-control device shall deactivate within an approved time period not to exceed a total of 15 seconds, except that the person responsible for enforcement as described in Section 13146 may approve a delay not to exceed 30 seconds in residential care facilities for the elderly serving patients with Alzheimer's disease. The time delay established for each egress-control device shall not be field adjustable.
- (5) Actuation of the panic bar or other door-latching hardware shall activate an audible signal at the door.
- (6) The unlatching shall not require more than one operation.

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

- (7) "Existing Facility" means any facility operating under a valid license on the date of application for a new license.
- (f) (1) "Facility Hospice Care Waiver" means a waiver from the limitation on retention of residents who require more care and supervision than other residents and residents who are bedridden other than for a temporary illness. The Hospice Care Waiver granted by the Department will permit the retention in a facility of a designated maximum number of terminally ill residents who are receiving hospice services from a hospice agency. The Facility Hospice Care Waiver will apply only to those residents who are receiving hospice care in compliance with a hospice care plan meeting the requirements of Section 87633, Hospice Care for Terminally Ill Residents.
- (2) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions reported by the FBI. The individual may also have been arrested with no criminal conviction, convicted of a minor traffic offense or adjudicated as a juvenile.
- (g) (1) "Guardian" means a person appointed by the Superior Court pursuant to Probate Code section 1500 et seq. to care for the person, or person and estate, of a child.
- (h) (1) "Healing wounds" include cuts, stage one and two dermal ulcers as diagnosed by a physician, and incisions that are being treated by an appropriate skilled professional with the affected area returning to its normal state. They may involve breaking or laceration of the skin and usually damage to the underlying tissues.
- (2) "Health Care Provider" means those persons described in Probate Code section 4621: "an individual licensed, certified, or otherwise authorized or permitted by the law of this state to provide health care in the ordinary course of business or practice of a profession."
- (3) "Health Care Surrogate Decision Maker" means an individual who participates in health care decision making on behalf of an incapacitated resident. Health care surrogate decision maker may be formally appointed (e.g., by the resident in a Durable Power of Attorney for Health Care or by a court in a conservatorship proceeding) or, in the absence of a formal appointment, may be recognized by virtue of a relationship with the resident (e.g., the resident's next of kin). The licensee or any staff member of the facility shall not be appointed health care surrogate decision maker.
- (4) "Health Condition Relocation Order" means written notice by the Department to a licensee requiring the relocation of a resident from a residential care facility for the elderly because the resident has a health condition which cannot be cared for within the limits of the license, requires inpatient care in a health facility or has a prohibited health condition as specified in Section 87615, Prohibited Health Conditions.

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

- (5) "Home Economist" means a person who holds a baccalaureate or higher degree in home economics and who specialized in either food and nutrition or dietetics.
- (6) "Hospice or Hospice Agency" means an entity which provides hospice services to terminally ill persons, is Medicare certified for hospice, and holds either a Hospice license or a Home Health Agency license from the California Department of Health Services. Any organizations, appropriately skilled professionals, or other professional persons or entities that are subcontracted by the hospice or hospice agency for the provision of specified hospice services to the resident are included within the definition. The hospice agency providing services in an RCFE shall not subcontract with the licensee or any facility staff for the provision of services.
- (7) "Hospice Care Plan" means the hospice agency's written plan of care for a terminally ill resident. The hospice shall retain overall responsibility for the development and maintenance of the plan and quality of hospice services delivered.
- (i) (1) "Immediate Need" means a situation where prohibiting the operation of the facility would be detrimental to a resident's physical health, mental health, safety, or welfare. Examples of immediate need include but are not limited to:
- (A) A change in facility location when residents are in need of services from the same operator at the new location;
- (B) A change of facility ownership when residents are in need of services from the new operator.
- (2) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial eighty (80) hour certification training program to persons who do not possess a valid residential care facility for the elderly administrator certificate.
- (3) "Instruction" means to furnish an individual with knowledge or to teach, give orders, or direction of a process or procedure.
- (4) "Interdisciplinary Team" means a team that shall assist the Department in evaluating the need for relocating a resident of a residential care facility for the elderly when the resident has requested a review of the Department's health-condition relocation order. This team shall consist of the Department's nurse consultant and a social worker, designated by the Department, with experience in the needs of the elderly. Persons selected for an interdisciplinary team review shall not have been involved in the initial decision to issue a relocation order for the resident in question.

87101 DEFINITIONS (Continued)**87101**

- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "License" is defined in Health and Safety Code section 1569.2(g).

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Health and Safety Code section 1569.2(g) reads:

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

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- (2) "Licensed Professional" means a person who is licensed in California to provide medical care or therapy. This includes physicians and surgeons, physician assistants, nurse practitioners, registered nurses, licensed vocational nurses, psychiatric technicians, physical therapists, occupational therapists and respiratory therapists, who are operating within his/her scope of practice.
- (3) "Licensee" means the individual, firm, partnership, corporation, association or county having the authority and responsibility for the operation of a licensed facility.
- (4) "Licensing Agency" means a state, county or other public agency authorized by the Department to assume specified licensing, approval or consultation responsibilities pursuant to Health and Safety Code section 1569.13.
- (m) (1) "Medical Professional" means an individual who is licensed or certified in California to perform the necessary medical procedures within his/her scope of practice. This includes, but is not limited to, Medical Doctor (MD), Registered Nurse (RN) and Licensed Vocational Nurse (LVN).

87101 DEFINITIONS (Continued)**87101**

- (2) "Mild cognitive impairment" (MCI) refers to people whose cognitive abilities are in a "conditional state" between normal aging and dementia. Normal age-related memory changes can include forgetting a person's name or the location of an object, however, individuals with MCI have difficulty with short-term memory loss. MCI is a state in which at least one cognitive function, usually short-term memory, is impaired to an extent that is greater than would be anticipated in the normal aging process. MCI is characterized by short-term memory problems, but no other symptoms of dementia (e.g., problems with language, judgment, changes in personality or behavior) that affect a person's daily functioning. Individuals with MCI may experience some difficulty with intellectually demanding activities, but lack the degree of cognitive and functional impairment required to meet diagnostic criteria for dementia.
- (n) (1) "New Facility" means any facility applying for an initial license whether newly constructed or previously existing for some other purpose.
- (2) "Nonambulatory Person" means a person who is unable to leave a building unassisted under emergency conditions. It includes, but is not limited to, those persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. It also includes persons who are unable, or likely to be unable, to respond physically or mentally to an oral instruction relating to fire danger and, unassisted, take appropriate action relating to such danger.
- (3) "Non-Compliance Conference" means a meeting initiated by the Department that takes place between the licensing agency and the licensee to afford the licensee an opportunity to correct licensing violations other than those that pose an immediate danger to residents and that may result in a corrective plan of action. Its purpose is to review the existing deficiencies and to impress upon the licensee the seriousness of the situation prior to the agency requesting administrative action to revoke the license. The Department may initiate administrative action without a non-compliance conference.
- (4) "Nutritionist" means a person holding a master's degree in food and nutrition, dietetics, or public health nutrition, or who is employed by a county health department in the latter capacity.
- (o) (Reserved)
- (p) (1) "Physician" means a person licensed as a physician and surgeon by the California Board of Medical Examiners or by the California Board of Osteopathic Examiners.
- (2) "Placement Agency" as defined in Health and Safety Code section 1569.47(a), means any county welfare department, county social services department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, state-funded program or private agency providing placement or referral services, and regional center for persons with developmental disabilities which is engaged in finding homes or other places for the placement of elderly persons for temporary or permanent care.

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

- (3) "PRN Medication" (pro re nata) means any nonprescription or prescription medication which is to be taken as needed.
- (4) "Provision" or "Provide." Whenever any regulation specifies that provision be made for or that there be provided any service, personnel or other requirement, it means that if the resident is not capable of doing so himself, the licensee shall do so directly or present evidence satisfactory to the licensing agency of the particular arrangement by which another provider in the community will do so.
- (5) "Provisional License" means a temporary, nonrenewable license, issued for a period not to exceed twelve months which is issued in accordance with the criteria specified in Section 87162, Provisional License.
- (q) (Reserved)
- (r) (1) "Rehabilitation" means the effort to reestablish good character since the date of the last conviction, including, but not limited to, education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service.
- (2) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great", or the spouse of any of the persons specified in this definition, even if the marriage has been terminated by death or dissolution.
- (3) "Request to Forego Resuscitative Measures" is defined in Probate Code section 4780.

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Probate Code section 4780 provides:

"(a) As used in this part:

(1) 'Request to forego resuscitative measures' means a written document, signed by

(A) an individual, or a legally recognized surrogate health care decisionmaker, and

(B) a physician that directs a health care provider to forego resuscitative measures for the individual.

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87101 DEFINITIONS (Continued)

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(2) 'Request to forego resuscitative measures' includes a prehospital 'do not resuscitate' form as developed by the Emergency Medical Services Authority or other substantially similar form.

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

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- (4) "Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75 percent of the residents are sixty years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents.
- (5) "Responsible Person" means that individual or individuals, including a relative, health care surrogate decision maker, or placement agency, who assist the resident in placement or assume varying degrees of responsibility for the resident's well-being.
- (6) "Room and Board" means a living arrangement where care and supervision is neither provided nor available.
- (s) (1) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health, or safety of the residents or clients of a community care facility.
- (2) "Shall" means mandatory. "May" means permissive.
- (3) "Significant Other" means a person, including a person of the same gender, with whom a resident was sharing a partnership prior to his/her placement in a Residential Care Facility for the Elderly (RCFE). The partnership involves two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.
- (4) "Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code section 1569.17(c)(4), if the individual's criminal history meets specific criteria established by Department regulation.

87102 DESCRIPTIONS OF FORMS**87102**

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapters 5 (Group Homes), 6 (Adult Residential Facilities) and 8 (Residential Care Facilities for the Elderly), except for PUB 325 and the RCFE Core of Knowledge which only apply to Chapter 8.

- (a) LIC 9139 (01/16) - Renewal of Continuing Education Course Approval, Administrator Certification Program.
- (b) LIC 9140 (01/16) - Request for Course Approval, Administrator Certification Program.
- (c) LIC 9140A (01/16) - Request to Add or Replace Instructor, Administrator Certification Program.
- (d) LIC 9141 (01/16) - Vendor Application/Renewal, Administrator Certification Program.
- (e) LIC 9142A (01/16) – Roster of Participants - for Vendor Use Only, Administrator Certification Program.
- (f) LIC 9142B (01/16) – Roster of Participants – for Exam Proctoring Only, Administrator Certification Program.
- (g) LIC 9163 (3/11) – Request for Live Scan Service – Community Care Licensing.
- (h) LIC 508 (7/15) Criminal Record Statement.
- (i) LIC 9214 (01/16) – Application for Administrator Certification, Administrator Certification Program.
- (j) PUB 325 (3/12) - Your Right To Make Decisions About Medical Treatment.
- (k) Core of Knowledge Training Standard (01/16) - RCFE 80-Hour Initial Certification.

NOTE: Authority cited: Sections 1530, 1569.616(i)(1) and 1569.30, Health and Safety Code. Reference: Sections 1522.41, 1562.3 and 1569.616, Health and Safety Code.

Article 2. License**87105 LICENSE REQUIRED****87105**

- (a) Pursuant to Health and Safety Code, Section 1569.10, any individual or legal entity providing or intending to provide care and supervision to the elderly in a residential facility shall obtain a current valid license pursuant to the provisions of this chapter. This shall not require an adult residential facility to relocate a resident who becomes 60, nor to change licensing category, provided that the resident's needs remain compatible with those of other residents, and the licensing agency has approved an exception request.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.10, 1569.44 and 1569.45, Health and Safety Code.

87106 OPERATION WITHOUT A LICENSE**87106**

- (a) An unlicensed facility as defined in Section 87101(u)(2) is in violation of section 1569.10, 1569.44, and/or 1569.45 of the Health and Safety Code unless the facility is exempted from licensure under Section 87107(a).
- (b) If the facility is alleged to be in violation of section 1569.10 and/or 1569.44 and/or 1569.45 of the Health and Safety Code, the licensing agency shall conduct a site visit and/or evaluation of the facility pursuant to Health and Safety Code section 1569.35.

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Health and Safety Code section 1569.35(c) provides in part:

"Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a residential care facility for the elderly, the department shall make a preliminary review and, unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 days after receiving the complaint.... In either event, the complainant shall be promptly informed of the department's proposed course of action."

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- (c) If the facility is operating without a license, the licensing agency shall issue a Notice of Operation in Violation of Law, and shall refer the case for criminal prosecution and/or civil proceedings.
- (d) The licensing agency shall issue an immediate civil penalty pursuant to Section 87768, Unlicensed Facility Penalties and Health and Safety Code section 1569.485.

87356	CRIMINAL RECORD EXEMPTION (Continued)	87356
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- (x) If the Department learns that an individual with a criminal record clearance or exemption has been convicted of a subsequent crime, the Department, at its sole discretion, may immediately initiate an administrative action to protect the health and safety of clients.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Section 1569.17, Health and Safety Code; Gresher v. Anderson (2005) 127 Cal App. 4th 88.

Article 7. Personnel**87405 ADMINISTRATOR - QUALIFICATIONS AND DUTIES****87405**

- (a) All facilities shall have a qualified and currently certified administrator. The licensee and the administrator may be one and the same person. The administrator shall have sufficient freedom from other responsibilities and shall be on the premises a sufficient number of hours to permit adequate attention to the management and administration of the facility as specified in this section. When the administrator is not in the facility, there shall be coverage by a designated substitute who shall have qualifications adequate to be responsible and accountable for management and administration of the facility as specified in this section. The Department may require that the administrator devote additional hours in the facility to fulfill his/her responsibilities when the need for such additional hours is substantiated by written documentation.
- (b) The administrator of a facility or facilities shall have the responsibility and authority to carry out the policies of the licensee.
- (c) Failure to comply with all licensing requirements pertaining to certified administrators may constitute cause for revocation of the license of the facility.
- (d) The administrator shall have the qualifications specified in Sections 87405(d)(1) through (7). If the licensee is also the administrator, all requirements for an administrator shall apply.
- (1) Knowledge of the requirements for providing care and supervision appropriate to the residents.
 - (2) Knowledge of and ability to conform to the applicable laws, rules and regulations.
 - (3) Ability to maintain or supervise the maintenance of financial and other records.
 - (4) When applicable, the ability to direct the work of others.
 - (5) Good character and a continuing reputation of personal integrity.
 - (6) Have a high school diploma or equivalent, such as a General Education Development (GED) certificate.
 - (7) Be at least 21 years of age.
- (e) The administrator of a facility licensed for sixteen (16) to forty-nine (49) residents shall have completed, with a passing grade, at least fifteen (15) college or continuing education semester or equivalent quarter units; and shall have at least one year's experience providing residential care to the elderly; or equivalent education and experience as approved by the Department.
- (f) The administrator in facilities licensed for fifty (50) or more shall have two years of college; at least three years experience providing residential care to the elderly; or equivalent education and experience as approved by the licensing agency.

87405 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued)**87405**

- (g) Administrators employed/licensed prior to July 1, 1982, shall not be required to comply with the college and continuing education requirements in Section 87405(e) or the college requirements in Section 87405(f) provided that they have no break in employment as a Residential Care Facility for the Elderly administrator exceeding three (3) consecutive years.
- (h) The administrator shall have the responsibility to:
- (1) Administer the facility in accordance with these regulations and established policy, program and budget.
 - (2) Where applicable, report to the licensee on the operation of the facility, and provide the licensee with necessary interpretations of recognized standards of care and supervision.
 - (3) Develop an administrative plan and procedures to ensure clear definition of lines of responsibility, equitable workloads, and adequate supervision.
 - (4) Recruit, employ and train qualified staff, and terminate employment of staff who perform in an unsatisfactory manner.
 - (5) Provide or ensure the provision of services to the residents with appropriate regard for the residents' physical and mental well-being and needs, including those services identified in the residents' Pre-Admission Appraisals, specified in Section 87457, Pre-admission Appraisal, and Reappraisal, as specified in Section 87463.
 - (6) Make special provisions for the safety and guidance of residents with visual or auditory deficiencies.
 - (7) Make provision for the resident with unmet needs to attend available community programs, including but not limited to, arranging for transportation.
 - (8) Have the personal characteristics, physical energy and competence to provide care and supervision and, where applicable, to work effectively with social agencies.
- (i) In those cases where the individual is both the licensee and the administrator of a residential care facility for the elderly, the individual shall comply with all of the licensee and certified administrator requirements.

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

87406 ADMINISTRATOR CERTIFICATION REQUIREMENTS**87406**

- (a) All individuals shall be residential care facility for the elderly certificate holders prior to being employed as an administrator.
- (1) Applicants who possess a valid Nursing Home Administrator license, issued by the California Department of Public Health, shall be exempt from completing an approved Initial Certification Training Program and taking a written exam, provided the individual completes twelve (12) hours of classroom instruction in the following Core of Knowledge areas:
 - (A) Four (4) hours of instruction in laws, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly, including but not limited to the authority referenced in this Chapter.
 - (B) Four (4) hours of instruction in medication management, including the use, misuse, and interaction of drugs commonly used by the elderly, including antipsychotics, and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.
 - (C) Four (4) hours of instruction in resident admission, retention, and assessment procedures.
 - (2) Individuals who were both the licensee and administrator on or before July 1, 1991, shall complete an Initial Certification Training Program but shall not be required to take the written exam. Individuals exempted from the written exam shall be issued a conditional certification valid only for the administrator of the facility for which the exemption was granted.
 - (A) As a condition to becoming a certified administrator of another facility, a holder of a conditional certificate issued pursuant to Section 87406(a)(2) shall be required to pass the written exam.
 - (B) As a condition to applying for a new facility license, the holder of a conditional certificate issued pursuant to Section 87406(a)(2) shall be required to pass the written exam.
 - (3) An applicant for licensure shall be subject to the same application process for Initial Certification of Administrators as set forth in Section 87406(b).
- (b) To receive his/her certificate an applicant shall:
- (1) Unless exempted by Section 87406(a)(1), successfully complete a Department-approved Initial Certification Training Program as described in Section 87785(h).
 - (2) Unless exempted by Section 87406(a)(1) or (a)(2), pass a written exam developed and administered by the Department within sixty (60) days of completion of an Initial Certification Training Program and within three (3) attempts.

87406 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued) 87406

- (3) Submit a completed Application for Administrator Certification form LIC 9214 to the Department's Administrator Certification section within thirty (30) days of being notified of having passed the exam, or if the applicant is exempt from taking the written exam, within 30 days of completing the Initial Certification Training Program. The application shall contain the following:
- (A) The applicant's name, address, e-mail address, phone number(s), and date of birth.
 - (B) A statement of whether or not the applicant:
 - (i) Held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (ii) Held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
 - (iii) Was the subject of any legal, administrative or other action involving licensure, certification or other approvals as specified in Sections 87406(b)(3)(B)(i) and (ii).
 - (C) Proof that the applicant has successfully completed a Department-approved Initial Certification Training Program or, in the case of a Nursing Home Administrator, proof of completion of the required hours of classroom instruction as specified in Section 87406(a)(1).
 - (D) Documentation of passing the written exam or qualifying for an exemption pursuant to Section 87406(a)(1) or (a)(2).
 - (E) A statement certifying that the information submitted is true and correct.
 - (F) A completed Criminal Record Statement form LIC 508.
 - (G) A completed Request for Live Scan Service form LIC 9163, signed and dated by the live scan vendor, to document that the applicant has submitted fingerprints to the Department of Justice at a live scan location, or a statement that the applicant has a current criminal record clearance or an exemption on file with the Department.
 - (H) A non-refundable one hundred dollar (\$100) processing fee.
 - (I) A copy of the front and back of his/her current nursing home wallet license, or equivalent, if the applicant is a current Nursing Home Administrator.
- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance or an exemption pursuant to Health and Safety Code section 1569.17 or is able to transfer a current criminal record clearance or an exemption pursuant to Health and Safety Code section 1569.17(g)(1).

87406 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued)**87406**

- (d) No person shall cheat on, subvert, or attempt to subvert, the exam given by the Department, including, but not limited to, engaging in, soliciting, or procuring any of the following:
- (1) Any form of communication between one or more examinees and any other person, other than a proctor or exam official, while the exam is in progress.
 - (2) The taking of all or a part of the exam by a person other than the applicant.
 - (3) Possession or use at any time during the exam or while the examinee is on the exam premises of any device, material, or document that is not expressly authorized for use by examinees during the exam, including, but not limited to, notes, crib sheets, textbooks, and electronic devices.
 - (4) Failure to follow any exam instruction or rule related to exam security.
- (e) Any applicant caught willfully cheating under this section shall be deemed to have failed that exam and may be denied certification pursuant to Section 87408 as a result of the conduct.
- (f) It shall be unlawful for any person not certified under this section to hold himself or herself out as a certified administrator. Any person willfully making any false representation as being a certified administrator is guilty of a misdemeanor.
- (g) Certificates issued under this section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements.
- (h) Certificates shall be valid for a period of two (2) years and expire on either the anniversary date of initial issuance or on the individual's birthday during the second calendar year following certification.
- (1) The certificate holder shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two (2) years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification.
- (i) Time deadlines specified in Sections 87406(b)(2) and (3) may be extended up to sixty (60) days in total for good cause as determined by the Department. Any request for an extension of time shall be made in writing to the Administrator Certification Section Manager within sixty (60) days of completing the Initial Certification Training Program and shall contain a statement of all facts the applicant believes constitute good cause to extend a time deadline.
- (1) Good cause may include death of an immediate family member, required fulfillment of military service or other civic duty, or another unavoidable and verifiable event as determined by the Department. Failure of the exam shall not constitute good cause for an extension.

87406 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued) 87406

- (2) Absent a good cause extension, the Department shall not process and may deem withdrawn an application that fails to meet the time deadlines specified in Sections 87406(b)(2) or (3).
- (3) Any applicant who fails to meet the time deadlines specified in Sections 87406(b)(2) and (3) must begin the certification process described in Section 87406(b) anew, and complete it within the time deadlines specified in Sections 87406(b)(2) and (3).

NOTE: Authority cited: Sections 1569.23, 1569.30 and 1569.616, Health and Safety Code. Reference: Sections 1569.17, 1569.171, 1569.23, 1569.315, 1569.50, 1569.613 and 1569.616, Health and Safety Code.

87407 ADMINISTRATOR RECERTIFICATION REQUIREMENTS 87407

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during each two (2)-year certification period, including.
 - (1) For administrators who renew their administrator certification on or after January 1, 2003, at least eight (8) hours in subjects related to serving residents with Alzheimer's Disease and other dementias, including, but not limited to, instruction related to direct care, physical environment, and admissions procedures and assessment.
 - (A) This instruction may be taken as a single eight (8)-hour class or in smaller increments that total at least eight (8) hours within each two (2)-year renewal period.
 - (2) At least four (4) hours of instruction in laws, regulations, policies, and procedural standards that impact the operation of residential care facilities for the elderly, including but not limited to the regulations contained in this Chapter.
 - (3) If not included in the certified administrator's Initial Certification Training Program, at least one (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved aging lesbian, gay, bisexual, and transgender community.
- (b) Continuing education hours must be sufficiently related by subject matter and logic to the Core of Knowledge, current and relevant to facility operations and care, and completed through courses approved for residential care facility for the elderly administrators by the Department.
- (c) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting as defined in Section 87101(c)(7), except that up to one-half of the required forty (40) hours of continuing education necessary to renew the certificate may be satisfied through interactive online courses as specified in Section 87788(i)(1).
 - (1) The Department will not count toward the continuing education requirements more than ten (10) hours of instruction, in-class and/or online, completed in a single day.

87407 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 87407

- (2) Home study or correspondence-type courses will not be counted toward completion of continuing education requirements as they are not interactive by design.
 - (3) Completion of an Initial Certification Training Program or component(s) thereof will not be counted toward completion of continuing education requirements as the Program is intended for new administrators.
 - (4) Any specific continuing education course may only be accepted once per renewal period toward completion of the continuing education requirements.
- (d) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit to the Department's Administrator Certification Section, post-marked on, or up to ninety (90) days before, the certificate expiration date:
- (1) A completed Application for Administrator Certification form LIC 9214.
 - (2) Evidence of completion of forty (40) continuing education hours as specified in Section 87407(a), or, if applicable, twenty (20) continuing education hours as specified in Section 87407(g).
 - (3) Payment of a non-refundable one hundred dollar (\$100) processing fee.
 - (4) A copy of the front and back of his/her current nursing home wallet license, or equivalent, if the applicant is a current Nursing Home Administrator.
- (e) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit to the Department's Administrator Certification Section:
- (1) A completed Application for Administrator Certification form LIC 9214.
 - (2) Evidence of completion of the required continuing education hours as specified in Section 87407(a), or 87407(g), if applicable. The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if they had remained certified. The date of computation shall be the date application for renewal is received by the Department's Administrator Certification Section.
 - (3) Payment of a non-refundable delinquency fee equal to three times the one hundred dollar (\$100) renewal fee, or three hundred dollars (\$300).
 - (4) A copy of the front and back of his/her current nursing home wallet license, or equivalent, if the applicant is a current Nursing Home Administrator.
- (f) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.

87407 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 87407

- (1) Holders of certificates not renewed within four (4) years of their expiration date must begin anew the certification process specified in Section 87406(b).
- (g) Certificate holders who possess a valid Nursing Home Administrator license shall be required to complete only twenty (20) of the required forty (40) hours of continuing education, but including the requirements of Section 87407(a)(1)-(3).
- (h) Certificate holders, as a condition of recertification, shall have a current criminal record clearance or exemption.
- (i) A non-refundable processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (j) A certificate holder shall report any change of mailing address within thirty (30) days of the change to the Department's Administrator Certification Section.
- (k) Whenever a certified administrator assumes or relinquishes responsibility for administering a residential care facility for the elderly, he or she shall provide written notice, within thirty (30) days, to:
 - (1) The local licensing office responsible for receiving information regarding personnel changes at the licensed facility with whom the certificate holder is or was associated, and
 - (2) The Department's Administrator Certification Section.

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

87408 ADMINISTRATOR CERTIFICATE DENIAL OR REVOCATION 87408

- (a) The Department may deny or revoke any administrator certificate for violation of licensing regulations or on any of the following grounds:
 - (1) The certificate holder or applicant procured or attempted to procure a certificate by fraud, misrepresentation, bribery, or other unlawful behavior.
 - (2) The certificate holder or applicant knowingly made or gave a false statement or information in conjunction with the application for a certificate.
 - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and;
 - (A) The certificate holder did not appeal the exclusion order, or

87408 ADMINISTRATOR CERTIFICATE DENIAL OR REVOCATION
(Continued)**87408**

- (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (4) The certificate holder or applicant does not have a current criminal record clearance or exemption.
- (5) The certificate holder fails to comply with certificate renewal requirements.
- (A) The Department may reinstate a certificate that has been revoked for failure to comply with certificate renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.
- (6) The certificate holder engaged in conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code section 1569.51.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code section 1569.16.

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

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

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

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87408 **ADMINISTRATOR CERTIFICATE DENIAL OR REVOCATION** **87408**
(Continued)

HANDBOOK CONTINUES

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

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NOTE: Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1569.16, 1569.17, 1569.50, 1569.51, 1569.613 and 1569.616, Health and Safety Code.

87409 **ADMINISTRATOR CERTIFICATE FORFEITURE** **87409**

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

87409 ADMINISTRATOR CERTIFICATE FORFEITURE
(Continued)**87409**

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

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

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

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

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

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

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87409**ADMINISTRATOR CERTIFICATE FORFEITURE**
(Continued)**87409**

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

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

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

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NOTE: Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1568.092, 1569.16, 1569.50, 1569.58 and 1569.616, Health and Safety Code.

87411**PERSONNEL REQUIREMENTS - GENERAL****87411**

- (a) Facility personnel shall at all times be sufficient in numbers, and competent to provide the services necessary to meet resident needs. In facilities licensed for sixteen or more, sufficient support staff shall be employed to ensure provision of personal assistance and care as required in Section 87608, Postural Supports. Additional staff shall be employed as necessary to perform office work, cooking, house cleaning, laundering, and maintenance of buildings, equipment and grounds. The licensing agency may require any facility to provide additional staff whenever it determines through documentation that the needs of the particular residents, the extent of services provided, or the physical arrangements of the facility require such additional staff for the provision of adequate services.
- (b) All persons who supervise employees or who supervise or care for residents shall be at least eighteen (18) years of age.

87411 PERSONNEL REQUIREMENTS - GENERAL (Continued)**87411**

- (c) All RCFE staff who assist residents with personal activities of daily living shall receive at least ten hours of initial training within the first four weeks of employment and at least four hours annually thereafter.
- (1) Staff providing care shall receive appropriate training in first aid from persons qualified by such agencies as the American Red Cross.
 - (2) This training shall be administered on the job, in a classroom setting, or any combination of the two.
 - (3) The training shall include, but not be limited to, the following:
 - (A) The aging process and physical limitations and special needs of the elderly. At least two (2) of the required ten (10) hours shall cover this subject.
 - (B) Importance and techniques of personal care services, including but not limited to, bathing, grooming, dressing, feeding, toileting, and universal precautions. At least three (3) of the required ten (10) hours shall cover this subject.
 - (C) Residents rights, as specified in Section 87468, Personal Rights.
 - (D) Policies and procedures regarding medications, including the knowledge in Section 87411(d)(4). At least two (2) of the required ten (10) hours shall cover this subject. Any on-the-job training provided for the requirements in Section 87411(d)(4) may also count towards the requirement in this subsection.
 - (E) Psychosocial needs of the elderly, such as recreation, companionship, independence, etc.
 - (F) Recognizing signs and symptoms of dementia in individuals.
 - (4) All training shall be conducted by a person who is knowledgeable in a subject that is relevant to the subject area in which training is to be provided, and who satisfies at least one of the following criteria related to education and experience:
 - (A) Both a four-year college degree, graduate degree or professional degree, and two (2) years of experience in an area relevant to caring for the needs of the elderly, or
 - (B) License to work as a health care provider in California, or
 - (C) At least two years of experience in California as an administrator of an RCFE, within the last eight years, and with a record of administering facilities in substantial compliance, as defined in Section 87101(s)(9).

Article 15. Administrator Certification Training Programs - Vendor Information**87785 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS 87785**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants for licensure or administrator certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 and the Vendor Application/Renewal form LIC 9141. The request shall be signed by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
 - (1) Name, type of entity, physical address, e-mail address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
 - (3) Written description and educational objectives for each subject matter component, hourly topical outline, teaching method, and description of course and participant evaluation methods.
 - (A) The use of videos, videotapes, video clips, or other visual recordings are permitted as media teaching aids in an Initial Certification Training Program but shall not, in themselves, constitute the Program or any subject matter component thereof.
 - (4) Qualifications of each proposed instructor as specified in Section 87785(i)(7).
 - (5) Locality(ies) areas in which the Training Program will be offered.
 - (6) A list and the locations of records to be maintained, pursuant to Section 87785(i)(5).
 - (7) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (8) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
 - (9) A statement of whether or not the vendor applicant and each proposed instructor was the subject of any legal, administrative, or other action involving licensure, certification or other approvals as specified in Sections 87785(b)(7) and (8).
 - (10) A non-refundable processing fee of one hundred-fifty dollars (\$150).

87785 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued)**87785**

- (c) Initial Certification Training Program approval shall expire two (2) years from the date the Initial Certification Training Program vendorship is approved by the Department.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 and the Vendor Application/Renewal form LIC 9141, and shall contain the information and processing fee specified in Section 87785(b).
 - (1) A vendor must have a current approved Residential Care Facilities for the Elderly Initial Certification Training Program in order to renew its Residential Care Facilities for the Elderly Initial Certification Training Program vendorship.
- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Residential Care Facilities for the Elderly Initial Certification Training Program shall consist of the following components:
 - (1) A minimum of eighty (80) hours of coursework, including at least sixty (60) classroom hours of in-person instruction in a classroom setting, as defined in Sections 87101(c)(6) and (7), with the following uniform Core of Knowledge curriculum:
 - (A) Eight (8) hours of instruction in laws, including regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly.
 - (B) Six (6) hours of instruction in business operations.
 - (C) Six (6) hours of instruction in management and supervision of staff.
 - (D) Seven (7) hours of instruction in the psychosocial needs of the elderly.
 - (E) Eight (8) hours of instruction in the physical needs of the elderly.

87785 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 87785

- (F) Two (2) hours of instruction in the use of community and support services to meet residents' needs.
- (G) Eight (8) hours of instruction in medication management, including the use, misuse and interaction of drugs commonly used by the elderly, including antipsychotics, and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.
- (H) Ten (10) hours of instruction on in resident admission, retention, and assessment procedures.
- (I) Eight (8) hours of instruction in the care of residents with Alzheimer's Disease and other dementias, including nonpharmacologic, person-centered approaches to dementia care.
- (J) One (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved aging lesbian, gay, bisexual, and transgender community.
- (K) Four (4) hours in managing the physical environment, including maintenance and housekeeping.
- (L) Four (4) hours in residents' rights, and the importance of initial and ongoing training for all staff to ensure residents' rights are fully respected and implemented.
- (M) Eight (8) hours in postural supports, restricted health conditions, and hospice care.

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Topics within the basic curriculum must include, but are not limited to, topics as specified in the Department's Core of Knowledge Standards chart for each of the Core of Knowledge components specified in Sections 87785(h)(l). The chart is incorporated in Section 87102(k) and available from the Department.

Core of Knowledge information is derived from a variety of sources governing the operation of licensed residential care facilities for the elderly, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Government Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 87100 et. seq.

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- (2) A standardized exam developed and administered by the Department.
- (A) Individuals completing an Initial Certification Training Program must pass the exam with a minimum score of seventy percent (70%).

87785 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 87785

- (B) The exam questions shall reflect the hour value of the Core of Knowledge areas specified in Sections 87785(h)(1) and further detailed in the Core of Knowledge Standards chart incorporated in Section 87102(k).
- (i) Initial Certification Training Program vendors shall:
- (1) Offer all eighty (80) of the hours required for certification, as described in Section 87785(h)(1).
 - (2) Establish a procedure to allow participants to make up any component necessary to complete the total program hours and content.
 - (3) Issue certificates of completion to participants who successfully complete the program.
 - (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, approved course number, and the date(s), time(s) and location(s) of program classes.
 - (4) Submit to the Department upon request a Roster of Participants (LIC 9142A or other document which includes the same information) who completed the program.
 - (5) Maintain and ensure that records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. These records shall include the following information:
 - (A) Course schedules, dates, descriptions and course outlines.
 - (B) A list of instructors and documentation of qualifications of each, as specified in Section 87785(i)(7).
 - (C) A Roster of Participants (LIC 9142A or other document which includes the same information) and documentation of who completed the program.
 - (D) Evaluations by participants of courses and instructors.
 - (E) Audio-visual recordings of all Initial Certification Training Programs and program components offered outside of California.
 - (6) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor(s) for each future program /component.

87785 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 87785

- (7) Have persons as instructors who have verifiable knowledge and/or experience in the subject matter and content to be taught and who meet at least one of the following criteria:
- (A) Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the subject(s) to be taught, or
 - (B) Four (4) years of experience relevant to the course(s) to be taught, or
 - (C) Be a professional, in a field related to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
 - (D) Have at least four (4) years of experience in California as an administrator of a residential care facility for the elderly, within the last six (6) years, with a record of administering the facility(ies) in substantial compliance, as defined in Section 87101(s)(9), and have verifiable training in the subject(s) to be taught.
- (8) A minimum of twenty (20) hours of instruction must be provided by an instructor(s) who meet(s) the criteria specified in Section 87785(i)(7)(D).
- (A) Where good faith efforts to employ an instructor who meets the criteria specified in Section 87785(i)(7)(D) are unsuccessful, vendors may apply to the Department's Administrator Certification Section for a waiver of this requirement.
- (9) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
- (10) Encourage course instructors to elicit and respond appropriately to participants' questions.
- (11) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
- (12) Report any changes of the information in 87785(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (j) Initial Certification Training Program Vendors shall allow Department representatives to monitor and inspect Training Programs.
- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor Initial Certification Training Programs with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.

87785 INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued) 87785

- (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
 - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
 - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (k) If, as a result of an investigation or inspection, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide the Initial Certification Training Program Vendor with the notice of deficiency in person or by registered mail.
- (1) The notice of deficiency shall be in writing and shall include:
 - (A) A reference to the statute or regulation upon which the deficiency is premised.
 - (B) A factual description of the nature of the deficiency fully stating the manner in which the Initial Certification Training Program Vendor failed to comply with the specified statute or regulation.
 - (C) The amount of penalty pursuant to Section 87794 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
 - (D) The appeal process as specified in Section 87795.
 - (2) The Department and the Initial Certification Training Program Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
 - (3) Absent prior Department approval, all Program deficiencies shall be corrected prior to the next offering of the Initial Certification Training Program, and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.
- (l) Initial Certification Training Program Vendors shall not instruct or "co-locate" more than one program type (Adult Residential Facility, Group Home, Residential Care Facility for the Elderly) at one time.
- (m) Initial Certification Training Program Vendors and their instructors who are also seeking administrator certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

87785	INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND PROGRAM APPROVAL REQUIREMENTS (Continued)	87785
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NOTE: Authority cited: Sections 1569.23, 1569.30, 1569.616, and 1569.62, Health and Safety Code.
Reference: Sections 1569.16, 1569.23, 1569.50 and 1569.616, Health and Safety Code.

87786	DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL CERTIFICATION TRAINING PROGRAM	87786
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- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1569.616(i)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of denial.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.616(i)(1) provides in part:

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

HANDBOOK ENDS HERE

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

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.16(b) provides:

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

HANDBOOK ENDS HERE

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

87787 REVOCATION OF AN INITIAL CERTIFICATION TRAINING PROGRAM**87787**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 87785, Initial Certification Training Program Approval Requirements, or
- (1) Is unable to provide training due to lack of staff, funds or resources, or
 - (2) Misrepresents or makes false claims regarding the training provided, or
 - (3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
 - (4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or
 - (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code section 1569.51.
- (c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1569.16.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.16 in pertinent part provides:

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

HANDBOOK CONTINUES

**87787 REVOCATION OF AN INITIAL CERTIFICATION
TRAINING PROGRAM (Continued)****87787****HANDBOOK CONTINUES**

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

HANDBOOK ENDS HERE

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

**87788 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS****87788**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department's Administrator Certification Section using the Vendor Application/Renewal form LIC 9141. The request shall be signed by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
- (1) Name, type of entity, physical address, e-mail address, and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
 - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
 - (3) A statement of whether or not the vendor applicant held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
 - (4) A statement of whether or not the vendor applicant was the subject of any legal, administrative or other action involving licensure, certification or other approvals as specified in Sections 87788(b)(2) and (3).
 - (5) A non-refundable processing fee of one hundred dollars (\$100).

**87788 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****87788**

- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program vendorship shall be submitted to the Department's Administrator Certification Section using the Vendor Application/Renewal form LIC 9141, and shall contain the information and processing fee specified in Section 87788(b).
- (1) A continuing education vendor must have one or more current approved Residential Care Facilities for the Elderly continuing education courses in order to renew its Residential Care Facilities for the Elderly continuing education program vendorship.
- (e) If a request for approval or renewal of a Continuing Education Training Program vendorship is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) Continuing Education Training Program vendors shall:
- (1) Issue certificates of completion to participants who successfully complete the program.
- (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, the approved course name and course number, the approved course hours, and the date(s), time(s) and location(s) of the course(s).
- (2) Maintain and ensure that records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following:
- (A) Course schedules, dates, descriptions and course outlines.
- (B) Lists of instructors and documentation of qualifications of each as specified in Section 87788(h)(3).

87788

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

87788

- (C) Rosters of Participants (LIC 9142A or other document which includes the same information) and documentation of who completed the courses.
 - (D) Evaluations by participants of courses and instructors.
 - (E) Audio-visual recordings of all Continuing Education Training courses offered outside of California.
- (3) Have instructors who have verifiable knowledge and/or experience in the subject matter and content to be taught and who meet at least one of the following criteria:
- (A) Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the subject(s) to be taught, or
 - (B) Four (4) years of experience relevant to the course to be taught, or
 - (C) Be a professional, in a field related to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
 - (D) Have at least four (4) years of experience in California as an administrator of a residential care facility for the elderly, within the last six (6) years, with a record of administering the facility(ies) in substantial compliance as defined in Section 87101(s)(9), and have verifiable training in the subject(s) to be taught.
- (4) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor for each future course.
- (5) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
- (6) Encourage course instructors to elicit and respond appropriately to participants' questions.
- (7) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
- (8) Report any changes of the information in 87788(b)(1) within thirty (30) days to the Department's Administrator Certification Section.

**87788 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****87788**

- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting as defined in Section 87701(c)(7), except that:
- (1) The Department may approve online courses pursuant to Health and Safety Code section 1569.616(i)(2) where the technology permits the interactive participation of the certificate holder and such participation is verifiable. Interactive online training courses require the participant to respond to prompts and receive feedback at various intervals throughout the course in order to progress through the training and to successfully pass a test at the conclusion of the course in order to receive a certificate of completion for the course.
 - (A) A Webinar or similar type of live broadcast of a training course may be approved by the Department for online continuing education hours pursuant to Health and Safety Code section 1569.616(i)(2)(B) where the technology permits interactive participation of the certificate holder and such participation is verifiable, and where it can be verified that the certificate holder was logged on and interacting throughout the entire length of the Webinar.
 - (B) All online training courses shall be designed to ensure participation for the actual number of hours approved and to ensure that participants cannot print a certificate of completion until the approved course hours have been completed.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.616(i)(2) provides that:

"(A) A vendor of online programs for continuing education shall ensure that each online course contains all of the following:

- (i) An interactive portion where the participant receives feedback, through online communication, based on input from the participant.
 - (ii) Required use of a personal identification number or personal identification information to confirm the identity of the participant.
 - (iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. Any person who certifies as true any material matter pursuant to this section that he or she knows to be false is guilty of a misdemeanor.
- (B) Nothing in this subdivision shall prohibit the department from approving online programs for continuing education that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department's satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section."

HANDBOOK ENDS HERE

**87788 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****87788**

- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses and Programs.
- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor continuing education training courses with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
 - (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
 - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
 - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (l) If, as a result of an investigation or inspection, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide Continuing Education Training Program Vendor with the notice of deficiency in person or by registered mail.
- (1) The notice of deficiency shall be in writing and shall include:
 - (A) A reference to the statute or regulation upon which the deficiency is premised.
 - (B) A factual description of the nature of the deficiency fully stating the manner in which the Vendor failed to comply with the specified statute or regulation.
 - (C) The amount of penalty pursuant to Section 87794 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
 - (D) The appeal process as specified in Section 87795.
 - (2) The Department and the Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
 - (3) Absent prior Department approval, all course deficiencies shall be corrected prior to the next offering of the deficient course(s), and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.

**87788 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****87788**

- (m) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (Adult Residential Facility, Group Home, Residential Care for the Elderly), may provide "multiple crediting," that is, more than one certification for the course, to participants who complete the course satisfactorily.
- (n) Continuing Education Training Program vendors that the Department has approved for more than one program type (Adult Residential Facility, Group Home, Residential Care for the Elderly), may "co-locate" or instruct specified courses for more than one program type.
 - (1) The approved hours for co-located courses may differ depending on the content pertinent to each program type.
- (o) Continuing Education Training Program vendors and their instructors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

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

**87789 CONTINUING EDUCATION TRAINING PROGRAM
COURSE APPROVAL REQUIREMENTS****87789**

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
 - (1) At the sole discretion of the Department, continuing education credit may be granted for training provided by the Department's licensing staff.
- (b) Any vendor applicant seeking approval of a Continuing Education Training Program course shall submit a written request to the Department using the Request for Course Approval form LIC 9140 for each course. The request shall be signed by an authorized representative of the vendor certifying that the information submitted is true and correct, and contain the following:
 - (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor(s).
 - (2) Written description and educational objectives, teaching methods, hourly topical content outline, and a description of course and participant evaluation methods.
 - (A) The use of videos, videotapes, video clips, or other visual recordings, are permitted as media teaching aids in a continuing education course but shall not, in themselves, constitute the course.

87789 CONTINUING EDUCATION TRAINING PROGRAM COURSE APPROVAL REQUIREMENTS (Continued) 87789

- (3) Qualifications of each proposed instructor, as specified in Section 87788(h)(3).
 - (4) A list and the location(s) of records to be maintained, pursuant to Section 87788(h)(2).
 - (5) A statement of whether or not the proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
 - (6) A statement of whether or not the proposed instructor held or currently holds a State-issued care facility license or was, or is, employed by a State-licensed care facility and the license number.
 - (7) A statement of whether or not the proposed instructor was the subject of any legal, administrative or other action involving licensure, certification or other approvals as specified in Sections 87789(b)(5) and (6).
- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval, as provided in Section 87788(c).
- (1) To renew a course, the vendor applicant shall submit a written request to the Department's Administrative Certification Section using the Renewal of Continuing Education Course Approval forms LIC 9139 and the Vendor Application/Renewal form LIC 9141, at least thirty (30) days prior to the course expiration.
 - (2) Course renewal requests received by the Department after the course expiration date shall be denied, and the vendor required to resubmit the courses for approval pursuant to Section 87789(b).
 - (3) Course renewal requests received for courses where the content is known to have changed, or needs to be updated, shall be denied. The vendor will need to submit the revised course for approval pursuant to Section 87789(b).
- (d) If a request for approval or renewal of a Continuing Education Training Program course is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (e) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.

87789 CONTINUING EDUCATION TRAINING PROGRAM COURSE APPROVAL REQUIREMENTS (Continued) 87789

- (f) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the course has been approved or denied.
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered, as specified in Section 87789(b).

NOTE: Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code.
Reference: Sections 1522.08 and 1569.616, Health and Safety Code.

87791 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION OF A CONTINUING EDUCATION COURSE 87791

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
- (1) The vendor must request administrative review in writing to the Department's Administrative Certification Section Manager within ten (10) days of the receipt of the Department's notice denying or revoking course approval.
 - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
 - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed that would have led to a different decision, he/she shall have the authority to amend the denial or revocation of course approval.
 - (4) The reviewer shall send a written response to the vendor within thirty (30) days of the Section's receiving the request per Section 87791(a)(1).
 - (5) The decision of the higher-level staff person shall be final.

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

87792 DENIAL OF A REQUEST FOR AN APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM 87792

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

**87792 DENIAL OF A REQUEST FOR AN APPROVAL OF A
CONTINUING EDUCATION TRAINING PROGRAM (Continued)****87792**

HANDBOOK BEGINS HERE

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

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

HANDBOOK ENDS HERE

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

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.16(b) provides:

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

HANDBOOK ENDS HERE

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

**87793 REVOCATION OF A CONTINUING EDUCATION
TRAINING PROGRAM****87793**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 87788, Continuing Education Training Program Vendor Requirements, and 87789, Continuing Education Training Program Course Approval Requirements, or:

**87793 REVOCATION OF A CONTINUING EDUCATION
TRAINING PROGRAM (Continued)****87793**

- (1) Is unable to provide training due to lack of staff, funds or resources; or
 - (2) Misrepresents or makes false claims regarding the training provided; or
 - (3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program; or
 - (4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction; or
 - (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code section 1569.51.
- (c) Any application for approval of a Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code section 1569.16.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.16 in pertinent part provides:

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

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

HANDBOOK ENDS HERE

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

87794 PENALTIES**87794**

- (a) A penalty of \$50 per day, per cited violation, shall be assessed for all deficiencies that are not corrected as specified in the notice of deficiency.
- (b) Unless otherwise ordered by the Department, all penalties are due and payable upon receipt of notice of payment, and shall be paid only by money order or cashier's check made payable to the Department.
- (c) The Department shall have authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (b) above.

NOTE: Authority cited: Sections 1569.30 and 1569.616(i), Health and Safety Code. Reference: Sections 1569.185, 1569.49 and 1569.495, Health and Safety Code.

87795 APPEAL PROCESS**87795**

- (a) A vendor may request in writing to the Department's Administrator Certification Section Manager a review of a notice of deficiency or notice of penalty within ten (10) working days of receipt of the notice. This review shall be conducted by a higher level staff person other than the evaluator who issued the notice.
- (b) If the reviewer determines that a notice of deficiency or notice of penalty was not issued in accordance with applicable statutes and regulations, the reviewer shall amend or dismiss the notice. In addition, the reviewer may extend the date specified for correction of a deficiency if warranted by the facts or circumstances to support a request for extension.
- (c) The reviewer will send a written response to the vendor within thirty (30) days of the Section's receiving a request as described in (a) above.

NOTE: Authority cited: Sections 1569.30 and 1569.616(i), Health and Safety Code. Reference: Section 1569.33, Health and Safety Code.

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