



CDSS

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ADULT AND SENIOR CARE UPDATE



SPRING 2014

Welcome to the Spring Edition of the *Adult and Senior Care Update*. Our goal is to provide you with timely and relevant information about issues that affect adult and senior care licensed facilities. Please review this *Update* and share it with members of your organization, as well as with others interested in adult and senior care issues.

WELCOME NEW COMMUNITY CARE LICENSING DIVISION DEPUTY DIRECTOR PAMELA DICKFOSS!

A warm welcome to our new Deputy Director, Pam Dickfoss. The Deputy Director oversees the activities of the Adult and Senior Care, Children's Residential, and Child Care Programs, as well as the Technical Assistance and Policy, Continuing Care Contracts, Central Operations and Investigations Branches.

Ms. Dickfoss previously served as the Assistant Deputy Director at the Department of Public Health. In this position, Ms. Dickfoss managed the day to day operations of the Center for Health Care Quality Licensing and Certification Program which has 15 offices throughout the state, with regulatory responsibility for over 8,000 healthcare facilities and nearly 250,000 certified nurses' aides and hemodialysis technicians. Ms. Dickfoss' 17 year state career also reflects many years of management and budget experience at the Department of Health Services. Please join the Community Care Licensing Division (CCLD) in welcoming Ms. Dickfoss to the California Department of Social Services.

CHAPTERED LEGISLATION AND IMPLEMENTATION PLANS FOR 2013

Implementation plans for bills chaptered in 2013 affecting Residential Care Facilities for the Elderly (RCFEs) and Adult Community Care facilities are available on the CCLD website. Unless otherwise noted in the implementation plans, these laws were effective January 1, 2014.

Licensees should review these implementation plans with staff to ensure compliance. To review the implementation plans, go to: <http://www.cclid.ca.gov/PG3063.htm>

If you have any questions, you can locate your local licensing office at: <http://www.cclid.ca.gov/res/pdf/ASC.pdf>.

CHANGES TO THE “ON-LINE” EVALUATOR MANUAL

The 2013 Laws & Acts - Health & Safety (H&S) Code are no longer posted on the CCLD Webpage in the online Evaluator Manual. To view the following Acts, go to the California Legislative Information website at: <http://leginfo.legislature.ca.gov/>

- Community Care Facilities Act, H&S Code sections 1500-1567.50.
- Residential Care for the Elderly Act, H&S Code sections 1569-1569.889.
- Residential Care Facilities for the Chronically Ill Act, H&S Code sections 1568.01-1568.094.

OLMSTEAD ANNIVERSARY – JUNE 2014

The 15th anniversary of the Supreme Court decision *Olmstead v. L.C.* is June 2014. To commemorate the anniversary, the Department of Justice (DOJ) has planned to develop a short compilation video highlighting individuals with disabilities who have benefited from *Olmstead*.

In *Olmstead v. L.C.*, 527 U.S. 581, 119 Supreme Court 2176 (1999) ("the *Olmstead* decision"), the Supreme Court construed Title II of the Americans with Disabilities Act (ADA) to require states to place qualified individuals with mental disabilities in community settings, rather than in institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and that the state can reasonably accommodate the placement, taking into account the resources available to the state and the needs of others with disabilities. The DOJ regulations implementing Title II of the ADA require public entities to administer their services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

For more information on the *Olmstead* Anniversary, or other issues, events, and news affecting older Americans, please go to the Administration for Community Living website at: <http://www.acl.gov> .

LONG-TERM CARE OMBUDSMAN POSTER REQUIREMENTS

Welfare and Institutions Code Section 9718 requires that the Long-Term Care Ombudsman poster be placed in a conspicuous location in all RCFEs. The poster notifies residents, family members, friends and facility staff of the local Ombudsman Program telephone number and of the toll-free CRISIS line number. The poster and

other information can be obtained by contacting the ombudsman program serving the county in which your facility is located. For a list of local Ombudsman offices, go to: <https://www.aging.ca.gov/Programs/LTCOP/Contacts/>

ADMINISTRATOR CERTIFICATION SECTION

Reminder: Please be sure to post mark completed applications for administrator certificate renewals no less than 30 to 90 days prior to the expiration date on the certificate. This will allow the Administrator Certification Section (ACS) staff to process your application prior to the expiration date and give ample time to make corrections or submit any missing documents for incomplete applications prior to the expiration date. Remember the delinquency/late fee of \$300 applies if ACS does not have a **complete application packet that is postmarked on or prior to your expiration date**. If you have any questions regarding this or any other certification issue please call the ACS main line at (916) 653-9300 or go to the ACS website at: <http://cclld.ca.gov/PG471.htm>.

DESIGNATED ADMINISTRATORS

All RCFE licensees are reminded that if the facility administrator is temporarily absent, there must be a designated person who is qualified to act as an administrator and operate the facility in their absence. The designated administrator must meet qualifying criteria as described in regulations section 87405 RCFE, and 85064 for Adult Residential Facilities: Administrator qualifications and duties which may be found at: http://www.cclld.ca.gov/res/pdf/RCFE_ADM.pdf and http://www.cclld.ca.gov/res/pdf/ARF_ADM.pdf

SAFETY AND BED RAILS

Providers are reminded that the use of bedrails can be helpful or harmful to residents in care. Bedrails can only be used when their use is compliant with regulatory requirements. When bed rails are used, an assessment of the mattress and bed frame should be completed. The bed should be checked for gaps to ensure there are no gaps large enough for a person to fit their head or body through. In addition, it is also important to make sure the bed rails are installed according to the manufacturer's instructions. It is critical for staff to ensure that the use of all assistive devices, including bedrails, are monitored to ensure the safety of residents in care, especially in cases where residents may lack hazard awareness. Additional information is available at: <http://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/GeneralHospitalDevicesandSupplies/HospitalBeds/ucm123676.htm>

PREPAREDNESS FOR A HEALTHY AND SAFE SUMMER

Heat Safety

- The CCLD webpage has information on heat preparedness and tips for preventing heat-related illnesses. For more information, go to: <http://www.cclld.ca.gov/PG2850.htm>.

Fire Safety

- This year California has encountered record low rainfall leaving much of the state subject to potential wild fires. The California Department of Forestry and Fire Protection has issued a release that will assist residential property owners in protecting homes by applying the concept of defensible space and using common sense when using lawn equipment or burning items outdoors. For more information, go to the following :
http://calfire.ca.gov/communications/downloads/newsreleases/2014/2014_NR_Early_DefensibleSpace.pdf

Building and Grounds Safety

- As the weather warms up, more and more residents will be returning to outdoor activity areas. Please make sure these areas are safe and free from any hazards. Remember, all bodies of water must be inaccessible to residents in care. For more information, see California Code of Regulations, Title 22, Division 6, Chapter 8, section 87303, Maintenance and Operation at:
<http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/rcfeman2.pdf>.

TRAINING RESOURCES FOR RCFES

- The National Alzheimer's Association website has information, training, tips and tools for care providers of individuals with Alzheimer's disease. For more information, go to: <http://www.alz.org/care/overview.asp?type=alzchptfooter>.
- The California Assisted Living Association will be hosting its spring conference and trade show June 6 through June 8, 2014 in Santa Clara. For more information, go to <http://caassistedliving.org/conference-home/>

CALLING ALL LICENSEES – HAVE YOU SHARED YOUR E-MAIL ADDRESS?

The CCLD is continually collecting licensee e-mail addresses to strengthen our communications with licensees. If you have not already done so, please go to: <http://www.myccld.ca.gov/> and follow the prompts to create a new account. You are also encouraged to contact your Licensing Program Analyst to provide this information, even if you do not wish to create an account.

RESIDENTIAL CARE INFORMATION – “ON THE CCLD WEB”

- Statistics for licensed adult and senior care facilities are available on the CCLD website. Go to: <http://www.cclld.ca.gov/PG833.htm>
- Local Licensing Office information for the adult and senior care program is available on the CCLD website. Go to: <http://www.cclld.ca.gov/res/pdf/ASC.pdf>

PROMOTIONS AND NEW MANAGERS

Adult and Senior Care Program

Angela Carmack was promoted to Licensing Program Manager II on March 1, 2014 in the CCLD San Francisco Coastal Adult and Senior Care Regional Office in San Bruno. She promoted from a Licensing Program Manager I in the Adult and Senior Care Program and worked in this position from December 1, 2013 to February 28, 2014. Prior to that Angela worked as a Licensing Program Manager I in the Child Care Program, CCLD, San Jose Office from November 1, 2006 to December 1, 2013. She has also worked as a Licensing Program Analyst in the Child Care Program, CCLD, San Jose Office, from June 2001 to November 2006.

Stacy Zigler was promoted to Licensing Program Manager II on March 1, 2014 in the CCLD Sierra Cascade Adult and Senior Care Regional Office in Sacramento. She promoted from a Licensing Program Manager I in the Adult and Senior Care Program and worked in this position from May 23, 2013 to February 28, 2014. Prior to that Stacy worked as a Licensing Program Analyst in the Adult and Senior Care East Bay Delta Office from August 2012 to March 2013. Stacy earned an Associate in Arts Degree in Administration of Justice, in May 2007.

SUMMARY

If you have questions about this *Update* or suggestions for future topics, please contact Lori Starnes, Chief, Technical Assistance and Policy Branch at (916) 651-3456. Please visit our website at <http://www.CCLD.ca.gov> for copies of past *Updates*, office locations, provider letters, regulations, or to learn more about licensing services.

Sincerely,

Original signed by Pamela Dickfoss

PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division