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Regulation Package #0109-01

CDSS MANUAL LETTER NO. CCL-10-07

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

**Regulation Package #0109-01**

**Effective 8/8/10**

**Sections 87202, 87208, 87212, 87455, 87606, and 87633**

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

Senate Bill (SB) 1896 (Ortiz), Chapter 817, Statutes of 2000, was enacted into law to allow bedridden persons to be admitted to, and remain in, specified licensed residential care facilities that secure and maintain an appropriate fire clearance. It also revised the definition of "bedridden," and required the California Department of Social Services and the Office of the State Fire Marshal, in consultation with the California Department of Developmental Services, to develop regulations to clarify fire safety and fire clearance requirements for specified residential care facilities. Those facilities include Residential Care Facilities for the Elderly (RCFEs) and residential care facilities that serve adults, the chronically ill, and children.

These regulations address the care of bedridden persons in RCFEs. SB 1896 provisions relating to RCFEs appear in Health and Safety Code Section 1569.72, which is part of California's RCFE Act. Other regulations addressing the care of bedridden persons in other facility types will be developed at a later date.

These regulations incorporate direction for the care of the bedridden persons in RCFEs as outlined in CCL Information Release No. 2007-04. While not addressing "appropriate and sufficient care staff, mechanical devices if necessary, and safety precautions" as referenced in Health and Safety Code 1569.72(b)(1) and addressed above, the proposed regulations do address the following: notification requirements; fire-clearance requirements; the need for a care plan for each bedridden resident; training requirements for direct care staff that care for bedridden residents; the need for awake night staff; access to ongoing consultation with health care professionals; and appropriate equipment and devices. The regulations are consistent with the spirit of the federal Olmstead decision which protects the rights of individuals to live in a "home-like," least restrictive environment.

These regulations were considered at the Department's public hearings held on July 15, 2009.

### **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-10-06. The latest prior manual letter containing Residential Care Facilities for the Elderly regulation changes was Manual Letter No. CCL-09-05.

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3 and 4  
49 through 50.1  
53 through 58  
123 through 126  
153 through 154.3  
175 and 176

#### Replace(s)

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Attachments

RG/ev

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- (f) An applicant may appeal the denial of the application by sending a written notice of appeal to the licensing agency within 15 days of the postmark date of the denial notice.
- (g) The licensing agency shall, upon receipt of the notice of appeal, advise the applicant in writing of the appeal procedure.
- (h) The proceedings to review such denial shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

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

**Article 4. Operating Requirements****87202 FIRE CLEARANCE****87202**

(a) All facilities shall maintain a fire clearance approved by the city, county, or city and county fire department or district providing fire protection services, or the State Fire Marshal. Prior to accepting or retaining any of the following types of persons, the applicant or licensee shall notify the licensing agency and obtain an appropriate fire clearance approved by the city, county, or city and county fire department or district providing fire protection services, or the State Fire Marshal:

- (1) Nonambulatory persons.
- (2) Bedridden persons

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Health and Safety Code Section 1569.72(c) provides in part:

"(c) ...bedridden persons may be admitted to, and remain in, residential care facilities for the elderly that secure and maintain an appropriate fire clearance. A fire clearance shall be issued to a facility in which a bedridden person resides if either of the following conditions are met:

- (1) The fire safety requirements are met. Residents who are unable to independently transfer to and from bed, but who do not need assistance to turn or reposition in bed, shall be considered nonambulatory for purposes of this paragraph.
- (2) Alternative methods of protection are approved."

Health and Safety Code Sections 1569.72(h)(2)(B)(ii) provides:

"(h)(2)(B)(ii) Either the facility, the resident or residents' representative, or local fire official may request from the Office of the State Fire Marshal a written opinion concerning the interpretation of the regulations promulgated by the State Fire Marshal pursuant to this section for a particular factual dispute. The State Fire Marshal shall issue the written opinion within 45 days following the request."

Health and Safety Code Sections 1569.72(i) provides:

"(i) For facilities that care for six or fewer clients, a local fire official may not impose fire safety requirements stricter than the fire safety regulations promulgated for the particular type of facility by the Office of the State Fire Marshal or the local fire safety requirements imposed on any other single family dwelling, whichever is more strict."

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NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.312, and 15692.72, Health and Safety Code.

**87203 FIRE SAFETY****87203**

All facilities shall be maintained in conformity with the regulations adopted by the State Fire Marshal for the protection of life and property against fire and panic.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.31 and 1569.312, Health and Safety Code.

**87204 LIMITATIONS -- CAPACITY AND AMBULATORY STATUS****87204**

- (a) A licensee shall not operate a facility beyond the conditions and limitations specified on the license, including specification of the maximum number of persons who may receive services at any one time. An exception may be made in the case of catastrophic emergency when the licensing agency may make temporary exceptions to the approved capacity.
- (b) Resident rooms approved for 24-hour care of ambulatory residents only shall not accommodate nonambulatory residents. Residents whose condition becomes nonambulatory shall not remain in rooms restricted to ambulatory residents.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.31 and 1569.312, Health and Safety Code.

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**87208 PLAN OF OPERATION****87208**

- (a) Each facility shall have and maintain a current, written definitive plan of operation. The plan and related materials shall be on file in the facility and shall be submitted to the licensing agency with the license application. Any significant changes in the plan of operation which would affect the services to residents shall be submitted to the licensing agency for approval. The plan and related materials shall contain the following:
- (1) Statement of purposes and program goals.
  - (2) A copy of the Admission Agreement, containing basic and optional services.
  - (3) Statement of admission policies and procedures regarding acceptance of persons for services.
  - (4) Administrative organization.
  - (5) Staffing plan, qualifications and duties.
  - (6) Plan for training staff, as required by Section 87411(c).
  - (7) Sketches, showing dimensions, of the following:
    - (A) Building(s) to be occupied, including a floor plan that describes the capacities of the buildings for the uses intended and a designation of the rooms to be used for nonambulatory residents and for bedridden residents, other than for a temporary illness or recovery from surgery as specified in Section 87606(d) and (e).
    - (B) The grounds showing buildings, driveways, fences, storage areas, pools, gardens, recreation area and other space used by the residents.
  - (8) Transportation arrangements for persons served who do not have independent arrangements.
  - (9) A statement whether or not the applicant will handle residents' money or valuables. If money or valuables will be handled, the method for safeguarding pursuant to Sections 87215, Commingling of Money, 87216, Bonding and 87217, Safeguards for Resident Cash, Personal Property, and Valuables.
  - (10) A statement of the facility's policy concerning family visits and other communication with clients, as specified in Health and Safety Code section 1569.313.

**87208 PLAN OF OPERATION (Continued)****87208****HANDBOOK BEGINS HERE**

Health and Safety Code section 1569.313 provides in part:

"The facility's policy concerning family visits and communication shall be designed to encourage regular family involvement with the resident client and shall provide ample opportunities for family participation in activities at the facility."

**HANDBOOK ENDS HERE**

- (11) If the licensee intends to admit and/or specialize in care for one or more residents who have a documented history of behaviors that may result in harm to self or others, the facility plan of operation shall include a description of precautions that will be taken to protect that resident and all other residents.
- (b) A licensee who advertises or promotes dementia special care, programming or environments shall include additional information in the plan of operation as specified in Section 87706(a)(2).
- (c) A licensee who accepts or retains residents diagnosed by a physician to have dementia shall include additional information in the plan of operation as specified in Section 87705(b).
- (d) A licensee who accepts or retains bedridden persons shall include additional information in the plan of operation as specified in Section 87606(f).

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.15, 1569.157, 1569.175, 1569.2, 1569.31, 1569.312, 1569.313, 1569.316, 1569.626, 1569.627, and 1569.72, Health and Safety Code.

**87209 PROGRAM FLEXIBILITY****87209**

- (a) The use of alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the conduct of experimental or demonstration projects shall not be prohibited by these regulations provided that:
- (1) Such alternatives shall be carried out with provisions for safe and adequate services.
  - (2) A written request for a waiver or exception and substantiating evidence supporting the request shall be submitted in advance to the licensing agency by the applicant or licensee.
  - (3) Prior written approval of the licensing agency shall be received.
    - (A) In determining the merits of each request, the licensing agency shall use as guidelines the standards utilized or recommended by well-recognized state and national organizations as appropriate.

**87209 PROGRAM FLEXIBILITY (Continued) 87209**

- (B) The licensing agency shall provide written approval or denial.
- (b) Unless prior written approval of the licensing agency is received, all community care facilities shall maintain continuous compliance with the licensing regulations.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1530 and 1569.31, Health and Safety Code.

**87211 REPORTING REQUIREMENTS 87211**

- (a) Each licensee shall furnish to the licensing agency such reports as the Department may require, including, but not limited to, the following:
- (1) A written report shall be submitted to the licensing agency and to the person responsible for the resident within seven days of the occurrence of any of the events specified in (A) through (D) below. This report shall include the resident's name, age, sex and date of admission; date and nature of event; attending physician's name, findings, and treatment, if any; and disposition of the case.
    - (A) Death of any resident from any cause regardless of where the death occurred, including but not limited to a day program, a hospital, en route to or from a hospital, or visiting away from the facility.
    - (B) Any serious injury as determined by the attending physician and occurring while the resident is under facility supervision.
    - (C) The use of an Automated External Defibrillator.
    - (D) Any incident which threatens the welfare, safety or health of any resident, such as physical or psychological abuse of a resident by staff or other residents, or unexplained absence of any resident.
  - (2) Occurrences, such as epidemic outbreaks, poisonings, catastrophes or major accidents which threaten the welfare, safety or health of residents, personnel or visitors, shall be reported within 24 hours either by telephone or facsimile to the licensing agency and to the local health officer when appropriate.

**87211 REPORTING REQUIREMENTS (Continued)****87211**

- (3) Fires or explosions which occur in or on the premises shall be reported immediately to the local fire authority; in areas not having organized fire services, within 24 hours to the State Fire Marshal; and no later than the next working day to the licensing agency.
- (b) The licensee shall notify the Department, in writing, within thirty (30) days of the hiring of a new administrator. The notification shall include the following:
  - (1) Name and residence and mailing addresses of the new administrator.
  - (2) Date he/she assumed his/her position.
  - (3) Description of his/her background and qualifications, including documentation of required education and administrator certification.
    - (A) A photocopy of the documentation is acceptable.
- (c) Any change in the chief corporate officer of an organization, corporation or association shall be reported to the licensing agency in writing within fifteen (15) working days following such change. Such notification shall include the name, address and the fingerprint card of the new chief executive officer, as required by Section 87355, Criminal Record Clearance.

NOTE: Authority cited: Sections 1569.30 and 1569.616, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.616 and 1797.196, Health and Safety Code.

**87212 EMERGENCY DISASTER PLAN****87212**

- (a) Each facility shall have a disaster and mass casualty plan of action. The plan shall be in writing and shall be readily available.
- (b) The plan shall be subject to review by the Department and shall include:
  - (1) Designation of administrative authority and staff assignments.
  - (2) Plan for evacuation including:
    - (A) Fire safety plan.
    - (B) Means of exiting.
    - (C) The assembly of residents to a predetermined evacuation site.
    - (D) Transportation arrangements.

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| <b>87212</b> | <b>EMERGENCY DISASTER PLAN (Continued)</b> | <b>87212</b> |
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- (E) Relocation sites which are equipped to provide safe temporary accommodations for residents.
- (F) Supervision of residents during evacuation or relocation and contact after relocation to assure that relocation has been completed as planned.
- (G) Means of contacting local agencies such as fire department, law enforcement agencies, civil defense and other disaster authorities.

(3) Provision for notifying a resident's hospice agency, if any, in the event of evacuation and/or relocation.

(c) Emergency exiting plans and telephone numbers shall be posted.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312 and 13131, Health and Safety Code.

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| <b>87213</b> | <b>FINANCES</b> | <b>87213</b> |
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The licensee shall have a financial plan that conforms to the requirements of Section 87155, Application for License, and that assures sufficient resources to meet operating costs for care of residents; shall maintain adequate financial records; and shall submit such financial reports as may be required upon the written request of the licensing agency. Such request shall explain the need for disclosure. The licensing agency reserves the right to reject any financial report and to request additional information or examination, including interim financial statements.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2 and 1569.15, Health and Safety Code.

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| <b>87215</b> | <b>COMMINGLING OF MONEY</b> | <b>87215</b> |
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Money and valuables of residents entrusted to the licensee of one community care facility licensed under a particular license number shall not be commingled with those of another residential care facility for the elderly of a different license number, regardless of joint ownership.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.31, 1569.60 and 1569.61, Health and Safety Code.

**87216 BONDING**

**87216**

(a) Each licensee, other than a county, who is entrusted to safeguard resident cash resources, shall file or have on file with the licensing agency a copy of a bond issued by a surety company to the State of California as principal.

(1) The amount of the bond shall be in accordance with the following schedule:

| <b>Total Safeguarded Per Month</b> | <b>Bond Required</b> |
|------------------------------------|----------------------|
| \$750 or less.....                 | \$1,000              |
| \$751 to \$1,500.....              | \$2,000              |
| \$1,501 to \$2,500.....            | \$3,000              |

Every further increment of \$1,000 or fraction thereof shall require an additional \$1,000 on the bond.

(b) Whenever the licensing agency determines that the amount of the bond is insufficient to adequately protect the money of residents, or whenever the amount of any bond is impaired by any recovery against the bond, the licensing agency may require the licensee to file an additional bond in such amount as the licensing agency determines to be necessary to adequately protect the residents' money.

(c) Each application for a license or renewal of license shall be accompanied by an affidavit on a form provided by the licensing agency. The affidavit shall state whether the applicant/licensee will be entrusted/is entrusted to safeguard or control cash resources of persons and the maximum amount of money to be handled for all persons in any month.

(d) No licensee shall either handle money of a resident or handle amounts greater than those stated in the affidavit submitted by him or for which his bond is on file without first notifying the licensing agency and filing a new or revised bond as required by the licensing agency.

(e) A written request for a variance from the bonding requirement may be made to the licensing agency. Approval by the licensing agency of a variance shall be in writing. The request shall include a signed statement from the licensee indicating:

- (1) That the bonding requirement is so onerous that as a result the facility will cease to operate.
- (2) The place of deposit in which the resident's funds are to be held.
- (3) That withdrawals will be made only on the authorization of the resident or his responsible person.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.15, 1569.31, 1569.312, 1569.60 and 1569.61, Health and Safety Code.

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| <b>87415</b> | <b>NIGHT SUPERVISION (Continued)</b> | <b>87415</b> |
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- (5) In facilities required to have a signal system, specified in Section 87303, Maintenance and Operation, at least one night staff person shall be located to enable immediate response to the signal system. If the signal system is visual only, that person shall be awake.
- (6) The requirements of this section shall not prohibit compliance with additional supervisory requirements required by the State Fire Marshal.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.31 and 1569.312, Health and Safety Code.

**Article 8. Resident Assessments, Fundamental Services and Rights****87452 DEFICIENCIES IN COMPLIANCE****87452**

Renumbered to Section 87756 by Manual Letter No. CCL-08-01, effective 3/5/08.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.15, 1569.16, 1569.17, 1569.20, and 1569.205, Health and Safety Code.

**87455 ACCEPTANCE AND RETENTION LIMITATIONS****87455**

- (a) Acceptance or retention of residents by a facility shall be in accordance with the criteria specified in this Article 8 and Section 87605, Health and Safety Protection, and the following.
- (b) The following persons may be accepted or retained in the facility:
  - (1) Persons capable of administering their own medications.
  - (2) Persons receiving medical care and treatment outside the facility or who are receiving needed medical care from a visiting nurse.
  - (3) Persons who because of forgetfulness or physical limitations need only be reminded or to be assisted to take medication usually prescribed for self-administration.
  - (4) Persons with problems including, but not limited to, forgetfulness, wandering, confusion, irritability, and inability to manage money.
  - (5) Persons with mild temporary emotional disturbance resulting from personal loss or change in living arrangement.
  - (6) Persons who are bedridden provided the requirements of Section 87606 are met.
  - (7) Persons who are under 60 years of age whose needs are compatible with other residents in care, if they require the same amount of care and supervision as do the other residents in the facility.
- (c) No resident shall be accepted or retained if any of the following apply:
  - (1) The resident has active communicable tuberculosis.

**87455**            **ACCEPTANCE AND RETENTION LIMITATIONS** (Continued)                      **87455**

- (2) The resident requires 24-hour, skilled nursing or intermediate care as specified in Health and Safety Code Sections 1569.72(a) and (a)(1):

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Health and Safety Code Sections 1569.72(a) and (a)(1) provide in part:

"(a) ...no resident shall be admitted or retained in a residential care facility for the elderly if any of the following apply:

- (1) The resident requires 24-hour, skilled nursing or intermediate care."

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- (3) The resident's primary need for care and supervision results from either:
- (A) An ongoing behavior, caused by a mental disorder, that would upset the general resident group; or
  - (B) Dementia, unless the requirements of Section 87405, Care of Persons with Dementia, are met.
- (d) A resident suspected of having a contagious or infectious disease shall be isolated, and a physician contacted to determine suitability of the resident's retention in the facility.

NOTE: Authority cited: Sections 1569.30 and 1569.698, Health and Safety Code. Reference: Sections 1250, 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, 1569.699 and 1569.72, Health and Safety Code.

**87456 EVALUATION OF SUITABILITY FOR ADMISSION****87456**

- (a) Prior to accepting a resident for care and in order to evaluate his/her suitability, the facility shall, as specified in this article 8:
- (1) Conduct an interview with the applicant and his responsible person.
  - (2) Perform a pre-admission appraisal.
  - (3) Obtain and evaluate a recent medical assessment.
  - (4) Execute the admissions agreement.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2 and 1569.312, Health and Safety Code.

**87457 PRE-ADMISSION APPRAISAL****87457**

- (a) Prior to admission, the prospective resident and his/her responsible person, if any, shall be interviewed by the licensee or the employee responsible for facility admissions.
- (1) Sufficient information about the facility and its services shall be provided to enable all persons involved in the placement to make an informed decision regarding admission.
  - (2) The prospective resident's desires regarding admission, and his/her background, including any specific service needs, medical background and functional limitations shall be discussed.
- (b) No person shall be admitted without his/her consent and agreement, or that of his/her responsible person, if any.
- (c) Prior to admission a determination of the prospective resident's suitability for admission shall be completed and shall include an appraisal of his/her individual service needs in comparison with the admission criteria specified in Section 87455, Acceptance and Retention Limitations.
- (1) The appraisal shall include, at a minimum, an evaluation of the prospective resident's functional capabilities, mental condition and an evaluation of social factors as specified in Sections 87459, Functional Capabilities and 87462, Social Factors.
    - (A) The licensee shall be permitted to use the form LIC 603 (Rev. 6/87), Preplacement Appraisal Information, to document the appraisal.

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| <b>87555</b> | <b>GENERAL FOOD SERVICE REQUIREMENTS (Continued)</b> | <b>87555</b> |
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- (31) Dishes and utensils shall be disinfected:
  - (A) In facilities using mechanical means, by either maintaining hot water at a minimum temperature of 170 degrees F (77 degrees C) at the final rinse cycle of dishwashing machines, or by disinfecting as specified in (B) below.
  - (B) In facilities not using mechanical means, by an alternative comparable method approved by the licensing agency or by the local health department, such as the addition of a sanitation agent to the final rinse water.
- (32) Equipment of appropriate size and type shall be provided for the storage, preparation and service of food and for sanitizing utensils and tableware, and shall be well maintained.
- (33) Tableware and tables, dishes, and utensils shall be sufficient in quantity to serve the residents.
- (34) Adaptive devices shall be provided for self-help in eating as needed by residents.
- (c) The licensing agency may require the facility to provide written information as to the foods purchased and used over a given period when, based upon documentation, there is reason to believe that the food service requirements are not being met.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.31 and 1569.312, Health and Safety Code.

**Article 11. Health-Related Services and Conditions****87605 HEALTH AND SAFETY PROTECTION****87605**

- (a) Acceptance by the licensee of residents with incidental medical needs shall be in accordance with the conditions specified in this article.
- (b) The provisions of this Article 11 shall be applicable and in conjunction with Articles 1 through 10 and 12 through 13 of this chapter 8.
- (c) Licensees who employ or permit health care practitioners to provide care to residents shall post a visible notice in a prominent location that states, "Section 680 of the Business and Professions Code requires health care practitioners to disclose their name and license status on a name tag in at least 18-point type while working in this facility."

NOTE: Authority cited: Sections 1569.30 and 1569.698(e), Health and Safety Code. Reference: Sections 1569.2, 1569.31 and 1569.312, Health and Safety Code; Section 680, Business and Professions Code.

**87606 CARE OF BEDRIDDEN RESIDENTS****87606**

- (a) Unless otherwise specified, this section applies to licensees who accept or retain residents who are bedridden. The licensee shall be permitted to accept and retain residents who are or shall become bedridden, if all the following conditions are met.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1569.72(b)(1) provides in part:

"(b)(1) ...'bedridden' means either requiring assistance in turning and repositioning in bed, or being unable to independently transfer to and from bed..."

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**HANDBOOK ENDS HERE**

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- (b) A facility shall notify the local fire jurisdiction within 48 hours of accepting or retaining any bedridden person, as specified in Health and Safety Code Section 1569.72(f).

**87606 CARE OF BEDRIDDEN RESIDENTS (Continued)****87606**

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1569.72(f) provides:

"(f) Notwithstanding the length of stay of a bedridden resident, every facility admitting or retaining a bedridden resident, as defined in this section, shall, within 48 hours of the resident's admission or retention in the facility, notify the local fire authority with jurisdiction in the bedridden resident's location of the estimated length of time the resident will retain his or her bedridden status in the facility."

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**HANDBOOK ENDS HERE**

- (c) To accept or retain a bedridden person, other than for a temporary illness or recovery from surgery, a facility shall obtain and maintain an appropriate fire clearance as specified in Section 87202(a).
- (d) For the purposes of this section, "temporary illness" is defined in Health and Safety Code Section 1569.72(d)(1).

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1569.72(d)(1) provides:

"(d)(1) For purposes of this section, 'temporary illness' means any illness which persists for 14 days or less."

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**HANDBOOK ENDS HERE**

- (e) A facility may retain a bedridden resident for more than 14 days if all of the requirements of Health and Safety Code Section 1569.72(e) are met.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1569.72(e) provides:

"(e) A bedridden resident may be retained in a residential care facility for the elderly in excess of 14 days if all of the following requirements are satisfied:

- "(1) The facility notifies the department in writing regarding the temporary illness or recovery from surgery.

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**HANDBOOK CONTINUES**

**87606 CARE OF BEDRIDDEN RESIDENTS (Continued)****87606**

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**HANDBOOK CONTINUES**

"(2) The facility submits to the department, with the notification, a physician and surgeon's written statement to the effect that the resident's illness or recovery is of a temporary nature. The statement shall contain an estimated date upon which the illness or recovery will end or upon which the resident will no longer be confined to a bed.

"(3) The department determines that the health and safety of the resident is adequately protected in that facility and that transfer to a higher level of care is not necessary.

"(4) This section does not expand the scope of care and supervision of a residential care facility for the elderly."

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**HANDBOOK ENDS HERE**

- (1) If it is determined that a resident will be temporarily bedridden for more than 14 days, the facility shall notify the fire authority having jurisdiction of the revised estimated length of time that the resident will be bedridden, as required in Section 87606(b).
- (f) To accept or retain a bedridden person, a facility shall ensure the following:
  - (1) The facility's Plan of Operation includes a statement of how the facility intends to meet the overall health, safety and care needs of bedridden persons.
    - (A) The facility's Emergency Disaster Plan, addresses fire safety precautions specific to evacuation of bedridden residents in the event of an emergency or disaster.
    - (B) In addition to the requirements specified in Care of Persons with Dementia, the needs of residents with dementia who are bedridden, shall be met.
    - (C) The needs of residents who are terminally ill and who are bedridden shall be met.
  - (2) Each bedridden resident's record includes sufficient documentation to demonstrate that the facility is meeting the needs of the individual resident as specified in Section 87506.
  - (3) Staff records include documentation of staff training specific to Care of Bedridden Residents.
  - (4) The facility's Register of Residents shall include:
    - (A) compliance with Section 87508,
    - (B) information related to resident room locator,

**87606 CARE OF BEDRIDDEN RESIDENTS (Continued) 87606**

- (C) register of residents be made available, upon request, to emergency personnel, and
  - (D) facility staff have knowledge of the location of the register of residents at all times.
- (g) Nothing contained in this section or in Chapter 8 precludes the licensing agency from requiring the relocation of a bedridden resident whose needs are not being met in a facility, or whose needs are beyond the scope of care of the facility.

NOTE: Authority Cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, 1569.62, 1569.625, 1569.72, and 1569.80, Health and Safety Code.

**87607 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS) 87607**

- (a) A licensee is permitted to maintain and operate an AED at the facility if all of the following requirements are met:
- (1) The licensee shall notify the licensing agency in writing that an AED is in the facility and will be used in accordance with all applicable federal and other state requirements.
  - (2) The AED shall be used in accordance with all applicable federal and other state requirements.
  - (3) The licensee shall maintain at the facility the following:
    - (A) A copy of the required physician's prescription for the AED.
    - (B) A training manual from an American Heart Association- or American Red Cross-recognized AED training class.
    - (C) A log of checks of operation of the AED containing the dates checked and the name of person checking.

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## 87633

**HOSPICE CARE FOR TERMINALLY ILL RESIDENTS**

87633

(Continued)

- (1) Such reports shall be made by telephone within one working day, and in writing within five working days, and shall specify all of the following:
  - (A) The name, age, sex of each affected resident.
  - (B) The date and nature of the event and explanatory background information leading up to the event.
  - (C) The name and business telephone number of the hospice agency.
  - (D) Actions taken by the licensee and any other parties to resolve the reportable event and to prevent similar occurrences in the future.
  
- (h) For each terminally ill resident receiving hospice services in the facility, the licensee shall maintain the following in the resident's record:
  - (1) The resident's or the resident's Health Care Surrogate Decision Maker's written request for retention and hospice services in the facility, along with any Advance Health Care Directive, Request to Forego Resuscitative Measures, and/or Do-Not-Resuscitate Form executed by the resident or (in certain instances) the resident's Health Care Surrogate Decision Maker.
  - (2) The name, address, telephone number, and 24-hour emergency telephone number of the hospice agency and the resident's Health Care Surrogate Decision Maker, if any, in a manner that is readily available to the resident, the licensee, and facility staff.
  - (3) A copy of the written certification statement of the resident's terminal illness from the medical director of the hospice or the physician member of the hospice interdisciplinary group and the individual's attending physician, if the individual has an attending physician.
  - (4) A copy of the resident's current hospice care plan approved by the licensee, the hospice agency, and the resident, or the resident's Health Care Surrogate Decision Maker if the resident is incapacitated.
  - (5) A statement signed by the resident's roommate, if any, indicating his or her acknowledgment that the resident intends to receive hospice care in the facility for the remainder of the resident's life, and the roommate's voluntary agreement to grant access to the shared living space to hospice caregivers, and the resident's support network of family members, friends, clergy, and others.
    - (A) If the roommate withdraws the agreement verbally or in writing, the licensee shall make alternative arrangements which fully meet the needs of the hospice resident.

**87633 HOSPICE CARE FOR TERMINALLY ILL RESIDENTS (Continued) 87633**

- (i) Prescription medications no longer needed shall be disposed of in accordance with Section 87465(i).
- (j) Approval from the Department is not needed for any of the restricted health conditions listed in Section 87612, Restricted Health Conditions, provided the resident is currently receiving hospice care, and the restricted health condition is addressed in the hospice care plan.
  - (1) In caring for a resident's health condition, facility staff, other than appropriately skilled health professionals, shall not perform any health care procedure that under law may only be performed by an appropriately skilled professional.
- (k) The licensee shall maintain a record of dosages of medications that are centrally stored for each resident receiving hospice services in the facility.
- (l) Residents receiving hospice care who are bedridden may reside in the facility provided the facility meets the requirements of Section 87606, Care of Bedridden Residents.
- (m) Nothing contained in this section or in Chapter 8 precludes the Department from requiring the relocation of a terminally ill resident whose needs for personal care and supervision or health care are not being met in the facility.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, 1569.72, and 1569.73, Health and Safety Code.

**87637 HEALTH CONDITION RELOCATION ORDER 87637**

- (a) If a resident has a health condition which cannot be cared for within the limits of the license, requires inpatient care in a health facility, or has a health condition prohibited by Section 87455(c) or Section 87615, Prohibited Health Conditions, the Department shall order the licensee to relocate the resident.
- (b) When the Department orders the relocation of a resident, the following shall apply:
  - (1) The Department shall give written notice to the licensee ordering the relocation of the resident and informing the licensee of the resident's right to an interdisciplinary team review of the relocation order as specified in Section 87638, Resident Request for Review of Health Condition Relocation Order. Notice of the health condition relocation order and information about the right to request an interdisciplinary team review of the relocation order shall be given to the resident, by the Department, and sent to the resident's responsible person, if any.