

Article 7. PHYSICAL ENVIRONMENT**81086 ALTERATIONS TO EXISTING BUILDINGS OR NEW FACILITIES 81086**

- (a) Prior to construction or alterations, all licensees shall notify the licensing agency of the proposed change.
- (b) The licensing agency shall have the authority to require that the licensee have a building inspection by a local building inspector if the agency suspects that a hazard to the clients' health and safety exists.

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Prior to construction or alterations, state or local law requires that all facilities secure a building permit.

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NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

81087 BUILDINGS AND GROUNDS 81087

- (a) The facility shall be clean, safe, sanitary and in good repair at all times for the safety and well-being of clients, employees and visitors.
 - (1) The licensee shall take measures to keep the facility free of flies and other insects.
 - (2) The licensee shall provide for the safe disposal of water and other chemicals used for cleaning purposes.
- (b) All clients shall be protected against hazards within the facility through the provision of the following:
 - (1) Protective devices including, but not limited to, nonslip material on rugs.
- (c) All outdoor and indoor passageways, stairways, inclines, ramps, open porches and other areas of potential hazard shall be kept free of obstruction.

81087 BUILDINGS AND GROUNDS (Continued)**81087**

- (d) Stairways, inclines, ramps, open porches, and areas of potential hazard to clients whose balance or eyesight is poor shall not be used by clients unless such areas are well lighted and equipped with sturdy hand railings.
- (e) Bedrooms must meet, at a minimum, the following requirements:
- (1) No more than two clients shall sleep in a bedroom unless the program justifies a group living arrangement of more than two persons to a room and such arrangement is approved in writing by the licensing agency.
 - (2) Bedrooms must be large enough to allow for easy passage and comfortable use of any required client assistive devices, including, but not limited to, wheelchairs, walkers, or oxygen equipment, between beds and other items of furniture specified in Section 81088(i).
 - (3) No room commonly used for other purposes shall be used as a bedroom for any person.
 - (4) No client bedroom shall be used as a public or general passageway to another room, bath, or toilet.
- (f) Facilities shall meet the following requirements in laundry areas:
- (1) Space and equipment for washing, ironing and mending of personal clothing.
 - (2) Space used for soiled linen and clothing shall be separated from the clean linen and clothing storage and handling area.
- (g) The licensee shall have the authority to use a centralized service facility to provide laundry or food service to two or more licensed facilities if the use of the centralized facility does not result in a violation of Section 81076 or Section 81088 and the licensing agency has issued prior written approval.
- (h) There shall be space available in the facility to serve as an office for business, administration, and admission activities.
- (i) General permanent or portable storage space shall be available for the storage of facility equipment and supplies.
- (1) Facility equipment and supplies shall be stored in this space and shall not be stored in space used to meet other requirements specified in this Chapter.

81087 BUILDINGS AND GROUNDS (Continued)**81087**

- (j) All licensees serving clients who have physical handicaps, mental disorders, or developmental disabilities shall ensure the inaccessibility of pools, including swimming pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds or similar bodies of water through a pool cover or by surrounding the pool with a fence.
- (1) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use.
- (A) If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fence requirements specified in Section 81087(j)(1) until such fence is replaced or structurally altered. If the licensee replaces or alters the fence, the licensee shall be required to meet the fence requirements specified in—Section 81087(j)(1).
- (2) Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 81087(j)(1).
- (k) All in-ground pools and above-ground pools which cannot be emptied after each use shall have an operative pump and filtering system.
- (l) Disinfectants, cleaning solutions, poisons and other items that could pose a danger if readily available to clients shall be stored where inaccessible to clients.
- (1) Storage areas for poisons shall be locked.
- (m) Notwithstanding Section 81087(l) above, firearms, weapons, and ammunition, assembled or unassembled, shall not be permitted in the facility or on the facility property.
- (n) Medicines shall be stored as specified in section 81075 (j) and (k) and separately from other items specified in 81087(l).
- (o) The items specified in Section 81087(l) shall not be stored in food storage areas or in storage areas used by or for clients.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 5670 and 5671, Welfare and Institutions Code; Sections 1501, 1502(a)(7) and 1531, Health and Safety Code.

81087.2 OUTDOOR ACTIVITY SPACE**81087.2**

- (a) The licensee shall ensure that outdoor activity areas are provided, are easily accessible to clients and protected from traffic.
- (b) The licensee shall ensure that the outdoor activity areas are shaded, comfortable, and furnished for outdoor use.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 5670 and 5671, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

81087.3 INDOOR ACTIVITY SPACE**81087.3**

- (a) As a condition of licensure, there shall be common rooms, including a living room, dining room, den or other recreation/activity room, which provide the necessary space and/or separation to promote activity programs within the facility and to prevent such activities from interfering with other functions.
 - (1) At least one such room shall be available to clients for relaxation and visitation with friends and/or relatives.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 5670 and 5671, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code.

81088 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES**81088**

- (a) A comfortable temperature for clients shall be maintained at all areas.
 - (1) The licensee shall maintain the temperature in rooms that clients occupy between a minimum of 68 degrees F (20 degrees C) and a maximum of 85 degrees F (30 degrees C).
 - (A) In areas of extreme heat the maximum shall be 30 degrees F (16.6 degrees C) less than the outside temperature.
 - (2) Nothing in this section shall prohibit clients from adjusting individual thermostatic controls.
- (b) All window screens shall be in good repair and be free of insects, dirt and other debris.
- (c) Fireplaces and open-faced heaters shall be made inaccessible to clients to ensure protection of the clients' safety.

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The use of a fireplace screen or similar barrier will meet this requirement.

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- (d) The licensee shall provide lamps or lights as necessary in all rooms and other areas to ensure the comfort and safety of all persons in the facility.
- (e) Faucets used by clients for personal care such as shaving and grooming shall deliver hot water.
 - (1) Hot water temperature controls shall be maintained to automatically regulate temperature of hot water delivered to plumbing fixtures used by clients to attain a hot water temperature of not less than 105 degrees F (40.5 degrees C) and not more than 120 degrees F (48.8 degrees C).
 - (2) Taps delivering water at 125 degrees F (51.6 degrees C) or above shall be prominently identified by warning signs.
 - (3) All toilets, hand washing and bathing facilities shall be maintained in safe and sanitary operating condition. Additional equipment, aids, and/or conveniences shall be provided in facilities accommodating physically handicapped clients who need such items.
- (f) Solid waste shall be stored, located and disposed of in a manner that will not transmit communicable diseases or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.
 - (1) All containers, including movable bins, used for storage of solid wastes shall have tight-fitting covers that are kept on the containers; shall be in good repair and shall be leakproof and rodent-proof.
 - (2) Solid waste containers, including movable bins, receiving putrescible waste shall be emptied at least once per week or more often if necessary to comply with Section 81088(f) above.
 - (3) Each movable bin shall provide for suitable access and a drainage device to allow complete cleaning at the storage area.
- (g) The licensee shall provide linens of various kinds necessary to meet the program of services being offered by the facility and the requirements specified in this Chapter.

81088 **FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES** (Continued) **81088**

- (h) Toilet, washbasin, and bath and shower fixtures shall at a minimum meet the following requirements:
- (1) At least one toilet and washbasin shall be maintained for each six persons residing in the facility.
 - (2) At least one bathtub or shower shall be maintained for each six persons residing in the facility.
 - (3) Toilets and bathrooms shall be located near client bedrooms.
 - (4) Individual privacy shall be provided in all toilet, bath, and shower areas.
 - (5) The lock on bathroom doors shall allow for quick and easy opening from the outside.
- (i) The licensee shall ensure provision to each client of the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene.
- (1) An individual bed, except that couples shall be allowed to share one double or larger size bed, maintained in good repair, and equipped with good bed springs, a clean mattress, and pillow(s).
 - (A) Fillings and covers for mattresses and pillows shall be flame retardant.
 - (B) No social rehabilitation facility shall have more beds for client use than required for the maximum capacity approved by the licensing agency.
 - (2) In addition to Subsection (c)(1) above, each client shall have a chair, a night stand, and a lamp or lights necessary for reading.
 - (A) Two clients sharing a bedroom shall be permitted to share one night stand.
 - (3) Permanent or portable closets and drawer space in each bedroom to accommodate the client's clothing and personal belongings.
 - (A) A minimum of two drawers or eight cubic feet (.2664 cubic meters) of drawer space, whichever is greater, shall be provided for each client.
 - (4) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; rubber or plastic sheeting, when necessary; and bath towels, hand towels, and washcloths.

81088 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES (Continued) 81088

- (A) The quantity of linen provided shall permit changing the linen at least once each week or more often when necessary to ensure that clean linen is in use by clients at all times.
- (B) The use of common towels and washcloths shall be prohibited.
- (5) Feminine napkins, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
- (j) If the facility maintains its own laundry equipment, necessary supplies shall be available and equipment shall be maintained in good repair.
 - (1) If the washing machine and/or dryer is coin operated, clients shall be provided with coins or tokens and laundry supplies.
 - (A) Coins and laundry supplies shall be provided to clients when public laundry equipment is used.
 - (B) The licensee shall be permitted to designate a safe location or locations, and/or times in which clients shall be permitted to iron.
- (k) Emergency lighting, which shall include at a minimum working flashlights or other battery-powered lighting, shall be maintained and readily available in areas accessible to clients and staff.
 - (1) An open-flame type of light shall not be used.
 - (2) Night lights shall be maintained in hallways and passages to nonprivate bathrooms.
- (l) The licensee shall provide and maintain the equipment and supplies necessary to meet the requirements of the planned activity program.
 - (1) Such supplies shall include but not be limited to daily newspapers, current magazines and a variety of reading materials.
 - (2) Special equipment and supplies necessary to accommodate physically handicapped persons or other persons with special needs shall be provided to meet the needs of handicapped clients.
 - (3) When not in use, recreational equipment and supplies shall be stored where they do not create a hazard to clients.

81088**FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES (Continued)****81088**

- (m) All social rehabilitation facilities, except facilities with sprinkling systems, shall have an approved, commercially manufactured and battery operated smoke detector installed in the hallway(s) in each sleeping area in the home. The smoke detectors shall be audible in each bedroom or sleeping room.
- (n) Facilities shall meet the following signal system requirements:
- (1) Any facility certified as a Short-Term Crisis Residential Program and/or a Long-Term Residential Treatment Program with a licensed capacity of 15 or more clients, or having separate floors or separate buildings without full-time staff present on each floor or in each separate building when clients are present, shall have a signal system or shall have facility staff visually check on all clients no less than on an hourly basis.
 - (2) If a signal system is used, it shall meet the following requirements.
 - (A) Operation from each client's sleeping unit.
 - (B) Transmission of a visual and/or auditory signal to a central location, or production of an auditory signal at the client's living unit which is loud enough to summon staff.
 - (C) Identification of the specific client's sleeping unit from which the signal originates.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 5670 and 5671, Welfare and Institutions Code; Sections 1501, 1502(a)(7) and 1531, Health and Safety Code.

Article 8. INCIDENTAL MEDICAL SERVICES**81090 HEALTH AND SAFETY SERVICES****81090**

- (a) Waivers or exceptions will not be granted to accept or retain clients who have health conditions prohibited by Section 81091.
- (b) The Department may grant an exception allowing acceptance or retention of a client who has a medical or health condition not listed in Section 81092 if all of the following requirements are met:
 - (1) Either the condition is chronic and stable, or it is temporary in nature and is expected to return to a condition normal for that client.
 - (2) The client must be under the medical care of a licensed professional.
 - (3) The licensee has developed a plan of care for the client as specified in Sections 81068.2 and 81092.2.
 - (4) The client is able to care for all aspects of the condition for himself/herself or assistance in the care of the condition is provided either by an appropriately skilled and licensed professional or by facility staff who receive supervision and training from a licensed professional.
 - (A) Training shall include hands-on instruction in both general procedures and client-specific procedures.
 - (B) The licensee obtains from the licensed professional written documentation outlining the procedures and the names of facility staff who received the training.
 - (C) The licensee ensures that the licensed professional reviews staff performance as the licensed professional deems necessary, but at least once a year.
 - (5) The licensee agrees in writing to comply with all aspects of the client's care plans.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1530, Health and Safety Code.

81091 PROHIBITED HEALTH CONDITIONS**81091**

- (a) Clients who require health services or have a health condition including, but not limited to, those specified below shall not be admitted or retained.
- (1) Naso-gastric and naso-duodenal tubes.
 - (2) Active, communicable TB.
 - (3) Conditions that require 24-hour nursing care and/or monitoring.
 - (4) Stage 3 and 4 dermal ulcers.
 - (5) Any other condition or care requirements which would require the facility to be licensed as a health facility as defined by Sections 1202 and 1250 of the Health and Safety Code.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, 1530, 1531 and 1557.5, Health and Safety Code.

81092 RESTRICTED HEALTH CONDITIONS**81092**

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Health and Safety Code section 1502(a) reads in pertinent part:

"Community care facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, [or] adult day care...

Clients who require nursing care and/or monitoring generally may not be in a social rehabilitation facility, though there are exceptions (e.g. hospice care).

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- (a) A licensee may accept or retain clients who have the conditions listed in this section only if all requirements of Article 8 are met.
- (b) Care for the following health conditions must be provided only as specified in Sections 81092.1 through 81092.11.
 - (1) Use of inhalation-assistive devices as specified in Section 81092.3.

81092 RESTRICTED HEALTH CONDITIONS (Continued) 81092

- (2) Colostomy/ileostomies as specified in Section 81092.4.
- (3) Requirement for fecal impaction removal, enemas, suppositories only as specified in Section 81092.5.
- (4) Use of catheters as specified in Section 81092.6.
- (5) Staph or other serious, communicable infections as specified in Section 81092.7.
- (6) Insulin-dependent Diabetes as specified in Section 81092.8.
- (7) Stage 1 and 2 dermal ulcers as specified in Section 81092.9.
- (8) Wounds as specified in Section 81092.9.
- (9) Gastrostomies as specified in Section 81092.10.
- (10) Tracheostomies as specified in Section 81092.11.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.1 GENERAL REQUIREMENTS FOR RESTRICTED HEALTH CONDITIONS 81092.1

- (a) A client with a restricted health condition specified in Section 81092 may be admitted or retained if all requirements in Sections 81092.1(b) through (o) are met.
- (b) The licensee is willing to provide the needed care.
- (c) Care is provided as specified in this article.
- (d) Either the client's medical condition is chronic and stable, or is temporary in nature and is expected to return to a condition normal for that client.
- (e) The client must be under the medical care of a licensed professional.
- (f) Prior to admission of a client with a restricted health condition specified in Section 81092, the licensee shall:
 - (1) Communicate with all other persons who provide care to that client to ensure consistency of care for the medical condition.

81092.1 GENERAL REQUIREMENTS FOR RESTRICTED HEALTH CONDITIONS (Continued)**81092.1**

- (2) Ensure that facility staff who will participate in meeting the client's specialized care needs complete training provided by a licensed professional sufficient to meet those needs.
 - (A) Training shall include hands-on instruction in both general procedures and client-specific procedures.
- (g) All new facility staff who will participate in meeting the client's specialized care needs shall complete the training prior to providing services to the client.
- (h) The licensee shall ensure that facility staff receive instruction from the client's physician or other licensed professional to recognize objective symptoms observable by a lay person, and how to respond to that client's health problems, including who to contact.
- (i) The licensee shall monitor the client's ability to provide self-care for the restricted health condition, document any change in that ability, and inform the persons identified in Section 81092.2(a)(1) of that change.
- (j) Should the condition of the client change, all staff providing care and services shall complete any additional training required to meet the client's new needs, as determined by the client's physician or a licensed professional designated by the physician.
- (k) If the licensed health professional delegates routine care, the following requirements must be met for health conditions specified in Sections 81092.3, 81092.4 and 81092.6 through 81092.11:
 - (1) The licensee shall obtain written documentation from the licensed professional outlining the procedures and the names of the facility staff who have been trained in those procedures.
 - (2) The licensee ensures that the licensed professional reviews staff performance as often as necessary, but at least annually.
- (l) All training shall be documented in the facility personnel files.
- (m) The licensee shall develop and maintain, as part of the Needs and Services Plan, a Restricted Health Condition Care Plan as specified in Section 81092.2.
 - (1) The care plan shall neither require nor recommend that the licensee or any facility personnel or any other person providing care, other than a physician or licensed professional, implement any health care procedure that may legally be provided only by a physician or licensed professional.

81092.1 GENERAL REQUIREMENTS FOR RESTRICTED HEALTH CONDITIONS (Continued)**81092.1**

- (n) The licensee shall ensure that the client's health-related service needs are met and shall follow the approved plan for each client.
- (o) The licensee shall document any significant occurrences that result in changes in the client's physical, mental and/or functional capabilities and report these changes to the client's physician and authorized representative.
- (p) The licensee shall demonstrate compliance with the restricted health condition care plan by maintaining in the facility all relevant documentation.
- (q) The licensee shall report any substantive deviation from the care plan to the client's authorized representative.
- (r) The duty established by this section does not infringe on a client's right to receive or reject medical care or services, as allowed in Section 81072.
 - (1) If a client refuses medical services specified in the care plan, the licensee shall immediately notify all persons identified in Section 81092.2(a)(1) and shall participate in developing a plan for meeting the client's needs.
 - (2) If unable to meet the client's needs, the licensee shall issue an eviction notice as specified in Section 81068.5.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.2 RESTRICTED HEALTH CONDITION CARE PLAN**81092.2**

- (a) If the licensee chooses to care for a client with a restricted health condition, as specified in Section 81092, the licensee shall develop and maintain, as part of the Needs and Services Plan, a written Restricted Health Condition Care Plan. The plan must include all of the following:
 - (1) Documentation that the client and the client's authorized representative, if any, the client's physician or a licensed professional designated by the physician, and the placement agency, if any, participated in the development of the plan.
 - (2) Documentation by the client's physician or a licensed professional designated by the physician, of the following:
 - (A) Stability of the medical condition.

81092.2 RESTRICTED HEALTH CONDITION CARE PLAN**81092.2**

- (B) Medical conditions that require services or procedures.
 - (C) Specific services needed.
 - (D) Client's ability to perform the procedures.
 - (E) The client does not require 24-hour nursing care and/or monitoring.
 - (3) Identification of a licensed professional who will perform procedures if the client needs medical assistance.
 - (4) Identification of the person who will perform incidental medical assistance that does not require a licensed professional.
 - (5) Name and telephone number of emergency medical contacts.
 - (6) A date specified by the client's physician or designee, who is also a licensed professional, when the plan must be reviewed by all parties identified in Section 81092.2(a)(1).
 - (7) A signed statement from the client's attending physician that the plan meets medical scope of practice requirements.
 - (8) For clients of a placement agency, a signed statement from a representative of the placement agency that they have reviewed and approved the plan and that the placement agency will monitor implementation of the plan.
- (b) The Restricted Health Condition Care Plan shall neither require nor recommend that the licensee or any facility personnel or any other person providing care, other than a physician or licensed professional, implement any health care procedure that may legally be provided only by a physician or licensed professional.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.3 INHALATION-ASSISTIVE DEVICES**81092.3**

- (a) A licensee may accept or retain a client who requires the use of an inhalation-assistive device if all of the following conditions are met:
 - (1) The licensee is in compliance with Section 81092.1.

81092.3 INHALATION-ASSISTIVE DEVICES (Continued)**81092.3**

- (2) The licensee monitors the client's ongoing ability to operate and care for the device in accordance with the physician's instructions.
- (3) The licensee ensures that either:
 - (A) The device is operated and cared for by a licensed professional when the client is unable to operate the device, or determine his/her own need.
 - (B) The device can legally be operated by an unlicensed person and is cared for by facility staff who receive training from a licensed professional as specified in Sections 81092.1(k) through (k)(2).
- (4) The licensee ensures that:
 - (A) The device is functional.
 - (B) The device is removed from the facility when no longer prescribed for use by the client.
- (5) The licensee ensures that the room containing the device is large enough both to accommodate it and to allow easy passage of clients and staff.
- (6) The licensee ensures that facility staff have the knowledge of and ability to care for the device.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.4 COLOSTOMY/ILEOSTOMY**81092.4**

- (a) A licensee may accept or retain a client who has a colostomy or ileostomy if all of the following conditions are met:
 - (1) The client is mentally and physically capable of providing all routine care for his/her ostomy, and the physician has documented that the ostomy is completely healed.
 - (2) A licensed professional provides assistance in the care of the ostomy.
 - (3) The licensee is in compliance with Section 81092.1.

81092.4 COLOSTOMY/ILEOSTOMY (Continued)**81092.4**

- (4) The licensee monitors the client's ongoing ability to provide care for his/her ostomy in accordance with the physician's instructions.
- (5) The licensee ensures that:
 - (A) A licensed professional provides ostomy care when the client is unable to provide self-care.
 - (B) The ostomy bag and adhesive may be changed by facility staff who receive training from the licensed professional as specified in Sections 81092.1(k) through (k)(2).
- (6) The licensee ensures that used bags are discarded as specified in Section 81088(f)(2).
- (7) The licensee ensures privacy when ostomy care is provided.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.5 FECAL IMPACTION REMOVAL, ENEMAS, OR SUPPOSITORIES**81092.5**

- (a) A licensee may accept or retain a client who requires manual fecal impaction removal, enemas, or use of suppositories if all of the following conditions are met:
 - (1) The licensee is in compliance with Section 81092.1.
 - (2) The licensee monitors the client's ongoing ability to provide his/her own routine care in accordance with the physician's instructions.
 - (3) The licensee ensures that a licensed professional administers the fecal impaction removal, the enemas, or suppositories when the client is unable to do so for himself/herself.
 - (4) The licensee ensures that a licensed professional performs manual fecal impaction removal whenever it is necessary.
 - (5) The licensee ensures privacy when care is being provided.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.6 INDWELLING URINARY CATHETER/CATHETER PROCEDURE 81092.6

- (a) A licensee may accept or retain a client who requires an indwelling catheter if all of the following conditions are met:
- (1) The client is physically and mentally capable of caring for all aspects of the condition except insertion, removal and irrigation.
 - (A) Irrigation shall only be performed by a licensed professional in accordance with the physician's orders.
 - (B) Insertion and removal shall only be performed by a licensed professional.
 - (2) The licensee is in compliance with Section 81092.1.
 - (3) The licensee monitors the client's ongoing ability to care for his/her catheter in accordance with the physician's instructions.
 - (4) The licensee ensures that either catheter care is provided by a licensed professional when the client is unable to provide self-care, or the catheter bag and tubing are changed and bags are emptied by facility staff who receive training from the licensed professional as specified in Sections 81092.1(k) through (k)(2).
 - (5) The licensee ensures that insertion, removal and irrigation of the catheter, or any other required catheter care other than that specified in Section 81092.6(a)(4) are performed by a licensed professional.
 - (6) The licensee ensures that waste materials are disposed of as specified in Section 81088(f)(2).
 - (7) The licensee ensures privacy when care is provided.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.7 STAPH OR OTHER SERIOUS, COMMUNICABLE INFECTIONS 81092.7

- (a) A licensee may accept or retain a client who has a staph or other serious communicable infection if all of the following conditions are met:
- (1) The licensee is in compliance with Section 81092.1.
 - (2) The licensee has obtained a statement from the client's physician that the infection is not a risk to other clients.

81092.7 STAPH OR OTHER SERIOUS, COMMUNICABLE INFECTIONS 81092.7
(Continued)

- (3) The licensee monitors the client's ongoing ability to care for his/her own condition by complying with the instructions of the licensed professional who is managing the client's care.
 - (A) The licensed professional may delegate certain aspects of the care providing the facility staff responsible for providing the care receive training from a licensed professional as specified in Sections 81092.1(k) through (k)(2) prior to providing care.
- (4) The licensee ensures that a licensed professional assesses the infection and evaluates the treatment at intervals set by the physician or a licensed professional designated by the physician.
- (5) The licensee ensures that prior to providing care, staff are trained in and follow Universal Precautions and any other procedures recommended by the licensed professional for protection of the client who has the infection, other clients and staff.
- (6) The licensee ensures that all aspects of care performed in the facility by the licensed professional and facility staff are documented in the client's file.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.8 DIABETES 81092.8

- (a) A licensee may accept or retain a client who has diabetes if all of the following conditions are met:
 - (1) The licensee is in compliance with Section 81092.1.
 - (2) The client is mentally and physically capable of administering his/her own medication and performing his/her own glucose testing if applicable, or a licensed professional administers the tests and injections.
 - (A) The licensed professional may delegate to trained facility staff glucose testing provided all of the following conditions are met:
 1. The blood glucose-monitoring test is performed with a blood glucose-monitoring instrument that has been approved by the federal Food and Drug Administration for over-the-counter sale.

81092.8 DIABETES (Continued)**81092.8**

2. The licensee ensures that facility staff responsible for glucose testing receive training from a licensed professional as specified in Sections 81092.1(k) through (k)(2).
 3. Facility staff comply with the instructions of the licensed professional regarding the performance of the test and the operation of the blood glucose-monitoring instrument.
 4. Facility staff immediately notify the client's physician if the results are not within the normal range for the client.
 5. The licensee ensures that the results of each blood glucose test performed by facility staff are documented and maintained in the client's record in the facility.
- (3) The licensee ensures that sufficient amounts of medicines, testing equipment, syringes, needles, and other supplies are maintained and stored in the facility.
 - (4) The licensee ensures that injections are administered immediately after a syringe is filled unless the client is using prefilled syringes prepared by a registered nurse, pharmacist or drug manufacturer.
 - (5) The licensee ensures that syringes and needles are disposed of in accordance with California Code of Regulations, Title 8, Chapter 4, Subchapter 7, Group 16, Article 109, Section 5193.

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California Code of Regulations, Title 8, Section 5193(d)(3)(B) states:

Prohibited Practices.

1. Shearing or breaking of contaminated needles and other contaminated sharps is prohibited.
2. Contaminated sharps shall not be bent, recapped, or removed from devices. Exception: Contaminated sharps may be bent, recapped or removed from devices if:
 - a. The employer can demonstrate that no alternative is feasible or that such action is required by a specific medical or dental procedure; and
 - b. The procedure is performed using a mechanical device or a one-handed technique.

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3. Sharps that are contaminated with blood or OPIM shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.
4. Disposable sharps shall not be reused.
5. Broken Glassware. Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.
6. The contents of sharps containers shall not be accessed unless properly reprocessed or decontaminated.
7. Sharps containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of sharps injury.
8. Mouth pipetting/suctioning of blood or OPIM is prohibited.
9. Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.
10. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or bench tops where blood or OPIM are present.

California Code of Regulations, Title 8, Section 5193(d)(3)(C)2. states:

Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of subsection(d)(3)(D) as applicable.

California Code of Regulations, Title 8, Section 5193(d)(3)(D) provides:

1. Sharps containers shall be:
 - a. Rigid;
 - b. Puncture resistant;

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- c. Leak proof on the sides and bottom;
 - d. Portable, if portability is necessary to ensure easy access by the user as required by this section; and
 - e. Labeled in accordance with subsection (g)(1)(A)(2).
2. If discarded sharps are not to be reused, the sharps container shall also be closeable and sealable so that when sealed, the container is leak resistant and incapable of being reopened without great difficulty.

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- (6) The licensee provides a modified diet as prescribed by a client's physician, as specified in Section 81076(a)(6). Any substitutions shall be made by the facility dietitian or in consultation with a registered dietician or the client's physician or medical provider.
 - (7) The licensee ensures that all facility staff who provide care receive training in recognizing the signs and symptoms of hyperglycemia and hypoglycemia and in taking appropriate action for client safety.
- (b) For clients who provide self-care, the licensee shall:
- (1) Monitor the client's ongoing ability to perform his/her glucose testing and administer his/her medication in accordance with the physician's instructions.
 - (2) Assist clients with self-administered medication, as specified in Section 81075.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1531, Health and Safety Code.

81092.9 WOUNDS**81092.9**

- (a) A licensee may accept or retain a client who has a serious wound if all of the following conditions are met:
- (1) The licensee is in compliance with Section 81092.1
 - (2) The wound is either an unhealed, surgically closed incision or wound, or determined by the physician or a licensed professional designated by the physician to be a Stage 1 or 2 dermal ulcer and is expected by the physician or designated professional to completely heal.
 - (3) The licensee ensures that a licensed professional in accordance with the physician's instructions provides the wound care.
 - (A) The licensed professional may delegate simple dressing to facility staff who receive training from a licensed professional as specified in Sections 81092.1(k) through (k)(2).
 - (4) The licensee ensures that a licensed professional assesses the wound at intervals set by the physician, or a licensed professional designated by the physician, to evaluate treatment and progress toward healing.
 - (5) The licensee ensures that all aspects of care performed by the licensed professional facility staff are documented in the client's file.
- (b) Non-serious wounds, which include but are not limited to minor cuts, punctures, lacerations, abrasions, and first-degree burns are not affected by this section.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.10 GASTROSTOMY FEEDING, HYDRATION, AND CARE**81092.10**

- (a) A licensee may accept or retain a client who requires gastrostomy care, feeding, and/or hydration if all of the following conditions are met:
- (1) The licensee is in compliance with Section 81092.1.
 - (2) The physician has documented that the gastrostomy is completely healed.
 - (3) The licensee monitors the client's ongoing ability to provide all routine feeding, hydration and care for his/her gastrostomy in accordance with the physician's instructions.

81092.10 GASTROSTOMY FEEDING, HYDRATION, AND CARE (Continued) 81092.10

- (4) The licensee ensures that gastrostomy feeding, hydration, medication administration through the gastrostomy, and stoma cleaning are provided by a licensed professional when the client is unable to provide his/her own feeding, hydration and care.
- (A) The licensed professional may delegate the following tasks to facility staff who receive training from a licensed professional as specified in Sections 81092.1(k) through (k)(2):
1. Gastrostomy feeding, hydration, and stoma cleaning.
 2. For routine medications, trained staff may add medication through the gastrostomy per physician's or nurse practitioner's orders.
 3. For PRN medications, trained staff may add medications through the gastrostomy in accordance with Sections 81075(b) through (e).

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81092.11 TRACHEOSTOMIES 81092.11

- (a) A licensee may accept or retain a client who has a tracheostomy if all of the following conditions are met:
- (1) The licensee is in compliance with Section 81092.1.
 - (2) Either the client is mentally and physically capable of providing all routine care for his/her tracheostomy and the physician has documented that the tracheostomy opening (stoma) is completely healed, or assistance in the care of the tracheostomy is provided by a licensed professional.

(A) The licensed professional may delegate routine care for the tracheostomy to facility staff who receive supervision and training from the licensed professional as specified in Sections 81092.1(k) through (k)(2).

 1. Suctioning shall not be delegated to facility staff.
 - (3) The licensee monitors the client's ongoing ability to provide all routine care for his/her tracheostomy in accordance with the physician's instructions.
 - (4) The licensee ensures that tracheostomy care is provided by a licensed professional when the client is unable to provide self-care.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507 and 1530, Health and Safety Code.

81093 DEPARTMENT REVIEW OF HEALTH-RELATED CONDITIONS**81093**

- (a) The Department may review actual or suspected health-related conditions, including those specified in Section 81092 to determine if a client is appropriately placed in the facility and if the client's health-related needs are being met. The Department will inform the licensee that the client's health-related condition requires review and will specify documentation that the licensee shall submit to the Department.
- (1) Documentation includes, but is not limited to, the following:
- (A) Restricted Health Condition Care Plan, if applicable.
- (B) Needs and Services Plan.
- (C) Copies of prescriptions for medical services and/or medical equipment.
- (2) The licensee shall submit the documentation to the Department within 10 working days.
- (b) If the Department determines that the client has a restricted health condition, as specified in Section 81092, the licensee shall provide care to the client in accordance with conditions specified in Sections 81092.1 and applicable requirements in Sections 81092.3 through 81092.11. If the licensee is not able to provide adequate care, the client shall be relocated.
- (c) If the Department determines that the client has a prohibited health condition, as specified in Section 81091 or a health condition that cannot be cared for within the limits of the license or within the abilities of that specific facility, the Department will order relocation of the client as specified in Section 81094.
- (1) The notification to the licensee will include notice of all appeal rights, as specified in Section 81094.
- (d) This section does not entitle the licensee to a full evidentiary hearing, state hearing, or any other administrative review beyond that set forth in this section.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1530, Health and Safety Code.

81094 HEALTH CONDITION RELOCATION ORDER**81094**

- (a) The Department will order relocation of a client if the Department makes any of the following determinations:
- (1) The client has a prohibited health condition, as specified in Section 81091.
 - (2) The licensee has not met all of the requirements in Sections 81092.1 and applicable requirements in Sections 81092.3 through 81092.11.
 - (3) The client has a health condition that cannot be cared for within the limits of the license or within the abilities of that specific facility.
- (b) The Department will give written notice to the licensee ordering the relocation of the client and informing the licensee of the client's right to an Interdisciplinary Team review of the relocation order.
- (1) Concurrently the Department will give the notice of the health condition relocation order and information about the client's right to request review of the relocation order to the client. The Department will mail, by certified mail, or deliver a copy within one working day to the client's authorized representative, if any and responsible person.
 - (A) If the client has no authorized representative, as defined in Section 81001(a)(5), the relocation order shall be sent to the responsible person and representative payee, if any.
 - (2) The health condition relocation order will state the reason for the relocation order and cite the regulation(s) requiring the relocation.
 - (3) Upon receipt of the relocation order, the licensee shall prepare a written relocation plan in compliance with Section 81078.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1530, 1531 and 1556 Health and Safety Code.

81094.5 CLIENT'S REQUEST FOR REVIEW OF A HEALTH CONDITION RELOCATION ORDER BY THE INTERDISCIPLINARY TEAM (IDT) 81094.5

- (a) A client or the client's authorized representative, if any, may request a review of the Department's health condition relocation order by the Interdisciplinary Team.
- (b) The client or the client's authorized representative, if any, has 10 working days from receipt of the relocation order to submit to the licensee a written, signed, and dated request for a review and determination by the Interdisciplinary Team.
 - (1) For purposes of this section, a working day is any day except Saturday, Sunday, or an official state holiday.
- (c) The licensee shall mail or deliver such a request to the Department within two (2) working days of receipt.
 - (1) Failure or refusal to do so may subject the licensee to civil penalties, as provided in Section 81054.
- (d) Within five working days of receipt by the Department of the request for review, the Department will give written notification to the licensee, client and the client's authorized representative, if any, acknowledging receipt of the client's request for review of the relocation order.
- (e) Within twenty (20) working days from the date of the client's review request, the licensee shall submit to the Department the documentation specified in this section to complete the client's review request.
 - (1) If the information is not received within twenty (20) days, the request for review shall be considered withdrawn, the licensee shall be notified, and the relocation plan will be implemented.
- (f) The licensee shall cooperate with the client and the client's authorized representative, if any, in gathering the documentation to complete the client's review request.
- (g) The documentation to complete the client's review request shall include, but not be limited to, the following:
 - (1) The reason(s) for disagreeing that the client has the health condition identified in the relocation order and why the client believes he/she may legally continue to remain in a community care facility.

81094.5 CLIENT'S REQUEST FOR REVIEW OF A HEALTH CONDITION RELOCATION ORDER BY THE INTERDISCIPLINARY TEAM (IDT) **81094.5**
(Continued)

- (2) Current health and functional capabilities assessments, as specified in Sections 81069 and 81069.2.
 - (A) For purposes of this section, "current" means a medical assessment completed on or after the date of the relocation order.
- (3) A written statement from any placement agency currently involved with the client addressing the relocation order.
- (h) The Department will inform the licensee, client and the client's authorized representative, if any, in writing, of the Interdisciplinary Team determination and the reason for that determination not more than 30 days after the Department's receipt of the information required in this section.
- (i) A client does not have a right to a review under this section in any of the following circumstances:
 - (1) A health condition relocation order has been issued under Section 81078(b)(6).
 - (2) A client has been evicted under Section 81068.5.
 - (3) A temporary suspension order has been issued under Section 81042.
- (j) This section does not entitle the client to a right to a state hearing or any other administrative review beyond that set forth in this section.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1507, 1530 and 1556, Health and Safety Code.

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