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DEPARTMENT OF SOCIAL SERVICES
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GOVERNOR

July 2, 2019

PIN 19-16-ASC

TO: ALL RESIDENTIAL CARE FACILITY FOR THE ELDERLY LICENSEES

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **REGULATION UPDATE REGARDING SUSPENSION OF NEW
ADMISSIONS IN RESIDENTIAL CARE FACILITIES FOR THE
ELDERLY**

Provider Information Notice (PIN) Summary

PIN 19-16-ASC announces the adoption of the Suspension of New Admissions in Residential Care Facilities for the Elderly (RCFE) regulation package.

Effective July 1, 2019 the Suspension of New Admissions regulations take effect. Through the promulgation of this regulation package, the following sections are being added to Title 22 of the California Code of Regulations:

- [Section 87764: Suspension of New Admissions](#)
- [Section 87765: Appeal of Suspension of New Admissions](#)

Note: These regulations only apply to RCFEs.

Overview

The regulations clarify statutory requirements ([Health and Safety Code Section 1569.545](#)), which permit the Department to order a suspension of new admissions in RCFEs if either of the following conditions are met:

- the facility is cited for a deficiency that presents a direct and immediate risk to the health, safety or personal rights of the resident or residents of the facility and the licensee fails to correct the deficiency immediately.
- the facility failed to pay a civil penalty (or penalties) after the facility had exhausted the administrative review process as specified in [Health and Safety Code Section 1569.49](#).

The order to suspend new admissions is effective immediately upon notice. The facility is prohibited from admitting new residents while the suspension is in effect.

Note: Any admission agreement signed prior to the effective date of the order of suspension of new admissions is not considered a new admission.

Additionally, the regulations:

- require the Department to provide written notice, as specified, of the order to suspend new admissions;
- require an RCFE licensee to post a copy of the notice in a conspicuous location in the facility; and,
- specify licensee appeal rights related to a suspension of new admissions.

Licensee Appeal Rights

A licensee or their representative has a right to appeal the order to suspend new resident admissions. Appeal rights will be included in the initial written order served to the licensee. **The order to suspend new resident admissions stays in effect throughout the appeal process.**

The appeal review is conducted by the Deputy Director of the Community Care Licensing Division or their designee, who will review and render a final decision within three (3) business days of receipt of the written appeal. Following the close of the appeal review period, the Department will notify the licensee immediately, but no later than two (2) business days, of the final determination of the appeal.

PIN 19-16-ASC
Page Three

An appeal related to the suspension of new resident admissions should be directed to:

ATTN: Appeal for Suspension of New Admissions
Deputy Director, Community Care Licensing Division
California Department of Social Services
744 P Street, MS 8-17-17
Sacramento, CA 95814

If you have any questions regarding this PIN, please contact your [Adult and Senior Care Regional Office](#).