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PIN 18-04-ASC

TO: ALL RESIDENTIAL CARE FACILITIES FOR THE ELDERLY LICENSEES

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

SUBJECT: **PROGRAM FLEXIBILITY RELATED TO DEMENTIA CARE IN
RESIDENTIAL CARE FACILITIES FOR THE ELDERLY**

Provider Information Notice (PIN) Summary

PIN 18-04-ASC reminds Residential Care Facilities for the Elderly (RCFE) licensees that they can request an exception under Program Flexibility to continue providing care and supervision to a resident diagnosed with dementia.

California Code of Regulations (CCR), Title 22, sections [87455\(c\)\(3\)\(B\)](#) and [87705\(a\)](#) require additional resident safeguards for residents who have been diagnosed with dementia. As a result, in order to comply with regulations, licensees are compelled to evict a resident who has been diagnosed with dementia, even if there is no change in care needs.

Program Flexibility pursuant to CCR, Title 22, section [87209](#) can be used to allow a resident diagnosed with dementia to remain in the RCFE. Thus, a licensee may not have to evict a resident who has been diagnosed with dementia in order to comply with CCR, Title 22, sections [87455\(c\)\(3\)\(B\)](#) and [87705\(a\)](#). An exception request is appropriate when the intent of the regulations can be met by utilizing alternative means thus allowing a resident diagnosed with dementia to remain living in the RCFE.

Licensees are encouraged to consider submitting an exception when there has been no change in a resident's behavior or care needs that would otherwise necessitate the greater safeguards. Alternative safeguards in caring for a resident may exist without having to alter the facility's physical plant to comply with dementia care requirements. Each exception request must be tailored to each resident's specific situation. Alternatives to regulatory requirements shall always be carried out with resident health and safety in mind.

CCR, Title 22, section [87209\(a\)\(2\)](#) speaks to including "substantiating evidence supporting the request." Evidence supporting an exception is specific to each request, however, licensees are encouraged to address the following elements as appropriate in the written request:

- identify the regulation(s) for which the exception is requested
- describe the alternatives to be utilized and how the alternatives will meet the intent of the regulation(s)
- address how the resident would benefit from the requested exception
- provide information regarding how other residents will not be adversely affected by this request
- include whether any additional direct care staff training is necessary

Other substantiating evidence includes, but is not limited to:

- a copy of the resident's current physician's report
- a copy of the resident's most current reappraisal and care plan which documents how the licensee will meet the resident's individualized care needs
- written agreement with the request for an exception from the resident, resident's representative, or appropriate medical or professional personnel as warranted.
- a copy of the facility sketch, if physical plant issues are of concern.

Pursuant to CCR, Title 22, section [87463](#), a reappraisal is required as frequently as necessary to note significant changes to the resident's physical, medical, mental, and social condition. Licensees are encouraged to work with the resident, the resident's representative, physician or licensed health care professional and the Licensing Program Analyst to develop a plan that addresses the resident's care needs and behaviors.

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