

Manual of Policies and Procedures
COMMUNITY CARE LICENSING DIVISION

**ADULT RESIDENTIAL
FACILITIES**

Title 22
Division 6
Chapter 6



STATE OF CALIFORNIA
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HEALTH AND WELFARE AGENCY
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This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting CDSS programs
- c) Statutes from appropriate Codes which govern CDSS programs; and
- d) Court decisions
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other department's regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by a line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**85000 GENERAL****85000**

- (a) Adult residential facilities, as defined in Section 80001a.(5), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

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

85001 DEFINITIONS**85001**

In addition to Section 80001, the following shall apply.

- (a) (1) "Adult protective services agency" means a county welfare department, as defined in Welfare and Institutions Code Section 15610.13.

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- (A) Welfare and Institutions Code Section 15610.13 defines "adult protective services agency" to mean a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff."

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- (2) "Advance Health Care Directive" means a written instruction that relates to the provision of health care when the individual is incapacitated. An Advance Health Care Directive includes, but is not limited to, a Power of Attorney for Health Care; an Individual Health Care Instruction; a Request to Forego Resuscitative Measures; or a Do-Not-Resuscitate form. In this written instruction, a person states choices for medical treatment and/or designates who should make treatment choices if the person creating the advance directive should lose decision-making capacity.
- (3) "Allowable Health Condition" means any health condition that the licensee is allowed to care for either in accordance with a specific regulation or with an exception approved by the licensing agency.

85001 DEFINITIONS (Continued)**85001**

- (4) "Appropriately Skilled Professional" means an individual that has training and is licensed to perform the necessary medical procedures prescribed by a physician. This term includes, but is not limited to, the following: Registered Nurse (RN); Licensed Vocational Nurse (LVN); Physical Therapist (PT); Occupational Therapist (OT); and Respiratory Therapist (RT). These professionals may include, but are not limited to, those persons employed by a home health agency, the resident, or adult residential facilities.
- (b) (Reserved)
- (c) (1) "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in an adult residential facility.
- (2) "Certified administrator" means a person who has been issued an Administrator Certification by the Department and whose certification is current.
- (3) "Classroom Hour" means sixty (60) minutes of classroom instruction with or without a break. It is recommended that no more than twenty (20) minutes of break time be included every four (4) hours of instruction. No credit is given for meal breaks.
- (4) "Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for Continuing Education Training Program vendors only.
- (5) "Complete Request" means the vendor applicant has submitted and the Department has received all required information and materials necessary to approve or deny the request for certification program and/or course approval.
- (6) "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide Continuing Education training courses to adult residential facility administrators and certificate holders to qualify them for renewal of their adult residential facility administrator certificate.
- (7) "Course" means either, (1) a quarter-or-semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop or lecture of varying duration.

85001 DEFINITIONS (Continued)**85001**

- (d) (1) “Do-Not-Resuscitate (DNR) Form” means the pre-hospital do-not-resuscitate forms developed by the California Emergency Medical Services Authority and by other local emergency medical services agencies. These forms, when properly completed by a client or, in certain instances, a client’s Health Care Surrogate Decision Maker, and by a physician, alert pre-hospital emergency medical services personnel to the client’s wish to forego resuscitative measures in the event of the client’s cardiac or respiratory arrest.
- (e) (Reserved)
- (f) (1) “Facility Hospice Care Waiver” means a waiver from the limitation on retention of clients who require more care and supervision than ordinarily would be permitted in an Adult Residential Facility, and clients who are bedridden other than for a temporary illness. This waiver granted by the Department will permit the licensee to retain a designated maximum number of terminally ill clients who are receiving services from a Hospice Agency. The waiver will apply only to those clients who are receiving hospice care in compliance with a Hospice Care Plan meeting the requirements of Section 85075.1.
- (g) (Reserved)
- (h) (1) “Health Care Provider” means that person or persons described in Probate Code Section 4621.

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Section 4621 of the Probate Code states:

“‘Health Care Provider’ means an individual licensed, certified, or otherwise authorized or permitted by the law of this state to provide health care in the ordinary course of business or practice of a profession.”

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- (2) “Health Care Surrogate Decision Maker” means an individual who participates in health care decision-making on behalf of an incapacitated client. This individual may be formally appointed (e.g., by the client in an Advance Health Care Directive or by a court in a conservatorship proceeding) or be recognized by virtue of a relationship with the client (e.g., the client’s next of kin). The licensee or any staff member of the facility shall not be appointed by any client to be a Health Care Surrogate Decision Maker.

85001 **DEFINITIONS** (Continued)**85001**

(3) "Hospice or Hospice Agency" means an entity that provides hospice services to terminally ill persons. This entity is Medicare certified and holds either a Hospice license or a Home Health Agency license from the California Department of Health Services. The definition includes any organization(s), appropriately skilled professional(s), or other professional person(s) or entity(ies) that are subcontracted by the hospice to provide services to the client. The hospice agency providing services in an Adult Residential Facility shall not subcontract with the licensee or any facility staff for the provision of services.

(4) "Hospice Care Plan" means the hospice's written plan of care for a terminally ill client. The hospice shall retain overall responsibility for the development and maintenance of the plan and quality of hospice services delivered.

(i) (1) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial thirty-five (35) hour certification training program to persons who do not possess a valid adult residential facility administrator certification.

(2) "Initial Vendor Application" means the application form, LIC 9141, used to request approval from the Department to become a vendor for the first time.

(j) (Reserved)

(k) (Reserved)

(l) (1) "Licensed Mental Health Professional" means a licensed clinical psychologist; a psychiatrist; a licensed clinical social worker; or a licensed marriage, family and child counselor.

(m) (Reserved)

(n) (1) "Needs and Services Plan" means a written plan that identifies the specific needs of an individual client, including those items specified in Sections 80068.2 and 85068.2, and delineates those services necessary to meet the client's identified needs.

(o) (Reserved)

(p) (Reserved)

(q) (Reserved)

85001 **DEFINITIONS** (Continued)**85001**

| (r) (1) "Renewal Vendor Application" means the application form, LIC 9141, used to request approval from the Department to continue another two (2) years as an approved vendor.

| (s) (Reserved)

| (t) (1) "Terminally Ill Client" means a client who has a prognosis by his/her attending physician that the client's life expectancy is six months or less if his/her illness or condition runs its normal course.

| (u) (Reserved)

| (v) (1) "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program and/or a Continuing Education Training Program.

 (2) "Vendor Applicant" means any institution, association, individual(s) or other entity that submits a request for approval of an Initial Certification Training Program and/or a Continuing Education Training Program.

| (w) (Reserved)

| (x) (Reserved)

| (y) (Reserved)

| (z) (Reserved)

| NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1502.2, 1507, 1530, 1531, and 1562.3, Health and Safety Code, and Section 15610.13, Welfare and Institutions Code, and Sections 1800, 4605, and 4753, Probate Code.

85002 DEFINITIONS - FORMS**85002**

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapter 6 (Adult Residential Facilities).

- | (a) LIC 9139 (2/01) - Renewal of Continuing Education Course Approval, Administrator Certification Program.
- | (b) LIC 9140 (6/01) - Request for Course Approval, Administrator Certification Program.
- | (c) LIC 9141 (5/01) - Vendor Application/Renewal, Administrator Certification Program.
- | (d) LIC 9142a (2/01) - Roster of Participants - For Vendor Use Only - 35/40 Hour Initial Or CEU Courses, Administrator Certification Program.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1562.3, Health and Safety Code; and Section 15376, Government Code.

Article 2. LICENSING**85009 POSTING OF LICENSE****85009**

- (a) In facilities with a licensed capacity of seven or more, the license shall be posted in a prominent, publicly accessible location in the facility.
- (b) In facilities with a licensed capacity of six or fewer, the license shall be retained in the facility and be available for review upon request.

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

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Article 3. APPLICATION PROCEDURES**85018 APPLICATION FOR LICENSE 85018**

- (a) In addition to Section 80018, the following shall apply.
- (b) Each applicant shall submit a financial plan of operation on forms provided or approved by the department.
 - (1) Start-up funds shall be available which shall include funds for the first three months of operation.
- (c) The licensing agency shall have the authority to require written verification of the availability of the funds required in (b)(1) above.
- (d) Each applicant shall submit the name and residence and mailing addresses of the facility administrator, a description of the administrator's background and qualifications, and documentation verifying the required education and administrator certification.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1528, 1531, 1562.3, and 1562.4, Health and Safety Code.

85022 PLAN OF OPERATION 85022

- (a) In addition to Section 80022, the following shall apply.
- (b) The plan of operation shall contain written evidence of arrangements for any consultants and community resources which are to be utilized to meet regulatory requirements or requirements of the facility's plan of operation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528 and 1531, Health and Safety Code.

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Article 4. ADMINISTRATIVE ACTIONS (Reserved)**Article 5. ENFORCEMENT PROVISIONS****85051 SERIOUS DEFICIENCIES****85051**

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- (a) In addition to Section 80051, the following are examples of regulations which, if not complied with, nearly always result in a serious deficiency.
- (1) Sections 85068.4(a)(1), (2), and (5) and 85075.3(d) relating to persons with communicable diseases and persons requiring inpatient health or acute psychiatric care.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1534, Health and Safety Code.

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Article 6. CONTINUING REQUIREMENTS**85060 BASIC SERVICES****85060**

- (a) For SSI/SSP recipients who are residents, the basic services shall be provided and/or made available at the basic rate with no additional charge to the resident.
- (1) This shall not preclude the acceptance by the facility of voluntary contributions from relatives or others on behalf of an SSI/SSP recipient.

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- (A) The Social Security Administration has interpreted Federal Regulations (20 CFR 416.1102, 416.1103, and 416.1145) to mean that any contribution given directly to the facility on behalf of an SSI/SSP recipient will not count as income (i.e., will not reduce the recipient's SSI/SSP check) if the payment is used for items other than food, clothing or shelter (e.g., care and supervision).

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- (2) An extra charge to the resident shall be allowed for a private room if a double room is made available but the resident prefers a private room, provided the arrangement is documented in the admissions agreement and the charge is limited to 10% of the Board and Room portion of the SSI/SSP grant.
- (3) An extra charge to the resident shall be allowed for provision of special food services or products beyond that specified in Section 80076(a)(2) and (a)(4) when the resident wishes to purchase the services and agrees to the extra charge in the admissions agreement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code and Section 12350, Welfare and Institutions Code.

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85061 REPORTING REQUIREMENTS**85061**

- (a) In addition to Section 80061, the following shall apply.
- (b) The licensee shall notify the Department, in writing, within thirty (30) days of a change of 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 shall be permitted.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562.3, and 1562.4, Health and Safety Code.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**85064**

- (a) In addition to Section 80064, the following shall apply.
- (b) All adult residential facilities shall have a certified administrator.
- (c) The administrator shall be at least 21 years of age.
- (d) Have a high school diploma or pass a general educational development test (GED).
 - (1) Administrators employed prior to July 1, 1996 are exempt from this requirement.

The administrator shall be on the premises the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.

- (f) When the administrator is absent from the facility there shall be coverage by a designated substitute, who meets the qualifications of Section 80065, who shall be capable of, and responsible and accountable for, management and administration of the facility in compliance with applicable law and regulation.
- (g) The administrator of a facility for seven to 15 clients shall have one year of work experience in residential care.
- (h) The administrator of a facility for 16 to 49 clients shall have graduated from high school, or possess a GED, and shall have one of the following prior to employment:

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**85064**

- (1) Completion, with a passing grade, of 15 college or continuing education semester or equivalent quarter units, three of which shall be in nutrition, human behavior, administration, or staff relations.
- (2) One year of work experience in residential care.

| (i) The administrator of a facility for 50 or more clients shall have graduated from high school, or possess a GED, and shall have one of the following prior to employment.

- (1) Completion, with a passing grade, of 60 college or continuing education semester or equivalent quarter units, six of which shall be in administration or staff relations.
- (2) Three years work experience in residential care, one year of which shall have been providing direct care to clients or assisting in facility administration.

| (j) The administrator shall perform the following duties:

- (1) Where applicable, advise the licensee on the operation of the facility and advise the licensee on developments in the field of care and supervision.
- (2) Development of an administrative plan and procedures to define lines of responsibility, workloads, and staff supervision.
- (3) Recruitment, employment and training of qualified staff, and termination of staff.
- (4) Provision of, or insurance of the provision of, services to the clients, required by applicable law and regulation, including those services identified in the client's individual needs and services plans.
 - (A) The licensing agency shall have authority to approve the use of a centralized service facility to provide any required services to two or more licensed facilities. Prior approval shall be obtained in writing.

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- (B) Examples of such centralized service facilities are a centralized laundry, dining room or kitchen serving two or more facilities.

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- (5) Arrangement for special provisions for the care and supervision and safety and guidance of clients with disabilities including visual or auditory deficiencies.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**85064**

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- (A) Such provisions may include additional staff, safety and emergency information printed in braille, and lights to alert the deaf to emergency sounds.

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- (6) Arrangement for the clients to attend available community programs, when clients have needs, identified in the needs and services plan, which cannot be met by the facility but can be met by community programs.
- (A) Such arrangements shall include, but not be limited to, arranging for transportation.
- (k) Within six months of becoming an administrator, the individual shall receive training on HIV and TB required by Health and Safety Code Section 1562.5. Thereafter, the administrator shall receive updated training every two years.

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Health and Safety Code Section 1562.5(a) reads in pertinent part:

(a) The Director shall ensure that, within six months after obtaining licensure, an administrator of an adult residential facility ... shall receive four hours of training on the needs of residents who may be infected with the human immunodeficiency virus (HIV), and on basic information about tuberculosis. Administrators ... shall attend update training every two years after satisfactorily completing the initial training to ensure that information received on HIV and tuberculosis remains current. The training shall consist of three hours on HIV and one hour on tuberculosis.

(g) In the event that an administrator or program director demonstrates ... a significant difficulty in accessing training, the administrators and program directors ... have the option of fulfilling these training requirements through a study course consisting of written and/or video educational materials.

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- (l) Administrators employed prior to July 1, 1996 shall be exempt from the requirements of Sections 85064(d), (h), and (i) above, provided that they have no break in employment as an adult residential facility administrator exceeding three (3) consecutive years.
- (m) In those cases where the individual is both the licensee and the administrator of an adult residential facility, the individual shall comply with all of the licensee and certified administrator requirements.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**85064**

- (n) The Department may revoke the license of an adult residential facility for failure to comply with all requirements regarding certified administrators.
- (o) Unless otherwise provided, a certified administrator may administer more than one licensed adult residential facility.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562, 1562.3, 1562.4, and 1562.5, Health and Safety Code.

85064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS**85064.2**

- (a) An individual shall be a certificate holder prior to being employed as an Administrator.
- (b) To receive his/her certificate an applicant shall:
 - (1) Successfully complete a Department approved Initial Certification Training Program.
 - (2) Pass a written test administered by the Department within sixty (60) days of completion of an Initial Certification Training Program.
 - (3) Submit an application form to the Department's certification section within thirty (30) days of being notified of having passed the test. The application shall contain the following:
 - (A) Proof that the applicant has successfully completed a Department approved Initial Certification Training Program.
 - (B) A statement certifying that the applicant is at least twenty-one (21) years of age.
 - (C) Fingerprint cards, or evidence that the applicant has submitted fingerprints to the Department of Justice at a livescan facility, or a statement that the applicant has a current criminal record clearance on file with the Department.
 - (D) A one hundred dollar (\$100) processing fee.
- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance pursuant to Health and Safety Code Section 1522 or is able to transfer a current criminal record clearance pursuant to Health and Safety Code Section 1522(h)(1).
- (d) It shall be unlawful for any person not certified under this Section to misrepresent himself or herself as a certified administrator. Any person willfully making any false representation as being a certified adult residential facility administrator is guilty of a misdemeanor.

85064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued) 85064.2

- (e) Certificates issued under this Section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements.
- (f) Certificates shall be valid for a period of two (2) years and expire on either the anniversary date of initial issuance or on the individual's birthday during the second calendar year following certification.
 - (1) The certificate holder shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification.
- (g) Time deadlines specified in Section 85064.2(b)(2) and (3) above may be extended for good cause as determined by the Department. Any request for extension of time shall be in writing and shall contain a statement of all facts the applicant believes constitute good cause to extend time.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1531, 1562, 1562.3, and 1562.4, Health and Safety Code.

85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS 85064.3

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during the two-year certification period. Continuing education hours must relate to the Core of Knowledge and be completed through any combination of the following:
 - (1) Courses provided by vendors approved by the Department, or
 - (2) Accredited educational institutions offering courses that are consistent with the requirements of this Section, or

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- (A) Examples of accredited educational institutions are Community and State colleges.

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- (3) Courses offered by vendors approved by other California State agencies provided that:
 - (A) The approval and enforcement procedures of that State agency are comparable to the approval and enforcement procedures of the Department, and

85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 85064.3

- (B) The course relates to the Core of Knowledge as specified in Section 85090(h)(1)(A) through (I).

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- (C) Prior to taking a course from one of the entities specified in Section 85064.3 (a)(2) or (3) above, the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Section 85090(h)(1)(A) through (I). If the course does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement.
- (D) Examples of other California State agencies that meet the requirements above are: the Department of Developmental Services, the Department of Rehabilitation, the Board of Behavioral Science Examiners and the Board of Psychology.

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- (4) Certified administrators required to complete continuing education hours required by regulations of the Department of Developmental Services, and approved by the Regional Center, may have up to twenty-four (24) of the required continuing education course hours credited toward the forty (40) hour continuing education requirement.
- (A) Community college course hours approved by the Regional Center shall be accepted by the Department for recertification.
- (B) Any continuing education course hours in excess of twenty-four (24) hours offered by the Department of Developmental Services and approved by the Regional Center may be credited toward the forty (40) hour requirement provided the courses are not duplicative and relate to the core of knowledge as specified in Sections 85090(h)(1)(A) through (I).
- (5) Continuing education hours must enhance the core of knowledge. Continuing education credit will not be provided for any Initial Certification Training Program course.
- (b) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting except that:
- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable.
- (c) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit:

85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 85064.3

- (1) A written request to recertify post-marked on or before the certificate expiration date.
 - (2) Evidence of completion of forty (40) continuing education hours as specified in Section 85064.3(a) above.
 - (3) Payment of a one hundred dollar (\$100) processing fee.
- (d) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit:
- (1) A written request to recertify.
 - (2) Evidence of completion of the required continuing education hours as specified in Section 85064.3(a) above. The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if he/she had remained certified. The date of computation shall be the date the written request for recertification is received by the Department.
 - (3) Payment of a delinquency fee equal to three times the renewal fee, or three hundred dollars (\$300).
- (e) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.
- (1) Holders of certificates not renewed within four (4) years of their expiration date shall complete an Initial Certification Training Program as specified in Section 85064.2(b).
- (f) Certificate holders, as a condition of recertification, shall have a current criminal record clearance.
- (g) A processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (h) A certificate holder shall report any change of mailing address within thirty (30) days to the Department's administrator certification section.
- (i) Whenever a certified administrator assumes or relinquishes responsibility for administering an adult residential facility, he or she shall provide written notice within thirty (30) days to:
- (1) The licensing District Office(s) responsible for receiving information regarding personnel changes at the licensed facilities with whom the certificate holder is or was associated, and
 - (2) The Department's administrator certification section.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

85064.4 DENIAL OR REVOCATION OF A CERTIFICATE**85064.4**

- (a) The Department may deny or revoke any administrator certificate upon any of the grounds specified in Health and Safety Code Section 1550 and/or for any of the following:
- (1) The certificate holder procured a certificate by fraud or misrepresentation.
 - (2) The certificate holder knowingly made or gave a false statement or information in conjunction with the application for a certificate.
 - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:
 - (A) The certificate holder did not appeal the exclusion order, or
 - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
 - (4) The certificate holder does not have a current criminal record clearance.
 - (5) The certificate holder fails to comply with certificate renewal requirements.
 - (A) The Department may reinstate a certificate that has been revoked for failure to comply with certification renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code Section 1551.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code 1520.3.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1550, 1551, 1562.3 and 1562.4, Health and Safety Code.

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85064.5 FORFEITURE OF A CERTIFICATE**85064.5**

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
- (1) The Department has revoked any license held by the certificate holder after the Department issued the certificate.
 - (2) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58, or 1596.8897, after the Department issued the certificate, and:
 - (A) The certificate holder did not appeal the exclusion order or,
 - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code Sections 1520.3, 1558(h) and/or 1558.1.

85064.5 FORFEITURE OF A CERTIFICATE (Continued)**85064.5****HANDBOOK BEGINS HERE**

Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

HANDBOOK CONTINUES

85064.5 FORFEITURE OF A CERTIFICATE (Continued)**85064.5****HANDBOOK CONTINUES**

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

Health and Safety Code Section 1558(h)(1)(A) reads in pertinent part:

(h)(1)(A) In cases where the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(h)(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.

Health and Safety Code Section 1558.1(a)(1) reads in pertinent part:

(a)(1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

HANDBOOK CONTINUES

85064.5 FORFEITURE OF A CERTIFICATE (Continued)

85064.5

HANDBOOK CONTINUES

...

(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

...

(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1558, 1558.1, and 1562.3, Health and Safety Code.

85065 PERSONNEL REQUIREMENTS**85065**

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall employ staff as necessary to ensure provision of care and supervision to meet client needs.
- (c) The licensee shall employ support staff as necessary to perform office work, cooking, house cleaning, laundering, and maintenance of buildings, equipment and grounds.
- (d) The licensee shall ensure that the following personnel requirements are met in the provision of planned activities:
 - (1) In facilities with a licensed capacity of 16 to 49 clients, one employee shall be designated by the administrator to have primary responsibility for the organization, conduct and evaluation of planned activities.
 - (A) The designated employee shall possess at least six months of experience in organizing and providing planned group activities.
 - (2) In facilities with a licensed capacity of 50 or more clients, one employee shall have full-time responsibility for the organization, conduct and evaluation of planned activities, and shall be given assistance as necessary in order to ensure that all clients participate in accordance with their interests and abilities.
 - (A) The designated employee shall possess at least one year of experience in organizing and providing planned group activities, and shall be knowledgeable in the evaluation of client needs, the supervision of other employees, and the training of volunteers.
 - (3) Participation of volunteers in planned activities shall be encouraged.
 - (A) Such volunteers shall be under the direction and supervision of the employee designated as responsible for the activity program.

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85065 PERSONNEL REQUIREMENTS (Continued)**85065**

HANDBOOK BEGINS HERE

- (4) Where the facility can demonstrate that its clients are self-directed to the extent that they are able to plan, organize and conduct the facility's activity program themselves, the licensing agency shall be permitted to waive these requirements.

HANDBOOK ENDS HERE

- (e) The licensee shall ensure that the following personnel requirements are met in the provision of food service:
- (1) Employment, training and scheduling of food service personnel shall ensure that client's food service needs are met by the facility.
 - (2) In facilities with a licensed capacity of 16 or more clients an employee shall be designated to have primary responsibility for food planning, preparation and service.
 - (A) The designated employee shall receive on-the-job training or shall have related experience as evidenced by safe and effective job performance.
 - (3) In facilities with a licensed capacity of 50 or more clients, and which provide three meals per day, an employee shall be designated to have full-time responsibility for the operation of the food service program and shall possess either:
 - (A) One year of experience in food preparation and service accommodating 50 or more persons.
 - (B) Two years of experience in food preparation and service accommodating 16 to 49 persons.
 - (4) If the employee designated in a facility for 50 or more clients is not a nutritionist, dietitian, or a home economist, provision shall be made for regular consultation from a person so qualified.

85065 PERSONNEL REQUIREMENTS (Continued)**85065**

- (A) Such consultation shall be during at least one meal preparation and service, on the day of the consultation, and shall include review and approval of the facility's food planning, preparation and service procedures.
 - (B) A written record of the frequency, nature and duration of the consultant's visits shall be secured from the consultant and maintained in the facility.
 - (C) The licensing agency shall have authority to require more frequent consultation than the licensee is having, when the licensing agency determines and documents the need for such additional consultation.
- (f) The licensee shall ensure that all direct services to clients requiring specialized skills are performed by personnel who are licensed or certified to perform the service.
- (1) Where no license or certification is available for a particular skill, prior approval of the licensing agency shall be obtained for the provision of the service by an unlicensed or uncertified person.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531 and 1562, Health and Safety Code.

85065.5 DAY STAFF-CLIENT RATIO**85065.5**

- (a) Whenever a client who relies upon others to perform all activities of daily living is present, the following minimum staffing requirements shall be met:
- (1) For Regional Center clients, staffing shall be maintained as specified by the Regional Center but no less than one direct care staff to three such clients.
 - (2) For all other clients, there shall be a staff-client ratio of no less than one direct care staff to three such clients.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1531 and 1562, Health and Safety Code.

85065.6 NIGHT SUPERVISION**85065.6**

- (a) Night supervisory staff shall meet the personnel requirements specified in Section 80065, and the requirements below.
- (b) Employees providing night supervision from 10:00 p.m. to 7:00 a.m., as specified in (c) through (f) below, shall be available to assist in the care and supervision of clients in the event of an emergency, and shall have received training in the following:
 - (1) The facility's planned emergency procedures.
 - (2) First aid, as specified in Section 80075.
- (c) In facilities providing care and supervision for 15 or fewer clients, there shall be at least one person on call on the premises.
- (d) In facilities providing care and supervision for 16 to 100 clients, there shall be at least one person on duty, on the premises and awake. Another person shall be on call and capable of responding within 30 minutes.
- (e) In facilities providing care and supervision for 101 to 200 clients, at least one person shall be on call, on the premises; another qualified person shall be on duty, on the premises and awake; and another person shall be on call and capable of responding within 30 minutes.
- (f) In facilities providing care to seven or more clients who rely upon others to perform all activities of daily living, there shall be at least one person on duty, on the premises and awake.
 - (1) For every additional 14 such clients, there shall be one additional person on duty, on the premises and awake.
- (g) In facilities providing care to Regional Center clients who rely upon others to perform all activities of daily living, night supervision shall be maintained as required by the Regional Center, but no less than the staff-client ratio specified in Sections 85065.6(f) and (f)(1).
- (h) For every additional 100 clients, or fraction thereof, for whom care and supervision is being provided, there shall be one additional person on duty, on the premises and awake.
- (i) In facilities required to have a signal system, as specified in Section 85088, at least one staff person shall be responsible for responding to the signal system.

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

85066 PERSONNEL RECORDS**85066**

- (a) In addition to Section 80066, the following shall apply.
- (b) A dated employee time schedule shall be developed at least monthly, shall be displayed conveniently for employee reference and shall contain the following information for each employee:
 - (1) Name.
 - (2) Job title.
 - (3) Hours of work.
 - (4) Days off.
- (c) The licensee shall maintain documentation that the administrator has met the certification requirements specified in Section 85064.2.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1562.3, and 1562.4, Health and Safety Code.

85068 ADMISSION AGREEMENTS**85068**

- (a) In addition to Section 80068, the following shall apply.
- (b) The admission agreement must specify the following:
 - (1) Payment provisions, including the client's funding source.
 - (A) Such disclosure shall be at the client's discretion.
 - (2) General facility policies which are intended to ensure that no client, in the exercise of his/her personal rights, infringes upon the personal rights of any other client.
 - (3) The current arrangement with the client regarding the provision of food service.

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

85068.1 ADMISSION PROCEDURES**85068.1**

- (a) The licensee shall develop, maintain, and implement admission procedures which shall meet the requirements specified in this section.
- (b) No client may be admitted prior to a determination of the facility's ability to meet the needs of the client, which must include an appraisal of his/her individual service needs as specified in Sections 80068.2 and 85068.2.
- (c) Prior to accepting a client for care and supervision, the person responsible for admissions shall:
 - (1) Interview the prospective client, and his/her authorized representative, if any.
 - (A) The interview shall provide the prospective client with information about the facility, including the information contained in the Admission Agreement and any additional policies and procedures, house rules, and activities.
 - (2) Develop a Needs and Services Plan as specified in Sections 80068.2 and 85068.2.
- (d) The facility shall obtain the medical assessment, performed as specified in Section 80069.
- (e) If admission is agreed to, the facility shall obtain the signature of the client, or his/her authorized representative, if any, on the Admission Agreement.

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

85068.2 NEEDS AND SERVICES PLAN**85068.2**

- (a) Prior to admission, the licensee shall determine whether the facility's program can meet the prospective client's service needs.
- (b) If the client is to be admitted, then prior to admission, the licensee shall complete a written Needs and Services Plan, which shall include:
 - (1) The client's desires and background, obtained from the client's family or his/her authorized representative, if any, and licensed professional, where appropriate, regarding the following:
 - (A) Entrance to the facility.

85068.2 NEEDS AND SERVICES PLAN
(Continued)**85068.2**

- (B) Specific service needs, if any.
 - (C) The written medical assessment specified in Section 80069.
 - (D) Mental and emotional functioning.
 - (E) The written mental health intake assessment, if any, specified in Section 85069.3.
 - (F) The written functional capabilities assessment specified in Section 80069.2.
- (2) Facility plans for providing services to meet the individual needs identified above.
- (c) If the client has a restricted health condition specified in Section 80092, the Needs and Services Plan must include the Restricted Health Condition Care Plan specified in Section 80092.2.
- (d) The licensee shall involve the following persons in the development of the Needs and Services Plan:
- (1) The client, or his/her authorized representative, if any.
 - (2) Any relative participating in the placement.
 - (3) The placement or referral agency, if any.
 - (4) The person responsible for facility admissions.

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

85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**85068.3**

- (a) The written Needs and Services Plan specified in Section 85068.2 shall be updated as frequently as necessary to ensure its accuracy, and to document significant occurrences that result in changes in the client's physical, mental and/or social functioning.
- (b) If modifications to the plan identify an individual client service need which is not being met by the general program of facility services, the following requirements shall be met:
- (1) Consultation shall be secured from a dietitian, physician, social worker, psychologist, or other consultant as necessary to assist in determining if such needs can be met by the facility within the facility's program of services.

85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN
(Continued)**85068.3**

- (2) If it is determined that the client's needs can be met, the licensee in conjunction with the consultant shall develop and maintain in the facility a written Needs and Services Plan that must include the following:
 - (A) Objectives, within a time frame, that relate to the client's problems and/or needs.
 - (B) Plans for meeting the objectives.
 - (C) Identification of any individuals or agencies responsible for implementing and evaluating each part of the plan.
 - (D) Method of evaluating progress.
- (3) If it is determined that the client's needs cannot be met, the licensee shall inform the client and/or his/her authorized representative, if any, or responsible person, if there is no authorized representative, of this fact and shall request that the client relocate.
 - (A) If the client refuses to relocate, the licensee may evict the client in accordance with Section 80068.5.

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

85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**85068.4**

- (a) The licensee shall not accept or retain the following:
 - (1) Persons with prohibited health conditions specified in Section 80091.
 - (2) Persons who require inpatient care in a health facility.
 - (3) Persons who have needs which are in conflict with other clients or the program of services offered.
 - (4) Persons who require more care and supervision than is provided by the facility.
 - (5) Any person whose primary need is acute psychiatric care due to a mental disorder.

85068.4 ACCEPTANCE AND RETENTION LIMITATIONS
(Continued)**85068.4**

- (b) The licensee shall not admit, but may retain, persons who are over 59 years of age whose needs are compatible with other clients, if they require the same level of care and supervision as do the other clients in the facility, and the licensee is able to meet their needs.
 - (1) Licensees are not required to obtain an exception for clients over the age of 59 as long as the number of persons over the age of 59 does not exceed 50 percent of the census in facilities with the capacity of six and under.
 - (2) Licensees are not required to obtain an exception for clients over the age of 59 as long as the number of persons over the age of 59 does not exceed 25 percent of the census in facilities with a capacity of over six.
- (c) Retention of clients shall be in accordance with the client's Needs and Services Plan, required by Section 85068.2 and the criteria specified in Section 80092, Restricted Health Conditions.

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

85068.5 EVICTION PROCEDURES**85068.5**

- (a) The licensee shall be permitted to evict a client by serving the client with a 30-day written notice to quit for any of the following reasons:
 - (1) Nonpayment of the rate for basic services within ten days of the due date.
 - (2) Failure of the client to comply with state or local law after receiving written notice of the alleged violation.
 - (3) Failure of the client to comply with the general facility policies as specified in the Admission Agreement.
 - (4) A needs and services plan modification has been performed, as specified in Section 85068.3, which determined that the client's needs cannot be met by the facility and the client has been given an opportunity to relocate as specified in Section 85068.3(b)(3).
 - (5) Change of use of the facility.
- (b) The licensee shall be permitted to evict a client by serving the client with a three-day written notice to quit provided that both of the following requirements have been met:
 - (1) The licensing agency has granted prior written and/or documented telephone approval for the eviction.

85068.5	EVICITION PROCEDURES (Continued)	85068.5
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- (A) The licensing agency shall reply to a request for such approval within two working days.
- (B) Failure of the licensing agency to reply within two working days shall be considered approval.
- (2) The client has engaged or is engaging in behavior which is a threat to his/her mental and/or physical health or safety, or to the health and safety of others in the facility.
- (c) The licensee shall set forth in the notice to quit the reasons for the eviction, with specific facts including the date, place, witnesses, and circumstances.
- (d) The licensee shall, upon completion of the procedures specified in (a) or (b) above, notify or mail a copy of the notice to quit to the client's authorized representative if any.
- (e) A written report of any eviction processed in accordance with (a) above shall be sent to the licensing agency within five days of the eviction.
- (f) Nothing in this section is intended to preclude the licensee or client from invoking any other available remedy.

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

85069.3	MENTAL HEALTH INTAKE ASSESSMENT	85069.3
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- (a) In order to determine his/her ability to provide the services needed by a client with mental illness, the licensee of an ARF shall ensure that a written intake assessment is prepared as required by Health and Safety Code Section 1562.6(a).

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1562.6(a) is paraphrased in pertinent part:

The administrator of an adult residential care facility that provides services for residents who have mental illness shall ensure that a written intake assessment is prepared by a licensed mental health professional prior to acceptance of the client. This assessment may be provided by a student intern if the work is supervised by a properly licensed mental health professional. Facility administrators may utilize placement agencies, including, but not limited to, county clinics for referrals and assessments.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, 1530, 1531 and 1562.6, Health and Safety Code.

85070 CLIENT RECORDS**85070**

- (a) In addition to Section 80070, each client record must contain the following information:
- (1) Last known address.
 - (2) Religious preference, and name and address of clergyman or religious advisor, if any.
 - (3) Needs and Services Plan and any modifications thereto, as specified in Sections 80068.2, 80068.3, 85068.2 and 85068.3.
 - (4) Mental Health Intake Assessment specified in Section 85069.3.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, 1533, 1534 and 1538, Health and Safety Code.

85072 PERSONAL RIGHTS**85072**

- (a) In addition to Section 80072, the following shall apply.
- (b) The licensee shall insure that each client is accorded the following personal rights.
 - (1) To visit the facility with his/her relatives or authorized representative prior to admission.
 - (2) To have the facility inform his/her relatives and authorized representative, if any, of activities related to his/her care and supervision, including but not limited to notification of any modifications to the needs and services plan.
 - (3) To have communications to the facility from his/her relatives or authorized representative answered promptly and completely.
 - (4) To have visitors, including advocacy representatives, visit privately during waking hours, provided that such visitations do not infringe upon the rights of other clients.
 - (5) To wear his/her own clothes.
 - (6) To possess and use his/her own personal items, including his/her own toilet articles.
 - (7) To possess and control his/her own cash resources.
 - (8) To have access to individual storage space for his/her private use.
 - (9) To have access to telephones in order to make and receive confidential calls, provided that such calls do not infringe upon the rights of other clients and do not restrict availability of the telephone during emergencies.
 - (A) The licensee shall be permitted to require reimbursement from the client or his/her authorized representative for long distance calls.
 - (B) The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous calls has not been received.

85072 PERSONAL RIGHTS (Continued)**85072**

- (10) To mail and receive unopened correspondence.
- (11) To receive assistance in exercising the right to vote.
- (12) To move from the facility in accordance with the terms of the Admission Agreement.

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

85075 HEALTH-RELATED SERVICES**85075**

- (a) In addition to Section 80075, the following shall apply.
- (b) The facility shall develop and implement a plan which ensures that assistance is provided to the clients in meeting their medical and dental needs.

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

85075.1 HOSPICE CARE**85075.1**

- (a) A licensee shall be permitted to retain terminally ill clients who receive hospice services from a hospice agency if all of the following conditions (1) through (7) are met:
 - (1) The licensee has received a facility hospice care waiver from the Department.
 - (2) The licensee remains in substantial compliance with the requirements of this section, and those provisions of Chapters 1 and 6, Division 6, of Title 22, California Code of Regulations (CCR), governing Adult Residential Facilities, and with all terms and conditions of the waiver.
 - (3) Hospice services are contracted for by each terminally ill client individually or, if the client is incapacitated, by the client's Health Care Surrogate Decision Maker. The licensee shall not contract for hospice services on behalf of a client. The hospice must be licensed by the state and certified by the federal Medicare program to provide hospice services.
 - (4) A written plan is developed for each terminally ill client by that client's hospice. Prior to the initiation of hospice services for that client, the plan must be agreed upon by the licensee and the client, or the client's Health Care Surrogate Decision Maker. All plans must be fully implemented by the licensee and by the hospice.

85075.1 HOSPICE CARE (Continued)**85075.1**

- (5) Retention of any terminally ill client in the facility does not represent a threat to the health and safety of any facility client or violate result the personal rights of any facility client.
- (6) The hospice and the client agree to provide the licensee with all information necessary to allow the licensee to comply with all regulations and to assure that the client's needs are met.
- (7) The hospice agrees to provide necessary medical intervention related to the client's terminal illness.
 - (A) The medical intervention shall not exceed the care and supervision for a residential facility, as defined in Chapters 1 and 6, Division 6, of Title 22, CCR, governing Adult Residential Facilities.
- (b) A current and complete plan shall be maintained in the facility for each hospice client and include the following:
 - (1) The name, office address, business telephone number, and 24-hour emergency telephone number of the hospice and the client's physician.
 - (2) A description of the services to be provided in the facility by the hospice, including, but not limited to, the type and frequency of services to be provided.
 - (3) The designation of the client's primary contact person at the hospice, and the client's primary and alternate care-giver at the facility.
 - (4) A description of the licensee's responsibility for implementing the plan including, but not limited to, facility staff duties, record keeping, and communication with the hospice, the client's physician, and the client's responsible person, if any. This description shall include the type and frequency of the tasks to be performed by facility staff.
 - (A) The plan shall specify all procedures to be implemented by the licensee regarding the storage and handling of medications or other substances, and the maintenance and use of medical supplies, equipment, or appliances.
 - (B) The plan shall specify, by name or job function, the licensed health care professional on the hospice staff who will control and supervise the storage and administration of all controlled drugs (Schedule II-V, as defined in Health and Safety Code Sections 11055-11058) for the client. Facility staff may assist clients with self-medications without hospice personnel being present.

85075.1 HOSPICE CARE (Continued)**85075.1**

- (C) The plan shall neither require nor recommend that the licensee, or any facility staff, other than a physician or appropriately skilled professional, implement any health care procedure that may legally be provided only by a physician or appropriately skilled professional.
- (5) A description of all hospice services to be provided or arranged in the facility by persons other than the licensee, facility staff, or the hospice. These persons include but are not limited to clergy and the client's family members and friends.
- (6) Identification of the training needed, which staff members need this training, and who will provide the training related to the licensee's responsibilities for implementing the plan.
 - (A) The training shall include, but not be limited to, the needs of hospice patients, such as hydration, infection control, and turning and incontinence care to prevent skin breakdown.
 - (B) The hospice will provide training specific to the current and ongoing needs of the individual client receiving hospice care. The training must be completed before hospice care to the client begins.
- (7) Any other information deemed necessary by the Department, on an individual basis, to ensure that the terminally ill client's needs for health care, personal care, and supervision are met.
- (c) The licensee shall ensure that the plan complies with the requirements of this section and those provisions of Chapters 1 and 6, Division 6, of Title 22, CCR, governing Adult Residential Facilities.
- (d) The licensee shall ensure that the plan is current, accurately matches the services being provided, and that the client's care needs are being met at all times.
- (e) The Department may require that the licensee obtain a revision of the plan if the plan is not fully implemented, or if the Department has determined that the plan should be revised to protect the health and safety of any facility client.
- (f) The licensee shall maintain a record of all hospice-related training provided to the licensee or facility staff for a period of three years.
 - (1) The record of each training session shall specify the names and credentials of the trainer, the persons in attendance, the subject matter covered, and the date and duration of the training session.

85075.1 HOSPICE CARE (Continued)**85075.1**

- (2) The Department shall be entitled to inspect, audit, remove if necessary, and copy the record upon demand during normal business hours.
- (g) In addition to meeting the reporting requirements specified in Sections 80061 and 85061, the licensee shall submit a report to the Department when a client's hospice services are interrupted or discontinued for any reason other than the death of the client. The licensee shall also report any deviation from the client's plan, or other incident, which threatens the health and safety of any client.
- (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, and gender of each affected client.
- (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.
- (D) Actions taken by the licensee and any other parties to resolve the incident and to prevent similar occurrences.
- (h) For each client receiving hospice services, the licensee shall maintain the following in the client's record:
- (1) The client's or the client's Health Care Surrogate Decision Maker's written request for retention and hospice services in the facility, and his/her Advance Health Care Directive, if any.
- (2) The name, address, telephone number, and 24-hour emergency telephone number of the hospice and the client's Health Care Surrogate Decision Maker, if any, in a manner that is readily available to the client, the licensee, and facility staff.
- (3) A copy of the written certification statement of the client's terminal illness from the medical director of the hospice or the physician in the hospice interdisciplinary group, and the client's attending physician, if any.
- (4) A copy of the client's current plan approved by the licensee, the hospice, and the client or the client's Health Care Surrogate Decision Maker, if the client is incapacitated.

85075.1 HOSPICE CARE (Continued)**85075.1**

- (5) A statement signed by the client's roommate, if any, indicating his or her acknowledgment that the client intends to receive hospice care in the facility for the remainder of the client's life, and the roommate's voluntary agreement to grant access to the shared living space to hospice staff, and the client's 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 client.
- (i) Prescription medications no longer needed shall be disposed of in accordance with Section 80075(o).
- (j) Care for the client's health condition is addressed in the plan.
- (1) No facility staff, other than an appropriately skilled health professional, shall 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 client receiving hospice in the facility.
- (l) Clients receiving hospice who are bedridden as defined in Section 1569.72(b) of the Health and Safety Code may reside in the facility provided that within 48 hours of the individual's bedridden status, the licensee ensures that the local fire authority is notified of the estimated length of time the client will be bedridden.

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Health and Safety Code Section 1569.72(b) provides:

- (1) For the purposes of this section, "bedridden" means either requiring assistance in turning and repositioning in bed, or being unable to independently transfer to and from bed, except in facilities with appropriate and sufficient care staff, mechanical devices if necessary, and safety precautions, as determined by the director in regulations.
- (2) The determination of the bedridden status of persons with developmental disabilities shall be made by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative, after consulting the resident's individual safety plan. The determination of the bedridden status of all other persons with disabilities who are not developmentally disabled shall be made by the Director of Social Services or his or her designated representative.

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85075.1 HOSPICE CARE (Continued)**85075.1**

- (m) Nothing contained in this section precludes the Department from requiring a client to be relocated when the client's needs for care and supervision or health care are not being met in the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1507.3 and 1569.72(b), Health and Safety Code.

85075.2 FACILITY HOSPICE CARE WAIVER**85075.2**

- (a) In order to retain terminally ill clients and permit them to receive care from hospice, the licensee shall have obtained a Facility Hospice Care Waiver from the Department. To obtain this waiver the licensee shall submit a written request including, but not be limited, to the following:
- (1) The maximum number of terminally ill clients that the facility will care for at any one time.
 - (2) A statement by the licensee or designated representative that this section, and all other requirements within Chapters 1 and 6, Division 6, of Title 22, CCR, governing Adult Residential Facilities, have been read and that the licensee will ensure compliance with these requirements.
 - (3) A statement that the licensee shall comply with the terms and conditions of all plans which are designated as the responsibility of the licensee or under the control of the licensee.
 - (4) A statement that hospice services will be provided only to individuals who are clients of the facility prior to the initiation of hospice services.
- (b) The Department shall deny a waiver request if the licensee is not in substantial compliance with the provisions of Chapters 1 and 6, Division 6, of Title 22, CCR, governing Adult Residential Facilities.
- (c) The Department shall not approve a waiver request unless the licensee: 1) demonstrates the ability to meet the care and supervision needs of clients, and 2) states a willingness to provide additional care staff if required by the plan.
- (d) Any waiver granted by the Department shall include terms and conditions necessary to ensure the well-being of clients and/or all other clients. These terms and conditions shall include, but not be limited to, the following requirements:
- (1) A written request shall be signed by each client or the client's Health Care Surrogate Decision Maker to allow the client's retention in the facility while receiving hospice services.

85075.2 FACILITY HOSPICE CARE WAIVER (Continued)**85075.2**

- (A) The request shall be maintained in the client's record at the facility as specified in Section 85075.1(h)(1).
- (2) The licensee shall notify the Department in writing within five working days of the initiation of hospice care services in the facility for any client. The notice shall include the client's name and date of admission to the facility and the name and address of the hospice.
- (e) Within 30 calendar days of receipt of a completed request for a waiver, the Department shall notify the applicant or licensee, in writing, of one of the following:
 - (1) The request with substantiating evidence has been received and accepted for consideration.
 - (2) The request is deficient, needing additional described information for the request to be acceptable, and a time frame for submitting this information.
 - (A) Failure of the applicant or licensee to submit the requested information within the time shall result in denial of the request.
 - (3) Within 30 days of accepting a request for a waiver, the licensing agency shall notify the applicant or licensee, in writing, whether the request has been approved or denied.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1507.3, Health and Safety Code.

85075.3 ADVANCE HEALTH CARE DIRECTIVES**85075.3**

- (a) A client shall be permitted to have an Advance Health Care Directive in the client's file.
- (b) If a client experiences a medical emergency and has an Advance Health Care Directive on file, the facility staff shall do one of the following:
 - (1) Immediately telephone 9-1-1, present the Advance Health Care Directive to the responding emergency medical personnel and identify the client as the person to whom the Directive refers; or
 - (2) Immediately give the Advance Health Care Directive to a physician, RN or LVN if he or she is in the client's presence at the time of the emergency and if he or she assumes responsibility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1507, Health and Safety Code, and Section 4605, Probate Code.

85075.4 OBSERVATION OF THE CLIENT**85075.4**

- (a) The licensee shall regularly observe each client for changes in physical, mental, emotional and social functioning.

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- (1) Documentation of such observation shall not be required.

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- (b) The licensee shall provide assistance when observation reveals needs which might require a change in the existing level of service, or possible discharge or transfer to another type of facility.
- (c) The licensee shall bring observed changes, including but not limited to unusual weight gains or losses, or deterioration of health condition, to the attention of the client's physician and authorized representative, if any.
- (d) A client suspected of having a contagious or infectious disease shall be isolated and a physician contacted to determine suitability of the client's retention in the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1507.3, 1521 and 1531, Health and Safety Code.

85076 FOOD SERVICE**85076**

- (a) In addition to Section 80076, the following shall apply.
- (b) The licensee shall meet the food service personnel requirements specified in Section 85065(e).
- (c) The following requirements shall be met when serving food:
- (1) Meals served on the premises shall be served in one or more dining rooms or similar areas in which the furniture, fixtures and equipment necessary for meal service are provided.
- (A) Such dining areas shall be located near the kitchen so that food may be served quickly and easily.
- (2) Tray service shall be provided in case of temporary need.

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85076 FOOD SERVICE (Continued)**85076**

- (d) The licensee shall meet the following food supply and storage requirements:
- (1) Supplies of staple nonperishable foods for a minimum of one week and fresh perishable foods for a minimum of two days shall be maintained on the premises.
 - (2) Freezers shall be large enough to accommodate required perishables and shall be maintained at a temperature of zero degrees F (17.7 degrees C).
 - (3) Refrigerators shall be large enough to accommodate required perishables and shall maintain a maximum temperature of 45 degrees F (7.2 degrees C).
 - (4) Freezers and refrigerators shall be kept clean, and food storage shall permit the air circulation necessary to maintain the temperatures specified in (2) and (3) above.
- (e) Clients shall be encouraged to have meals with other clients.
- (f) Clients who do not elect to have all meals provided by the facility as specified in Section 80076(a)(3), but whose conditions subsequently change so that self-purchase of foods and self-preparation of meals is no longer a viable alternative, shall receive full meal service.

NOTE: Authority cited: Sections 1501 and 1531, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85077 PERSONAL SERVICES**85077**

- (a) Licensees shall provide necessary personal assistance and care, as indicated in the needs and services plan, with activities of daily living including but not limited to dressing, eating, and bathing.
- (b) Licensees shall provide basic laundry services, including washing and drying of clients' personal clothing.

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

85078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**85078**

- (a) In addition to Section 80078, the following shall apply:
 - (1) The licensee shall provide those services identified in the client's needs and services plan as necessary to meet the client's needs.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1527, 1530 and 1531, Health and Safety Code.

85079**ACTIVITIES****85079**

- (a) The licensee shall ensure that planned recreational activities, which include the following, are provided for the clients:
- (1) Activities that require group interaction.
 - (2) Physical activities including but not limited to games, sports and exercise.
- (b) Each client who is capable shall be given the opportunity to participate in the planning, preparation, conduct, clean-up and critique of the activities.
- (c) The licensee shall ensure that clients are given the opportunity to attend and participate in community activities including but not limited to the following:
- (1) Worship services and activities of the client's choice.
 - (2) Community Service activities.
 - (3) Community events, including but not limited to concerts, tours, dances, plays, and celebrations of special events.
 - (4) Self-help organizations.
 - (5) Senior citizen groups, sports leagues and service clubs.
- (d) In facilities with a licensed capacity of seven or more clients, notices of planned activities shall be posted in a central facility location readily accessible to clients, relatives, and representatives of placement and referral agencies.
- (1) Copies of such notices shall be retained in facility files for at least six months.
- (e) In facilities with a licensed capacity of 50 or more clients, a current, written program of activities shall be planned in advance and made available to all clients.
- (f) Activities shall be encouraged through provision of the space, equipment and supplies specified in Sections 85087.2, 85087.3, and 85088(g).

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

85080 RESIDENT COUNCILS**85080**

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
- (1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
 - (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcements.
 - (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
 - (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
 - (4) Residents shall be encouraged, but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

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Health and Safety Code Section 1520.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to the facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors), but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.2, Health and Safety Code.

**85081 REQUIREMENTS FOR EMERGENCY ADULT
PROTECTIVE SERVICES PLACEMENTS****85081**

- (a) The licensee shall be permitted to accept emergency placements by an adult protective services (APS) agency, if the licensee has received approval from the Department to provide emergency shelter services.
- (1) To obtain approval, the licensee shall submit a written request to the Department. The request shall include, but not limited to, the following:
- (A) A letter of interest from the county APS agency stating that if the request to provide emergency shelter services is approved, the APS agency may enter into an agreement with the licensee to provide such services.
1. A copy of the written agreement between the APS agency and the licensee, listing the responsibilities of each party, shall be sent to the Department within seven calendar days of signing.
- (B) A written addendum to the Plan of Operation, specified in Sections 80022 and 85022, that includes procedures for the intake of an APS emergency placement. The addendum shall specify how the licensee will meet the needs of a client placed on an emergency basis, such as on-call staff, additional staff and training.
1. The procedures shall include, but not be limited to, provisions for a private room.
- a. The licensee shall provide a private room for the client until an individual program plan or a Needs and Services Plan has been completed, specified in Sections 80068.2 and 85068.2.
- b. The Department may approve an alternative to a private room, such as awake or additional staff, but an alternative shall not be approved if it displaces staff or other clients of the facility.

85081 REQUIREMENTS FOR EMERGENCY ADULT PROTECTIVE SERVICES PLACEMENTS (Continued)**85081**

- (C) A licensee of an adult residential facility may accept an elderly client, 60 years of age or older, for emergency placement under the following conditions.
1. The APS agency has written a statement indicating a local need exists for the licensee to accept elderly emergency placements.
 - a. The licensee attaches this APS statement of local need [Section 85081(a)(1)(C)1.] to the written request, specified in Section 85081(a)(1).
 - b. The licensee must request a statement each year from the APS agency, indicating a local need still exists as specified in Section 85081(a)(1)(C)1., and submit the statement to the Department.
- (b) The Department shall provide written approval or denial of a licensee's request to provide emergency shelter services within 15 working days of its receipt.
- (c) The licensee shall comply with the regulations in Title 22, Division 6, Chapter 1 (General Licensing Requirements) and Chapter 6 (Adult Residential Facilities), unless otherwise stated in Section 85081. These regulations include, but are not limited to, the following:
- (1) The licensee shall not exceed the capacity limitations specified on the license and shall not allow rooms approved only for ambulatory clients to be used by nonambulatory clients, as specified in Section 80010.
 - (2) The licensee shall meet the requirements in Section 80020(b) on fire clearance if the licensee has accepted a nonambulatory client, defined in Section 80001n.(2).
- (d) The licensee shall not accept the following persons as APS emergency placements:
- (1) Individuals who use metered-dose and dry powder inhalers [Section 80075(a)(2)(A)].
 - (2) Individuals who require oxygen [Section 80075(h)].
 - (3) Individuals who rely upon others to perform all activities of daily living [Section 80077.2].
 - (4) Individuals who lack hazard awareness or impulse control [Section 80077.3].
 - (5) Individuals who have contractures [Section 80077.5].
 - (6) Individuals who have prohibited health conditions [Section 80091].

85081 REQUIREMENTS FOR EMERGENCY ADULT PROTECTIVE SERVICES PLACEMENTS (Continued) 85081

- (7) Individuals who have restricted health conditions [Section 80092].
 - (8) Individuals who require inpatient care in a health facility [Section 85068.4(a)(2)].
 - (9) Any individual whose primary need is acute psychiatric care due to a mental disorder [Section 85068.4(a)(5)].
 - (10) Individuals who are receiving hospice care.
- (e) The licensee shall not admit an APS emergency placement unless the APS worker is present at the facility at the time of admission.
- (f) Prior to acceptance of an APS emergency placement, the licensee shall obtain and keep on file the following information received from the APS worker:
- (1) Client's name.
 - (2) Client's ambulatory status.
 - (3) Name(s) and telephone number(s) of the client's physician(s).
 - (4) Name(s), business address(es), and telephone number(s) of the APS worker responsible for the client's placement and the APS case worker, if known.
 - (5) Name, address, and telephone number of any person responsible for the care of the client, if available.
- (g) At the time of the APS emergency placement, the licensee shall ensure receipt of a mental health intake assessment, specified in Section 85069.3, for mentally ill clients.
- (h) Within seven calendar days of an APS emergency placement, the licensee shall obtain other client information specified in Sections 80070 and 85070.
- (1) The client must have tuberculosis test [Section 80069(c)(1)] by the seventh day of placement even though the test results may not be available by the seventh day of placement.

85081 REQUIREMENTS FOR EMERGENCY ADULT PROTECTIVE SERVICES PLACEMENTS (Continued)**85081**

- (i) The licensee shall contact the client's attending physician or the person authorized to act for the physician to identify all of the client's prescribed medications and usage instructions [Section 80069(c)(3)] by the next working day, but no later than 72 hours from the initial APS emergency placement.
 - (1) The attending physician or the person acting for the physician shall have access to the client's records to determine whether the full medication regimen is accounted for and accurate.
 - (2) If medication verification, as specified in Section 85081(i), has not been obtained within 72 hours from the client's initial placement, the licensee shall contact the APS worker to request that the client be relocated, as specified in Section 85081(j).
- (j) The licensee shall contact the APS worker to request that the client be relocated immediately when the licensee identifies that needs cannot be met or that the client has a condition specified in Section 85081(d).
 - (1) The licensee cannot retain a client aged 60 years or older beyond 30 calendar days from initial placement by the APS agency unless the following requirement is met:
 - (A) The licensee must request an exception, specified in Section 80024(b)(2), within 30 calendar days of initial placement, but the client must be relocated if the Department denies the request.
- (k) Within seven calendar days of the licensee making any changes to an agreement with an APS agency, the licensee shall notify the Department in writing of these changes, which may include a renewed agreement, amended language and/or notification of a terminated agreement.
 - (l) All emergency placements are subject to the same record requirements as set forth in Section 80070(f).

NOTE: Authority cited: Sections 1530 and 1531, Health and Safety Code; Sections 15763(a), (a)(2), and (d), Welfare and Institutions Code; and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Section 15610.13, Welfare and Institutions Code; and Sections 1501, 1502, 1507, 1507.3, 1520, 1531.1, 1533, 1536.1, 1536.3, 1557.5, 1562.6 and 13131, Health and Safety Code.

Article 7. PHYSICAL ENVIRONMENT**85087 BUILDINGS AND GROUNDS****85087**

- (a) In addition to Section 80087, bedrooms must meet, at a minimum, the following requirements:
- (1) Not more than two clients shall sleep in a bedroom.
 - (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 85088(c).
 - (3) No room commonly used for other purposes shall be used as a bedroom for any person.
 - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas, and sheds, or similar detached buildings.
 - (4) No client bedroom shall be used as a public or general passageway to another room, bath or toilet.
- (b) 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.
- (c) 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.
 - (3) In facilities with a licensed capacity of 16 or more clients, space used to do the laundry shall not be part of an area used for storage of any item other than items necessary for laundry activities.
- (d) Facilities with a licensed capacity of 16 or more clients shall meet the following requirements:
- (1) There shall be space available in the facility to serve as an office for business, administration and admission activities.
 - (2) There shall be a private office in which the administrator may conduct private interviews.

85087 BUILDINGS AND GROUNDS (Continued)**85087**

(3) There shall be a reception area and a restroom facility designated for use by visitors.

(e) Dining rooms or similar areas for food service shall be provided as specified in Section 85076.

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

85087.2 OUTDOOR ACTIVITY SPACE**85087.2**

(a) Outdoor activity areas shall be provided which are easily accessible to clients and protected from traffic.

(b) The outdoor activity area shall provide a shaded area, and shall be comfortable, and furnished for outdoor use.

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

85087.3 INDOOR ACTIVITY SPACE**85087.3**

(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 and facilitate the program of planned activities specified in Section 85079, 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 1501 and 1531, Health and Safety Code.

85088**FIXTURE, FURNITURE, EQUIPMENT, AND SUPPLIES****85088**

- (a) In addition to Section 80088, as a condition of licensure, the following shall apply.
- (b) Toilet, washbasin, 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, including clients, family and personnel.
 - (2) At least one bathtub or shower shall be maintained for each ten 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.
- (c) 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 sized 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 adult residential facility shall have more beds for client use than required for the maximum capacity approved by the licensing agency.
 1. This requirement shall not apply to beds made available for illness or separation of others in the isolation room or area as required by Section 80075.
 - (2) Bedroom furniture including, in addition to (c)(1) above, for each client, 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) Portable or permanent 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 (.2264 cubic meters) of drawer space, whichever is greater, shall be provided for each client.

85088 **FIXTURE, FURNITURE, EQUIPMENT, AND SUPPLIES** (Continued) **85088**

- (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.
- (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.
- (d) If the facility operates its own laundry, necessary supplies shall be available and equipment shall be maintained in good repair.
- (1) Clients who are able, and who so desire, shall be allowed to use at least one washing machine and iron for their personal laundry, provided that the equipment is of a type and in a location which can be safely used by the clients.
- (A) If that washing machine is coin operated, clients on SSI/SSP shall be provided with coins or tokens and laundry supplies.
- (B) The licensee shall be permitted to designate a safe location or locations, and/or times in which clients shall be permitted to iron.
- (e) 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.
- (f) Facilities shall meet the following signal system requirements:
- (1) In all facilities with a licensed capacity of 16 or more clients, and all facilities having separate floors or separate buildings without full-time staff there shall be a signal system which has the ability to meet the following requirements:
- (A) Operation from each client's living 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.

85088	FIXTURE, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)	85088
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- (C) Identification of the specific client's living unit from which the signal originates.
- (2) Facilities having more than one wing, floor or building shall be allowed to have a separate signal system in each component provided that each such system meets the criteria specified in (1)(A) through (C) above.
- (g) 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 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 the handicapped clients.
 - (3) When not in use, recreational equipment and supplies shall be stored where they do not create a hazard to clients.

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

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Article 9. ADMINISTRATOR CERTIFICATION TRAINING PROGRAMS**85090 INITIAL CERTIFICATION TRAINING PROGRAM APPROVAL REQUIREMENTS 85090**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department using forms LIC 9140 and LIC 9141, or a replica. The request shall be signed under penalty of perjury and contain the following:
- (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
 - (3) Written description and educational objectives for each component.
 - (4) Qualifications of each proposed instructor as specified in Section 85090(i)(6) below.
 - (5) Geographic areas in which the Training Program will be offered.
 - (6) Types of records to be maintained, as required by Section 85090(i)(4) below.
 - (7) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (8) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (9) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 85090(b)(7) and (8) above.
 - (10) A processing fee of one hundred-fifty dollars (\$150).

**85090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****85090**

- (c) Initial Certification Training Program approval shall expire two (2) years from the date the program is approved.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department using forms LIC 9140 and LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 85090(b) above.
- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing what documents are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Initial Certification Training Program shall consist of the following components:
 - (1) A minimum of thirty-five (35) classroom hours on a uniform Core of Knowledge with the following basic curriculum:
 - (A) Six (6) hours of instruction in laws, including residents' personal rights, regulations, policies, and procedural standards that impact the operations of adult residential facilities.
 - (B) Three (3) hours of instruction in business operations.
 - (C) Three (3) hours of instruction in management and supervision of staff.
 - (D) Four (4) hours of instruction in the psychosocial needs of the facility residents.
 - (E) Three (3) hours of instruction in the use of community and support services to meet residents' needs.
 - (F) Four (4) hours of instruction in the physical needs of facility residents.

85090 INITIAL CERTIFICATION TRAINING PROGRAM APPROVAL REQUIREMENTS (Continued) 85090

- (G) Four (4) hours of instruction in the administration, storage, use, prevention of misuse and interaction of drugs commonly used by facility residents.
- (H) Four (4) hours of instruction on admission, retention, and assessment procedures.
- (I) Four (4) hours of instruction on nonviolent crisis intervention techniques and reporting requirements.

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- (J) Topics within the basic curriculum may include, but not be limited to, topics as specified in the Department's Core of Knowledge Guidelines for each of the nine (9) Core of Knowledge components specified in Section 85090(h)(1)(A) through (I) above. The guideline is available from the Department upon request.
- (K) Core of Knowledge information will be derived from a variety of sources governing the operation of licensed adult residential facilities, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 80000 et seq.

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- (2) A standardized test administered by the Department.
 - (A) Individuals completing an Initial Certification Training Program must pass the test with a minimum score of seventy percent (70%).
 - (B) The test questions shall reflect the hour value of the nine (9) Cores of Knowledge areas specified in Section 85090(h)(1)(A) through (I) above.
- (i) Initial Certification Training Program vendors shall:
 - (1) Offer all thirty-five (35) of the classroom hours required for certification.
 - (A) A minimum of ten (10) hours of instruction must be provided by instructor(s) who meets the criteria specified in Section 85090(i)(6)(D).
 - 1. Where good faith efforts to employ an instructor who meets the criteria specified in Section 85090(i)(6)(D) are unsuccessful, vendors may apply to the administrator certification section for a waiver of this requirement.

85090 INITIAL CERTIFICATION TRAINING PROGRAM APPROVAL REQUIREMENTS (Continued) 85090

- (2) Establish a procedure to allow participants to make up any component necessary to complete the program.
- (3) Submit to the Department within seven (7) days of determination the names of individuals who have completed thirty-five (35) hours of classroom instruction.
- (4) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for (3) three years. The records shall include the following information:
 - (A) Course schedules, dates and descriptions.
 - (B) List of instructors and documentation of qualifications of each, as specified in Section 85090(i)(6) below.
 - (C) Names of registered participants and documentation of completion of the program.
 - (D) Evaluations by participants of courses and instructors.
- (5) Ensure that all classes are open to monitoring and inspection by Department representatives.
- (6) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet at least one of the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
 - (B) Four (4) years experience relevant to the course(s) to be taught, or
 - (C) Be a professional in a related field with a valid license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of an adult residential facility, within the last eight (8) years, and with a record of administering facilities in substantial compliance, as defined in Section 80001s.(6).

85090 INITIAL CERTIFICATION TRAINING PROGRAM APPROVAL REQUIREMENTS (Continued) 85090

- (j) Initial Certification Training Program Vendors shall allow Department representatives to monitor and inspect training programs.
- (k) Initial Certification Training Program vendors shall not instruct or "co-locate" more than one program type (ARF, RCFE, GH) at one time.
- (l) Initial Certification Training Program vendors that are also seeking certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code; and Section 15376, Government Code. Reference: Sections 1551 and 1562.3, Health and Safety Code.

85090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL CERTIFICATION TRAINING PROGRAM 85090.1

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1562.3(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

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Health and Safety Code Section 1562.3(h)(1) reads in pertinent part:

The Department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the department pursuant to subdivision (i).

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

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**85090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM (Continued)****85090.1**

- (b) The applicant may appeal the denial of the application in accordance with Section 1551 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

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Health and Safety Code Section 1520.3(b) reads in pertinent part:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

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NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1551, and 1562.3, Health and Safety Code.

85090.2 REVOCATION OF AN INITIAL CERTIFICATION TRAINING PROGRAM**85090.2**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 85090, or
- (1) Is unable to provide training due to lack of staff, funds or resources, or
 - (2) Misrepresents or makes false claims regarding the training provided, or
 - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
 - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1551.
- (c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3.

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Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Sections 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1551, and 1562.3, Health and Safety Code.

**85091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS****85091**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department using the Initial Vendor Application form, LIC 9141, or a replica. The request shall be signed under penalty of perjury and contain the following:
- (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
 - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
 - (3) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (4) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Section 85091(b)(2) and (3) above.
 - (5) A processing fee of one hundred dollars (\$100).
- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program shall be submitted to the Department using the Renewal Vendor Application form, LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 85091(b) above.
- (e) If a request for approval or renewal of a Continuing Education Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information above within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.

85091 CONTINUING EDUCATION TRAINING PROGRAM 85091
VENDOR REQUIREMENTS (Continued)

- (g) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) Continuing Education Training Program vendors shall:
- (1) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following:
 - (A) Course schedules, dates and descriptions.
 - (B) List of instructors and documentation of qualifications of each, as specified in Section 85091(h)(2) below.
 - (C) Names of registered participants and documentation of completion of the courses.
 - (D) Evaluations by participants of courses and instructors.
 - (2) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet at least one of the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
 - (B) Four (4) years experience relevant to the course to be taught, or
 - (C) Be a professional, in a related field, with a valid license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of an adult residential facility, within the last eight (8) years, and with a record of administering facilities in substantial compliance as defined in Section 80001s. (6).
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, except that:
- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided that such participation is verifiable.
- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Programs.

85091 CONTINUING EDUCATION TRAINING PROGRAM 85091
VENDOR REQUIREMENTS (Continued)

- (l) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (ARF, RCFE, GH), may provide "multiple crediting," that is, more than one certification for the course, to those who complete the course satisfactorily.
- (m) Continuing Education Training Program vendors that the Department has approved for more than one program type (ARF, RCFE, GH), may "co-locate" or instruct specified courses for more than one program type.
- (n) Continuing Education Training Program vendors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

85091.1 CONTINUING EDUCATION TRAINING PROGRAM 85091.1
COURSE APPROVAL REQUIREMENTS

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
 - (1) At the sole discretion of the Department, continuing education credit may be granted for training provided by the Department's licensing staff.
- (b) Any vendor seeking approval of a Continuing Education Training Program course shall submit a written request to the Department using the Request for Course Approval form, LIC 9140, or a replica. The request shall be signed under penalty of perjury and contain the following:
 - (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor of each course.
 - (2) Written description and educational objectives for each course, teaching methods, course content and a description of evaluation methods.
 - (3) Qualifications of each proposed instructor, as specified in Section 85091(h)(2).
 - (4) Types of records to be maintained, as required by Section 85091(h)(1).
 - (5) A statement of whether or not the proposed instructor held or currently holds a license, certification, or other approval as a professional in a specified field and the license or certificate number.

85091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE APPROVAL REQUIREMENTS (Continued) **85091.1**

- (6) A statement of whether or not the proposed instructor held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
- (7) A statement of whether or not the proposed instructor was the subject of any administrative, legal, or other action involving licensure, certification or other approvals as specified in Sections 85091.1(b)(5) and (6) above.
- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval, as provided in Section 85091(c).
 - (1) To renew a course, the vendor shall submit a written request to the Department, using the Renewal of Continuing Education Course Approval form, LIC 9139, or a replica.
- (d) If a request for approval or renewal of a Continuing Education Training Program course is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (e) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (f) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the course has been approved or denied.
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered, and the request for the change shall contain the information specified in Section 85091.1(b).
- (h) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect training courses.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

85091.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION OF A CONTINUING EDUCATION COURSE 85091.2

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
- (1) The vendor must request an administrative review in writing, within ten (10) days of receipt of the Department's notice denying or revoking course approval.
 - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
 - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, that would have led to a different decision, he/she shall have the authority to affirm, amend or reverse the denial or revocation of course approval.
 - (A) The Department shall give written notice of its decision within 10 working days.
 - (4) The decision of the higher-level staff person shall be final.

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

85091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM 85091.3

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code Section 1562.3(h)(1). The Department shall provide the applicant with a written notice of the denial.

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Health and Safety Code Section 1562.3(h)(1) reads in pertinent part:

(h)(1) ...The department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations...

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.

HANDBOOK CONTINUES

85091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM (Continued)**85091.3**

HANDBOOK CONTINUES

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

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- (b) The vendor applicant may appeal the denial in accordance with Health and Safety Code Section 1551.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3(b) reads in pertinent part:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions, which either have been corrected or are no longer in existence.

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NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1551 and 1562.3, Health and Safety Code.

85091.4 REVOCATION OF A CONTINUING EDUCATION TRAINING PROGRAM**85091.4**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 85091 and 85091.1, or:
- (1) Is unable to provide training due to lack of staff, funds or resources; or
 - (2) Misrepresents or makes false claims regarding the training provided; or
 - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent of the program; or
 - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1551.
- (c) Any application for approval of an Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3(a)(1) reads in pertinent part:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1550 and 1562.3(i), Health and Safety Code. Reference: Sections 1520.3, 1562.3, and 1551, Health and Safety Code.