



CDSS

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PIN 18-18-ASC

TO: ALL RESIDENTIAL CARE FACILITY FOR THE ELDERLY LICENSEES
ALL CONTINUING CARE RETIREMENT COMMUNITY PROVIDERS

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

SUBJECT: **2018 CHAPTERED LEGISLATION AFFECTING RESIDENTIAL CARE FACILITIES FOR THE ELDERLY AND CONTINUING CARE RETIREMENT COMMUNITIES**

Provider Information Notice (PIN) Summary

PIN 18-18-ASC provides a summary and implementation information for legislation chaptered in 2018 affecting Residential Care Facilities for the Elderly (RCFEs) and licensed RCFEs operating as Continuing Care Retirement Communities (CCRCs). The changes to statute referenced in this document are operative on January 1, 2019 unless specified otherwise below.

“ACTION REQUIRED”

Assembly Bill (AB) 3098 (Friedman), Chapter 348, Statutes of 2018

Residential care facilities for the elderly: emergency and disaster plans

[Assembly Bill \(AB\) 3098](#) amended Health and Safety Code (HSC) section 1569.695 to require licensees to include additional elements in their facility emergency and disaster plan (Plan), provide training on their plans to each staff member upon hire and annually thereafter, conduct drills for each shift covering various emergency situations at least once each quarter, and address other aspects of emergency and disaster preparedness as specified below. Previously, CCRCs were exempt from the requirements of HSC

section 1569.695. This bill goes into effect January 1, 2019. **Note:** The requirement to have an evacuation chair at each stairwell has delayed implementation and goes into effect July 1, 2019.

Licensees must comply with all the requirements of HSC section 1569.695 and the California Code of Regulations ([CCR](#)), [Title 22, Section 87212](#), Emergency Disaster Plan. The existing fire and earthquake drill requirement in [CCR, Title 22, Section 87705](#), Care of Persons with Dementia is superseded by the requirement to conduct a quarterly drill per HSC section 1569.695.

New Requirements for Emergency and Disaster Preparedness

[AB 3098](#) added additional requirements for emergency and disaster preparedness in RCFEs and licensed RCFEs operating as CCRCs. Licensees must now do the following:

- **Provide training** on the emergency and disaster plan to all staff upon hire and annually thereafter. Training must include staff responsibilities during an emergency or disaster.
- **Conduct a [drill](#)** at least quarterly for each shift. The type of emergency covered in the drills must vary from quarter to quarter, taking into account different emergency scenarios. The actual evacuation of residents is not required during a drill. While licensees may provide an opportunity for residents to participate in a drill, they may not require resident participation. Documentation of drills must include the date, the type of emergency covered by the drill, and the names of facility staff participating in the drill.
- **Review the plan annually** and update it as necessary, including changes in floor plans and the population served. Licensees or administrators must sign and date the documentation to indicate the plan has been reviewed and updated as necessary. *Licensees are encouraged, but not required, to have the emergency and disaster plan reviewed by local emergency authorities.*
- **Have all of the following information readily available to facility staff** during an emergency:
 - A **resident roster** with the date of birth for each resident.
 - An **appraisal of resident needs and services plan** for each resident.
 - A **resident medication list** for residents with centrally stored medications.
 - **Contact information for the responsible party and physician** for each resident.
- **Have both of the following in place:**
 - An **evacuation chair at each stairwell**, on or before July 1, 2019 (see note on next page).
 - A **set of keys available to facility staff on each shift** for use during an evacuation that provides access to all of the following:
 - ✓ All **occupied resident units**.
 - ✓ All facility **vehicles**.

- ✓ All facility **exit doors**.
- ✓ All facility **cabinets and cupboards or files that contain elements of the emergency and disaster plan**, including, but not limited to, food supplies and protective shelter supplies.

Note: HSC section 1569.695(f)(1), added to statute by [AB 3098](#), requires a licensee to have an evacuation chair at each stairwell, on or before July 1, 2019. For purposes of this law, a stairwell is the shaft in a facility designated to hold flights of stairs as well as a simple staircase in a smaller facility which is used during an emergency as path of egress from the facility to safety.

New Plan Elements

In addition to the existing elements of HSC section 1569.695, licensees must ensure their facility emergency and disaster plans also address the following elements:

- **Plans for the facility to be self-reliant** for a period of not less than 72 hours immediately following any emergency or disaster, including, but not limited to a **short-term power failure**.
- If a licensee plans to **shelter-in-place** and one or more utilities is not available, there must be a **plan and supplies** to provide alternative resources during an outage.
- Location of **utility shut-off valves and instructions** for use.
- If a **permanently installed generator** is used, **location and a description of how it will be used**. If a **portable generator** is used, the **manufacturer's operating instructions** must be followed.
- **Storing and preservation of medications** that require refrigeration.
- Evacuation procedures, including identification of a **resident assembly point(s)** shall be included in the facility sketch.
- At least **two appropriate shelter locations** that can house facility residents during an evacuation. One location must be outside of the immediate area.
- If the plan includes use of a vehicle owned or operated by the facility, **keys to the vehicle** must be **available to facility staff** on all shifts.
- **Procedures for confirming the location of each resident** during an emergency response.
- **Contact information list** of all the following:
 - Emergency response personnel
 - Community Care Licensing Division
 - Local long-term care ombudsman
 - Transportation providers
- **Informing** residents and their responsible parties **of the process for communicating** during an emergency.
- **Backup process for communicating** with residents, families, hospice providers, and others, as appropriate.

The emergency and disaster plan must be made available **upon request** to:

- **Residents** on-site
- **Any responsible party for a resident**
- **Local emergency responders**
- The **local long-term care ombudsman**

Resident and employee information on the emergency and disaster plan must be kept confidential.

CCLD shall confirm, during annual licensing visits, that licensees have an emergency and disaster plan on file at their facilities and that the plan includes the required content.

Note: Applicants seeking a license for a new RCFE must submit their emergency and disaster plan, with the required content, with their initial license application as specified.

Form Updates

CCLD is updating the following courtesy forms:

- Emergency Disaster Plan for Residential Care Facilities for the Elderly (LIC 610E).
- Supplemental Emergency Disaster Plan for Residential Care Facilities for the Elderly (LIC 610E-S).

CCLD will issue a PIN when the updated forms are available on the California Department of Social Services [Forms and Publications](#) webpage.

In the interim, licensees are still expected to have an emergency and disaster plan, with the required content, on file at the facility.

If you have any questions regarding this PIN, please contact your or the Continuing Care Contract Section at (916) 654-0591 or at cclccb@dss.ca.gov.