

ACTION REQUIRED

AB 1166 (BERG), CHAPTER 312, STATUTES OF 2003

Affects: Residential Care Facilities for the Elderly (RCFEs) and Adult Residential Facilities (ARFs)

Subject: Terminally Ill Persons

Summary: This legislation amends Sections 1507.3 and 1569.73 of the Health and Safety Code to permit facilities, with hospice waivers, to contact the hospice agency in cases of life-threatening emergencies involving the hospice client/resident.

Effective January 1, 2004, licensees and/or facility staff may contact the hospice agency in lieu of calling emergency response services if all of the following conditions are met:

1. The client/resident is receiving hospice services from a licensed hospice agency.
2. The client/resident has completed an advance health care directive, requesting to forego resuscitative measures.
3. The facility has documented that facility staff have received training from the hospice agency on the expected course of the client's/resident's illness and the symptoms of impending death.

This legislation also permits individuals already receiving hospice care services to be admitted to an ARF. This statutory change makes the Community Care Facilities Act consistent with the Residential Care Facilities for the Elderly Act.

Implementation:

This legislation is self-implementing and regulations will be amended to reflect the 9-1-1 option and the deletion of the residency requirement. In the interim, ARFs should not be cited for admitting an individual already receiving hospice care services provided the licensee has obtained a hospice care waiver.

RCFEs and ARFs have the option of contacting the hospice agency in lieu of 9-1-1 for hospice clients/residents if all three conditions above are met. Complaints alleging a failure to contact 9-1-1 for a hospice client/resident should be investigated using the above criteria. If all of the specified conditions are not met, cite the licensee using the appropriate Health and Safety Code Section.