

# ACTION REQUIRED

## **SB 1759 (Ashburn), CHAPTER 902, STATUTES OF 2006**

**Affects:** Residential Care Facilities for the Elderly (RCFEs), Residential Care Facilities for the Chronically Ill (RCFCIs), Community Care Facilities (CCFs) except Foster Family Homes (FFHs)

**Subject:** Post-Licensing Visits

**Summary:** This bill amends Health and Safety (H&S) Code Sections 1526.5 (pertaining to CCFs), 1568.07 (pertaining to RCFCIs), and 1569.24 (pertaining to RCFEs) to require that post-licensing inspections of RCFEs, RCFCIs, and CCFs (except FFHs) be conducted within 90 days after a facility accepts its first client or resident. (Previously, post-licensing visits had to be conducted within 90 days after the date the license was issued.) This bill also requires the licensee to notify the Department, within five business days after a facility accepts its first client or resident that the facility is operating.

In addition, this bill makes significant changes to the background check processes of the departments of Health Services, Developmental Services, Mental Health, and the Emergency Medical Services Authority. This bill also amends Section 9719 of the Welfare and Institutions Code (pertaining to long term care facilities) to require CDSS to conduct criminal record clearances for ombudsmen, contingent upon budgetary allowance. These provisions do not affect facilities licensed by the Community Care Licensing Division.

### **Implementation:**

**Note:** These statutory requirements are effective January 1, 2007. Regulations are not needed, but may be amended to reference these changes under Inspection Authority. If a facility is not in compliance with the provisions of this law, cite either H&S Code Section 1526.5, 1568.07, or 1569.24.

### **Process:**

1. The need to inform new applicants:
  - During the Component III session of the new applicant orientation, the Department shall inform applicants of the following:

***Beginning January 1, 2007, the Department shall conduct post-licensing visits within 90 days after a newly licensed facility accepts its first client or resident for placement.***

***Beginning January 1, 2007, a licensee of a newly licensed facility must notify the Department, within five business days after the facility accepts its first client or resident for placement, that the facility has started operating. Such notification should be made to the LPA either by***

***telephone, fax or email. The Department then prepares to conduct an unannounced post-licensing visit.***

2. The need for procedural changes:

Currently, the automated system generates a monthly LIS 867 Visit-Due Report stating when a post-licensing visit is due. This visit can only be conducted after a newly licensed facility has accepted its first client or resident for placement. If, at the time the Visit-Due Report is generated, the Department has not been notified of the acceptance of any client or resident for placement, the following procedures should be implemented:

- The LPA should place a telephone call to the facility to determine whether any client or resident has been placed.
- If at any time after licensure the LPA has reason to believe that the facility has accepted a client or resident they should follow-up to verify the information.
- If the information from the telephone contact indicates that the facility has accepted a new client or resident, the LPA should document this information on the LIC 185 Contact Sheet. The LPA shall determine the date of placement of the new client/resident and shall conduct a post-licensing visit within 90 days of this date of placement.
- If the licensee sends an email, letter or fax to the LPA stating they have accepted their first client/resident, a copy shall be placed in the facility file. If the licensee contacts the LPA via telephone stating they have accepted their first client/resident, the contact should be documented on the LIC 185 Contact Sheet.
- If the facility has failed to comply with the five-day notification requirement, the LPA shall issue a Type A citation per H&S Code Sections 1526.5, 1568.07, or 1569.24 during the post-licensing visit.
- If the information from the telephone contact indicates that the facility has not accepted a new client or resident, the LPA should document this information using the LIC 185 Contact Sheet. The LPA should continue to contact the facility at 90-day intervals until notified of the date of the first client or resident placement. This is the date from which the LPA has 90 days to conduct the post-licensing visit.

Note:

1. The Department may exercise discretion as to how often to continue the contacts to the facility at subsequent 90-day intervals.
2. The Department has the authority to conduct case management visits at any time.
  
3. **For the licensee who completed the Component III session of the orientation prior to January 1, 2007**, the LPA shall notify the licensee at the time the Visit-Due Report is generated and advise him/her of the five-day notification requirement. The LPA should document this information using the LIC 185 Contact Sheet. If the licensee has accepted residents/clients prior to the LPA notification, no citation shall be issued.
4. All information related to LPA and Licensee contacts should be documented on an LIC 185 Contact Sheet with paper copies placed in the facility file.

