

ACTION REQUIRED

SENATE BILL 895 (Corbett), Chapter 704, Statutes of 2014

This law became effective January 1, 2015.

Affects: Residential Care Facilities for the Elderly

Subject: Residential care facilities for the elderly

Summary: [Senate Bill \(SB\) 895](#) amends Section 1569.33 and 1569.335, and adds Section 1569.331 to the Health and Safety Code, relating to residential care facilities for the elderly.

SB 895 requires:

- The licensee to remedy deficiencies cited by the Department within 10 days of the notification, unless otherwise specified in the plan of correction.
- The department to post on its Internet Web site information on how to obtain an inspection report. (This is currently available at <http://cclid.ca.gov/PG3581.htm>.)
- The department to design a poster that contains information on the appropriate reporting agency in case of emergencies or complaints, and the licensees to post this poster in the main entryway of its facility.
- The department to provide the Office of the State Long-Term Care Ombudsman with a precautionary notification if the department starts preparing to issue a temporary suspension or revocation of any license.

IMPLEMENTATION

Licensees

Licensees who receive a notice of deficiency are required to correct the deficiency within 10 days of the notification, unless the plan of correction specifies a different date. Licensees should continue to correct deficiencies as indicated in their plan of correction as documented on the LIC 809 – Facility Evaluation Report.

Every Residential Care Facility for the Elderly (RCFE) licensee shall post in the main entryway of its facility the poster that contains information on the appropriate reporting agency to contact in case of a complaint or emergency. The main entryway is interpreted to mean that the poster shall be posted in a conspicuous place accessible to residents, families and staff.

This required poster, Licensing Complaint Poster [PUB 475](#) is available on the CDSS website at <http://cclid.ca.gov/>. The poster size must be 20 inches by 26 inches. Facilities may display alternate posters of this size as long as the content of the poster

is consistent with the PUB 475.

Licensing Program Analysts

Licensing Program Analysts shall continue to issue plan of correction dates according to existing Evaluator Manual policies. Licensing Program Analysts may continue to allow up to 30 days for correction.

All RCFEs must post the required poster in a conspicuous place accessible to residents, families and staff starting January 1, 2015. For the first three months of 2015, Licensing Program Analysts will also provide the poster during facility inspections. If a licensee does not have the required poster posted in a conspicuous place, the facility can be cited under the following applicable statute:

- *Residential Care Facilities for the Elderly Act, Health and Safety Code Section 1569.33(h)(2)*

Prior to January 1, 2015, RCFEs licensed to care for seven (7) or more residents were required to post, in areas accessible to residents and their relatives, procedures for filing confidential complaints. Complaints regarding facilities licensed to care for seven (7) or more residents alleging that, prior to January 1, 2015, the licensee did not meet these prior posting requirements should be investigated and if substantiated, the Licensing Program Analysts shall cite the facility under the following applicable statute:

- *Residential Care Facilities for the Elderly Act, California Code of Regulations Section 87468(c)(1)*

Compliance with this regulation will no longer be applicable after January 1, 2015 by virtue of compliance with the new law.

RCFEs licensed to care for seven (7) or more residents are still required to be in compliance with *Residential Care Facilities for the Elderly Act, California Code of Regulations Section 87468(d)*, whereby licensees are required to post complaint information in English, and in facilities where a significant portion of the residents cannot read English, in the language they can read.

The Program Administrator or his/her designated representative, the Assistant Program Administrator, will notify the Office of the State Long-Term Ombudsman if the department begins to prepare to issue a temporary suspension or revocation of a licensee.

Regulations will be developed for Health and Safety Code section 87468 related to the posting of the complaint poster, as well as Regulation Interpretations and Procedures for Personal Rights, Section 87468.

For legislative information related to this new law: [Bill Text - SB-895 Residential care facilities for the elderly.](#)