

ACTION REQUIRED

AB 749 (Wolk), CHAPTER 477, STATUTES OF 2008

Affects: Residential Care Facilities for the Elderly (RCFE)

Subject: Residential Care Facilities for the Elderly: Facility Emergency Plans

Summary: AB 749 added section 1569.695 to the Health and Safety Code.

The requirements of this new law become effective March 1, 2009. Specific to the provisions of this law, no citations may be issued to licensees prior to the effective date of this law. This does not preclude Licensing Program Analysts, (LPAs) from issuing citations related to existing regulations. This new law requires facilities to have an emergency plan on file that includes specific provisions. The Community Care Licensing Division (CCLD) is required to verify during comprehensive licensing visits, that the plan is on file at the facility. In addition to existing regulations which require an RCFE to have a current and operable Emergency Disaster Plan, this law requires RCFEs to include those regulations and procedures as noted on the following page.

Many of these are existing requirements or best practices that are identified in the CCLD Emergency and Disaster Preparedness Self-Assessment Guide. A new form will be created, "Sheltering in Place – Emergency Disaster Plan for Residential Care Facilities for the Elderly", which will supplement the existing LIC 610E Emergency Disaster Plan. This form will identify the new requirements of Health and Safety Code Section 1569.695 to assist licensees in maintaining compliance with this new law.

Implementation:

CCLD is not required to evaluate the requirements of this new law when reviewing applications. However, CCLD will verify during comprehensive visits the plan is on file and will investigate any complaints specific to these new requirements. LPA investigation of complaints related to this law must be done in consultation with the Licensing Program Manager, (LPM). If a violation has occurred, LPAs should use Title 22 regulations and associated regulatory authority. In evaluating facility operations, including emergency and disaster plans, LPAs may use the non-exhaustive guide on the following page to determine if a violation of existing regulations is present. LPAs in consultation with their LPMs may determine that other regulatory sections are more specific to the violation than those listed below and may cite accordingly.

AB 749 (Wolk), Chapter 477, Statutes of 2008	CCLD CITATION AUTHORITY
Health and Safety Code Section 1569.695	Title 22, Division 6 Chapter 8 of the California Code of Regulations, or Health and Safety Code
1569.695(a)(1) Evacuation procedures.	87212(b)(2) Emergency Disaster Plan
1569.695(1)(2) 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 long-term power failure.	Neither Health and Safety Code section 1569.695 nor Title 22 Regulations require facilities to “shelter in place”.
1569.695(a)(3) Transportation needs and evacuation procedures to ensure that the facility can communicate with emergency response personnel or can access the information necessary in order to check the emergency routes to be used at the time of an evacuation and relocation necessitated by a disaster.	87212(b)(2)(C) and/or (F) Emergency Disaster Plan 87111(a) Continuation of Licensure Under Emergency Conditions/Sale of Property 87211(a)(2) Reporting Requirements
1569.695(a)(4)(A) Procedures that address provisions of emergency power that could include identification of suppliers of backup generators.	CCLD is not required to evaluate the requirements of this new law when reviewing applications. CCLD will investigate any complaints specific to these new requirements.
1569.695(a)(4)(B) Responding to individual residents’ needs in the event the emergency call buttons are inoperable.	87464(f)(1) Basic Services 87466 Observation of the Resident
1569.695(a)(4)(C) Process for communicating with residents, families, hospice providers, and others, as appropriate that might include landline telephones, cellular telephones, or walkie-talkies.	87212(b)(2) Emergency Disaster Plan
1569.695(a)(4)(D) Assistance with, and administration of, medications.	87464(f)(3) Basic Services
1569.695(a)(4)(E) Storage and preservation of medications.	87309(b) Storage Space 87465(c) Incidental Medical and Dental Care Services
1569.695(a)(4)(F) The operation of assistive medical devices that need electric power for the operation, including, but not limited to, oxygen equipment and wheelchairs.	87464(d) Basic Services

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Health and Safety Code Section 1569.695	Title 22, Division 6 Chapter 8 of the California Code of Regulations, or Health and Safety Code
1569.695(a)(4)(G) A process for identifying residents with special needs, such as hospice, and a plan for meeting those needs.	87212(b)(3) Emergency Disaster Plan
1569.695(b) Each facility shall make the plan available upon request to residents' onsite and available to local emergency responders.	87212(a) Emergency Disaster Plan requires the plan to be in writing, readily available, and subject to review by the Department.

For legislative information related to this new law:
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0701-0750/ab_749_bill_20080928_chaptered.pdf