

Recent Assisted Living Legislation

Over the past few years, California's Residential Care Facilities for the Elderly (RCFEs) and their licensing entity, the Community Care Licensing Division (CCLD) of the Department of Social Services (DSS), have undergone *significant legislative and budgetary changes*. These changes cover a wide variety of subjects, with varying levels of programmatic impact and, in some cases, significant new costs. As these changes are fully implemented and take hold throughout the state, we will see even higher quality, stronger oversight, and greater consumer satisfaction.

New Laws & Mandates for Assisted Living Providers:

Extensive New Disclosures in Licensing Application	License applicants are required to provide extensive information to CCLD, including details on who owns and controls them as well as their track record in California and other states. <i>(AB 601 (Eggman), Chapter 628, Statutes of 2015)</i>
Quadrupling of Caregiver Training Hours	Initial training is quadrupled from 10 to 40 hours; dementia care training is now required for <i>all</i> RCFE caregivers, along with LGBT training. <i>(AB 1570 (Chesbro), Chapter 698, Statutes of 2014)</i>
Doubling of Administrator Certification Training	Initial training is doubled to 80 hours and the number of exam questions has more than doubled to 100. <i>(AB 1570 (Chesbro), Chapter 698, Statutes of 2014; SB 911 (Block), Chapter 705, Statutes of 2014)</i>
Increased Medication Training	Ongoing training is doubled for staff who assist with medication in RCFEs of all sizes; initial training increases in larger communities from 16 to 24 hours and in smaller communities from 6 to 10 hours. <i>(SB 911 (Block), Chapter 705, Statutes of 2014)</i>
CPR Staff Training Requirement	At all times, RCFEs must have present at least one staff with CPR training. <i>(AB 2044 (Rodriguez), Chapter 701, Statutes of 2014)</i>
LGBT Training Requirement	RCFE administrators must receive LGBT training as a part of the administrator training and certification process. <i>(AB 663 (Gomez), Chapter 675, Statutes of 2014)</i>
Significant Increase to Civil Penalty Levels	Untouched for many years, RCFE civil penalty levels for the three most severe types of penalties were greatly increased in 2014 to \$15,000 and \$10,000 for the most serious violations. The remainder of the civil penalty system was subsequently overhauled in 2016. <i>(AB 2236 (Maienschein), Chapter 813, Statutes of 2014; AB 2231 (Calderon), Chapter 823, Statutes of 2016)</i>
Liability Insurance for All RCFEs	All RCFEs are now required to carry liability insurance in the amount of at least \$1 million per occurrence and \$3 million in the annual aggregate. <i>(AB 1523 (Atkins), Chapter 205, Statutes of 2014)</i>
Spike in Licensing Fees	Licensing fees were increased by more than 20% in 2014 through both the state budget and legislation. <i>(2014-2015 Budget: SB 855 (Human Services), Chapter 29, Statutes of 2014; SB 1382 (Block), Chapter 707, Statutes of 2014)</i>
Mandated Timely Refunds	Timely refunds of prepaid monthly fees after death of a resident are ensured. <i>(AB 261 (Chesbro), Chapter 290, Statutes of 2013)</i>
Codified and Expanded Resident Rights	Existing resident rights have been codified and expanded, triggering new posting requirements and admission agreement changes. <i>(AB 2171 (Wieckowski), Chapter 702, Statutes of 2014)</i>
New Resident Council Disclosures	New disclosures related to resident councils are now required as a part of the admission process, as well as new postings and RCFE staff facilitation. <i>(AB 1572 (Eggman), Chapter 177, Statutes of 2014)</i>
Prohibition on Licensure	A licensee who abandons an RCFE and residents in its care, in addition to forfeiture and revocation of license, is now permanently excluded from licensure. <i>(AB 1899 (Brown), Chapter 700, Statutes of 2014)</i>

CCLD has undergone immense change to increase its funding, infrastructure, staffing, and responsibilities. These changes, accomplished through legislation and the budget process, increase department accountability and oversight.

New Laws Redesigning the Work of CCLD

Increase to Annual Inspections	The new inspection cycle for RCFEs will be increased from once every five years to once every three years by January 2017, once every two years by 2018, and <i>annually by 2019</i> . CCLD has begun recruiting, hiring, and training new staff. (2015-2016 Budget: SB 79 (Human Services), Chapter 20, Statutes of 2015)
Expanded and Ongoing Review of Licensing Applications	CCLD is now enabled to know more about license applicants; these extensive disclosure requirements will greatly increase the volume of paperwork processed for each license application and tracking of ongoing updates. CCLD is building a system to support this new disclosure and review. (AB 601 (Eggman), Chapter 628, Statutes of 2015)
Creation and Expansion of the Quality Assurance Unit	All new staff have been hired for this unit, which develops training curriculum for CCLD staff, including managers who previously had no formal, program-specific training. This new unit also includes a Technical Support Program, which is still being ramped up. (2014-2015 Budget: SB 855 (Human Services), Chapter 29, Statutes of 2014; 2015-2016 Budget: SB 79 (Human Services), Chapter 20, Statutes of 2015)
Centralized RCFE Application Processing	In early 2015, CCLD began processing RCFE license applications from its Sacramento headquarters, rather than in separate field offices throughout the state, which required hiring and training 10 new analysts and management positions. This represents a major restructuring and promises to deliver significant efficiencies and consistency. (2014-2015 Budget: SB 855 (Human Services), Chapter 29, Statutes of 2014)
Centralized Complaint and Information Bureau and Hotline	20 new LPAs and two new managers were hired and trained for this new Bureau, and a CCLD hotline (1-844-LET US NO) for concerns or complaints has been implemented. (2014-2015 Budget: SB 855 (Human Services), Chapter 29, Statutes of 2014)
Training for State Regulators	In late 2014, LPA training was expanded to a three-week academy with plans to eventually increase it to four weeks. Previously, the academies focused on general training for all CCLD licensure entities, but now includes training specific to the LPA's area of oversight. There is still significant work to do to achieve the goal of fully trained inspectors. (2014-2015 Budget: SB 855 (Human Services), Chapter 29, Statutes of 2014)
Changes to Appeal Process	CCLD has updated its appeal process to make it more efficient, transparent, and inclusive of appropriate due process. (AB 1387 (Chu), Chapter 486, Statutes of 2015)
Temporary Management of Distressed RCFEs	CCLD now has authority to take over a facility and assign a temporary manager in situations of serious licensee non-compliance. (2014-2015 Budget: SB 855 (Human Services), Chapter 29, Statutes of 2014)
Minimizing Trauma of Resident Transfer	There are now procedures in place that CCLD must implement to minimize the trauma of residents or clients following a temporary suspension or revocation of a license. (2014-2015 Budget: SB 855 (Human Services), Chapter 29, Statutes of 2014)
24/7 Online LPA Exam	CCLD is now providing online testing for LPAs to facilitate recruitment and hiring. CCLD is also in the process of developing an online exam for LPMs. (2014-2015 Budget: SB 855 (Human Services), Chapter 29, Statutes of 2014)
Suspension on New Admissions	CCLD is now authorized to suspend new admissions when specific serious problems exist. (SB 1153 (Leno), Chapter 706, Statutes of 2014)