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PIN 22-24-ASC

TO: ALL RESIDENTIAL CARE FACILITY FOR THE ELDERLY LICENSEES

FROM: ***Original signed by Kevin Gaines***
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SUBJECT: **COLLABORATING WITH HOME HEALTH AGENCIES AND HOSPICE AGENCIES TO PROVIDE CARE TO RESIDENTS**

Provider Information Notice (PIN) Summary

PIN 22-24-ASC provides guidance to licensees in collaborating with home health agencies (HHAs) and hospice agencies to provide care to residents in Residential Care Facilities for the Elderly (RCFEs).

The information provided below is not an exhaustive list of the responsibilities related to working with HHAs and hospice agencies. It is the responsibility of the licensee to ensure all statutes and regulations are followed.

Please distribute this PIN to all residents and if applicable, their representatives.

Licensees are responsible for providing continuing care and supervision to residents in their RCFEs and must work collaboratively with HHAs and hospice agencies to ensure residents receive such care. As specified in statute, licensees must:

- Assist residents with prohibited health conditions with accessing home health or hospice services, as indicated in the resident's current appraisal. [[Health and Safety Code \(HSC\) section 1569.39\(a\)](#)]

- Ensure that residents with restricted health conditions receive medical care provided by appropriately skilled professionals acting within their scope of practice. An appropriately skilled professional may not be required when the resident is providing self-care, as defined by the Department, and there is documentation in the resident's service plan that the resident is capable of providing self-care. [[HSC section 1569.39\(b\)](#)]

Care must be provided to residents as prescribed by their physicians and contained in their service plans that are created by the HHA or hospice agency [[HSC section 1569.39\(a\)](#) and [HSC section 1569.39\(b\)](#)]. A failure to meet or arrange to meet the needs of a resident with a restricted or prohibited health condition who requires health-related services as specified in the resident's service plan or failure to notify a physician of a resident's illness or injury that poses a danger of serious bodily harm or death to a resident is subject to a civil penalty as specified. [[HSC section 1569.39\(d\)](#)].

Important! [California Code of Regulations \(CCR\), Title 22, section 87605\(c\), Health and Safety Precautions](#), specifies "licensees who employ or permit health care practitioners to provide care to residents shall post a visible notice in a prominent location that states, '[Section 680 of the Business and Professions Code](#) requires health care practitioners to disclose their name and license status on a name tag in at least 18-point type while working in this facility.'."

Observation of the Resident

As specified in the [CCR, Title 22, section 87466, Observation of the Resident](#), licensees are responsible for ensuring that residents are regularly observed for changes in physical, mental, emotional and social functioning and that appropriate assistance is provided when such observation reveals unmet needs. When changes such as unusual weight gains or losses, deterioration of mental ability, or a physical health condition are observed, licensees shall ensure that such changes are documented and brought to the attention of the resident's physician and the resident's responsible person, if any. This includes licensee observation of a resident for changes in between scheduled appropriately skilled health professional, HHA, or hospice agency visits to a facility.

Collaboration in Care

Licensees, HHAs, and hospice agencies must work collaboratively and responsibly with one another while adhering to their respective requirements. Each HHA written agreement or hospice care plan will be different as it is based on the individual needs of a resident and dependent on what is agreed upon by the resident, licensee, HHA, and/or hospice agency. The agreement and/or plan must include all of the elements, information, and protocols required by statute and regulations that are to be followed by licensees, HHAs, and hospice agencies. If the licensee determines that the agreement or plan is not being followed, they should notify the management of the HHA or hospice agency to seek resolution.

Home Health Agencies

An RCFE and an HHA must have a written agreement, signed by both parties and kept in the resident's file, that addresses the responsibilities of the licensee and those of the HHA in caring for a resident's medical condition(s). [[CCR, Title 22, sections 87609\(b\)\(4\) and 87609\(b\)\(4\)\(C\)](#)] The written agreement shall:

- Reflect the services, frequency and duration of care. [[CCR, Title 22, section 87609\(b\)\(4\)\(A\)](#)]
- Include day and evening contact information for the HHA, and the method of communication between the HHA and the facility, which may include verbal contact, electronic mail, or logbook. [[CCR, Title 22, section 87609\(b\)\(4\)\(B\)](#)]

There must also be evidence of an agreed-upon protocol between licensees and HHAs that addresses the need for communication and sharing of information about a resident related to the home health care plan. [[HSC section 1569.725\(a\)\(3\)](#)]. Ongoing communication between the HHA and the licensee about the services provided to the resident by the HHA and the frequency and duration of care to be provided is required. [[HSC section 1569.725\(a\)\(4\)](#)] It is essential that everyone responsible for a resident's care is regularly informed of what is occurring with the resident's care and that the resident receives appropriate care at all times.

Responsibilities of the HHA

- Provision of incidental medical care to a resident, provided the conditions specified in regulations are met by the licensee and/or the HHA. [[CCR, Title 22, section 87609\(b\)\(1\)-\(4\)](#)]
- Responsibilities as agreed upon in writing by the HHA and the licensee. [[CCR, Title 22, section 87609\(b\)\(4\)](#)]

Responsibilities of the RCFE

- Provision of supporting care and supervision needed to meet the needs of the resident receiving home health care. [[CCR, Title 22, section 87609\(b\)\(2\)](#)]
- Responsibilities as agreed upon in writing by the HHA and the licensee. [[CCR, Title 22, section 87609\(b\)\(4\)](#)]
- Informing the HHA of regulations pertaining to RCFEs, requirements related to incidental medical services provided in the facility, any duties the regulations prohibit facility staff from performing, and of any regulations that address the resident's specific condition(s). [[HSC section 1569.725\(a\)\(2\)](#) and [CCR, Title 22, section 87609\(b\)\(3\)](#)]

There is a need to share resident information related to a resident's home health care plan as specified in [HSC section 1569.725\(a\)\(3\)](#). However, resident information may

only be revealed or made available with consent from a resident or their representative. [\[CCR, Title 22, section 87506\(c\)\(1\)\]](#) Resident care information, such as detailed notes of the services provided by the HHA, may be shared between an RCFE and HHA. This information includes:

- Information relative to the resident's medical condition. [\[HSC section 1569.725\(a\)\(3\)\]](#)
- Care and treatment provided to the resident by the HHA, including, but not limited to, medical information as defined by the Confidentiality of Medical Information Act, Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code. [\[HSC section 1569.725\(a\)\(3\)\]](#)

Important! See *Appendix A* for a table outlining the responsibilities of HHAs and RCFE licensees.

Hospice Agencies

There must be a written hospice care plan, developed by a resident's or prospective resident's hospice agency and agreed to by the licensee and the resident, or prospective resident, or the resident's or prospective resident's Health Care Surrogate Decision Maker, if any, and in place before hospice services begin. This plan must specify the care, services, and necessary medical interventions related to the terminal illness as necessary to supplement the care and supervision that an RCFE provides to a resident who is terminally ill. [\[CCR, Title 22, section 87633\(a\)\(4\)\]](#) This must include the following details in regard to the resident's care, which require initial and ongoing collaboration between an RCFE and hospice agency.

Important! The licensee must have an approved hospice waiver or an exception from the department when accepting or retaining residents who receive hospice services. [\[CCR, Title 22, section 87632\]](#).

Responsibilities of the Hospice Agency

- Agreement to design and provide for care, services, and necessary medical intervention related to the terminal illness as necessary to supplement the care and supervision provided by the facility. [\[HSC 1569.73 \(a\)\(4\)\]](#)
- Services to be provided to the resident in the facility by the hospice agency, including, but not limited to the type and frequency of services. [\[CCR, Title 22, section 87633\(b\)\(2\)\]](#)
- Specifying the name or job function of the licensed health care professional on the hospice agency staff who will control and supervise the storage and administration of all controlled drugs (Schedule II-V) for the resident. [\[CCR, Title 22, section 87633\(b\)\(4\)\(B\)\]](#)
- Identification of training needed, which staff members need this training, and who will provide the training relating to the licensee's responsibilities for implementation of the hospice care plan. [\[CCR, Title 22, section 87633\(b\)\(6\)\]](#)

Responsibilities of the RCFE

- Implementation of the hospice care plan in the facility, including, but not limited to, facility staff duties; record keeping; and communication with the hospice agency, resident's physician, and the resident's responsible person(s) if any. [[CCR, Title 22, section 87633\(b\)\(4\)](#)]
- Procedures to be implemented by a licensee regarding the storage and handling of medications or other substances, and the maintenance and use of medical supplies, equipment, or appliances. [[CCR, Title 22, section 87633\(b\)\(4\)\(A\)](#)]
- Ensure the hospice care plan is current, accurately matches the services actually provided, and that the resident's care needs are being met at all times. [[CCR, Title 22, Section 87633\(d\)](#)]
- Obtain a statement signed by the resident's roommate, if any, or any resident who will share a room with a person who is terminally ill to be accepted or retained as a resident, indicating his or her acknowledgment that the resident intends to receive hospice care in the facility for the remainder of the resident's life, and the roommate's voluntary agreement to grant access to the shared living space to hospice caregivers, and the resident's support network of family members, friends, clergy, and others. [[CCR, Title 22, section 87633 \(h\)\(5\)](#)]

Note: A hospice agency and a resident or prospective resident who is terminally ill must agree to provide a licensee with all information necessary to allow the licensee to comply with all regulations and to assure that the resident's needs will be met. [[CCR, Title 22, section 87633\(a\)\(6\)](#)].

Important! See *Appendix B* for a table outlining the responsibilities of hospice agencies and RCFE licensees.

Criminal Record Clearance

Licensees do not need to obtain a criminal record clearance for individuals associated with an HHA or hospice agency who are exempt from community care licensing criminal record clearance requirements as follows:

- Any nurse assistant or home health aide who meets the requirements of HSC section 1338.5 or HSC section 1736.6, is not employed, retained, or contracted by the licensee, and has been certified or recertified on or after July 1, 1998. [[HSC section 1569.17\(b\)\(1\)\(C\)](#)]

Note: A certified nurse assistant or home health aide who will be providing assistance to a resident and falls under the exemption above, must provide a copy of their current certification to a licensee, who shall maintain a copy of the certification while care is provided, prior to providing care to a resident.

- Employees of licensed HHAs and members of licensed hospice interdisciplinary teams who have contact with a resident of an RCFE at the request of the resident or resident's legal decisionmaker. This exemption shall not apply to any CCL licensee or CCL facility employee. [[HSC section 1569.17\(b\)\(2\)\(F\)](#)]

Additional Resources

State Licensing Requirements for Hospice and HHAs

- [HSC section 1745-1759 California Hospice Licensure Act](#) (Hospice Agencies)
- [HSC section 1725-1742](#) (HHAs)
- [CCR, Title 22, sections 74600 to 74749](#) (HHAs)

Federal Certification Requirements for Hospice and HHAs

- [Code of Federal Regulations \(CFR\), Title 42, sections 418.1 to 418.116](#) (Hospice Agencies)
- [CFR, Title 42, sections 484.1 to 484.115](#) (HHAs)

If you have any questions regarding this PIN, please contact your [Adult and Senior Care Regional Office](#).

APPENDIX A

COLLABORATION IN CARE: HOME HEALTH AGENCY (HHA) AND RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) RESPONSIBILITIES

Care Elements and Other Responsibilities	HHA	RCFE
Written agreement of agreed-upon responsibilities and communication protocols between the HHA and RCFE [California Code of Regulations (CCR), Title 22, Section(s) 87609(b)(4)(A)-(C)]	x	x
Provision of incidental medical care to a resident that regulations prohibit RCFE facility staff from performing [CCR, Tile 22, Section(s) 87609(b)(3)].	x	
Informing the HHA of regulations that prohibit RCFE facility staff from performing certain duties and of any regulations that address the resident's specific condition(s) [CCR, Title 22, Section 87609(b)(3)].		x
Providing supporting care and supervision needed to meet the needs of the resident receiving home health care [CCR, Title 22, Section 87609(b)(2)].		x
Ongoing communication between the HHA and the RCFE regarding the services provided to the resident by the HHA and the frequency and duration of care to be provided [Health and Safety Code Section 1569.725(a)(4)].	x	x
Sharing resident information between HHA and RCFE, with the consent of the resident or their representative, relative to the resident's medical condition and the care and treatment provided by the HHA [HSC Section 1569.725(a)(3)].	x	x

APPENDIX B

COLLABORATION IN CARE: HOSPICE AND RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) RESPONSIBILITIES

Care Elements and other Responsibilities	Hospice	RCFE
Developing a written hospice care plan which specifies the care, services, and necessary medical intervention related to the resident's terminal illness [California Code of Regulations (CCR), Title 22, Section 87633(a)(4)].	X	
Identification of the individual who will control and supervise the storage and administration of all controlled drugs (Schedule II-V) for the hospice resident [CCR, Title 22, Section 87633(b)(4)(B)].	X	
Providing information necessary to allow the licensee to comply with all regulations to ensure the terminally ill resident's needs are met [CCR, Title 22, Section 87633(a)(6)].	X	
Agreement to design and provide for care, services, and necessary medical intervention related to the terminal illness as necessary to supplement the care and supervision provided by the facility. [Health and Safety Code Section 1569.73 (a)(4)]	X	
Identifying training needed, which RCFE facility staff needs the training, and who will provide the training relating to the licensee's responsibilities for implementation of the hospice care plan [CCR, Title 22, Section 87633(b)(6)].	X	X
Ensure the hospice care plan is current, accurately matches the services actually provided, and that the resident's care needs are being met at all times. [CCR, Title 22, Section 87633(d)]		X
Implementation of hospice care plan, including but not limited to: facility staff duties, record keeping, and communication with the hospice agency, resident's physician, and the resident's responsible person(s), if any. [CCR, Title 22, Section(s) 87633(b)(4)(A)-(C)].		X
Procedures to be implemented by a licensee regarding the storage and handling of medications or other substances, and the maintenance and use of medical supplies, equipment, or appliances [CCR, Title 22, Section 87633(b)(4)(A)].		X
Obtaining a statement signed by the resident's roommate, if any, or an resident who will share a room with a person who is terminally ill to be		X

Care Elements and other Responsibilities	Hospice	RCFE
accepted or retained as a resident, indicating their acknowledgement that the resident intends to receive hospice care in the facility for the remainder of the resident's life, and the roommate's voluntary agreement to grant access to the shared living space to hospice caregivers, and the resident's support network of family members, friends, clergy, and others. [CCR, Title 22, section 87633 (h)(5)]		