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PIN 24-08-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES
ALL CONTINUING CARE RETIREMENT COMMUNITY PROVIDERS

FROM: *Original signed by Kevin Gaines*
KEVIN GAINES
Deputy Director
Community Care Licensing Division
SUBJECT: **2024 CHARTERED LEGISLATION AFFECTING ADULT AND SENIOR CARE FACILITIES: SUMMARY AND IMPLEMENTATION**

Provider Information Notice (PIN) Summary

PIN 24-08-ASC provides a summary of and implementation information for legislation chaptered in 2024 affecting licensed Adult and Senior Care facilities. The following bills are addressed in this PIN:

- [Assembly Bill \(AB\) 2866: Pool safety: State Department of Social Services regulated facilities](#)
- [Senate Bill \(SB\) 1352: Continuing care retirement communities](#)
- [SB 1406: Residential care facilities for the elderly: resident services](#)

The changes to the statutes referenced in this PIN become operative January 1, 2025, unless otherwise specified.

Please post/keep this PIN in the facility where all persons in care and facility staff as well as families and representatives of persons in care in the facility can easily access it and distribute the PIN Summary for Persons in Care (located at the end of this PIN) to persons in care and/or, if applicable, their representatives.

Action Required

- The following implementation information requires action by a facility licensee.
- Beginning January 1, 2025, Community Care Licensing Division (CCLD) may use any of the oversight and compliance activities currently available to ensure compliance with the statutes below.

Assembly Bill (AB) 2866 (Pellerin), Chapter 745, Statutes of 2024

Note: Applies to Adult Day Programs, Adult Residential Facilities, Adult Residential Facilities for Persons with Special Health Care Needs, Community Crisis Homes, Enhanced Behavioral Supports Homes, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly, and Social Rehabilitation Facilities.

Pool safety: State Department of Social Services regulated facilities.

AB 2866 is an act to amend Section 115922, and repeal and add section 115926 of the Health and Safety Code (HSC), relating to pool safety.

AB 2866 repeals and replaces Section 115926 of HSC, which previously exempted CDSS licensed facilities from the requirements of the Swimming Pool Safety Act. As a result, the requirements outlined in HSC 115922 now apply to California Department of Social Services (CDSS) licensed facilities, including adult and senior care facilities, ***operating in private, single-family homes.***

HSC 115922 specifies that when a building permit is issued after January 1, 2025, for the construction or remodeling of a swimming pool or spa at a private single-family home, the swimming pool or spa shall be equipped with at least two of the following seven drowning prevention safety features:

- **An enclosure** that complies with HSC section 115923 and isolates the swimming pool or spa from the home.
- **Removable mesh fencing** that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards, paired with a self-closing and self-latching gate that can accommodate a key lock.
- **An approved safety pool cover**, as defined in subdivision (d) of HSC section 115921.
- **Exit alarms** on the home's doors and windows leading directly to the swimming pool or spa that either sound an alarm or provide a verbal warning, such as a repeating notification that "the door to the pool is open."
- **A self-closing, self-latching device** with a release mechanism placed at least 54 inches above the floor on the home's doors leading to the swimming pool or spa.
- **An alarm** that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. It must meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," as specified.

- **Other means of protection**, if they provide equal or greater safety than the above features and are independently verified by an approved testing laboratory as meeting the ASTM or the American Society of Mechanical Engineers (ASME).

AB 2866 further provides that the requirements specified above are not satisfied by:

- An exit alarm and a self-closing, self-latching device on the same door.
- An exit alarm and a door latch on separate doors.
- A safety pool cover and an alarm described above.

Note: Changes made pursuant to HSC 115922 relate to permits issued for the construction or remodeling of a pool or spa after January 1, 2025.

In addition to the above requirements, **licensees must continue to follow existing CDSS pool safety requirements**, as outlined in [PIN 24-03-ASC](#) and other applicable requirements specific to your facility type (e.g., requirements related to pools in larger facilities that are regulated as “public pools” with oversight by the local health department).

CDSS may implement, interpret, or make specific these requirements by means of interim licensing standards or similar written instructions until regulations are adopted, and must adopt regulations required by this section by January 1, 2027.

[**Senate Bill \(SB\) 1352 \(Wahab\) Chapter 338, Statutes of 2024**](#)

Note: Applies to Continuing Care Retirement Communities (CCRC)

Continuing Care Retirement Communities: Resident Rights

SB 1352 amends Section 1771.7 of the Health and Safety Code, relating to continuing care retirement communities to give residents a clear understanding of their rights at different stages, including when signing contracts or moving between different levels of care. Many CCRCs already engage in this practice, however, providing these rights is now a requirement per the new law.

The new amendment reads as follows:

(e) At the time or before the resident signs a continuing care contract, and at any time when the resident is proposed to be moved to a different level of care, the provider shall provide the resident a copy of *the applicable bill of rights*:

- (1) The bill of rights prescribed by this section.
- (2) The rights for residential care facilities for the elderly, as prescribed by Section 1569.269, and Sections 87468.1 and 87468.2 of Title 22 of the California Code of Regulations.
- (3) The rights for skilled nursing facility patients, as prescribed in subdivision (d) of Section 1599.61, if the resident is moving into the continuing care retirement community’s skilled nursing unit.

SB 1406 (Allen), Chapter 340, Statutes of 2024

Note: Applies to Residential Care Facilities for the Elderly (RCFE)

Residential care facilities for the elderly: resident services

SB 1406 amends Section 1569.269 and Section 1569.655 of HSC relating to RCFEs.

New Personal Right in Privately Operated Facilities

HSC Section 1569.269 now grants residents in privately operated RCFEs the personal right to **request, refuse, or discontinue a service**.

Note: Currently, pursuant to California Code of Regulations (CCR), Title 22, [Section 87468, Personal Rights of Residents](#), licensees are required to personally advise of and give a copy of the applicable personal rights to a resident, and if applicable the resident's representative, at the time the admission agreement is signed. Licensees must have each resident and the resident's representative sign a copy of these rights, and the signed copy shall be included in the resident's record.

The [LIC 613C-2: Personal Rights of Residents in Privately Operated Residential Care Facilities for the Elderly](#) is available as a courtesy form and will be updated to reflect the statutory change granting the personal right to request, refuse, or discontinue a service. CCR [Section 87468.2, Additional Personal Rights of Residents in Privately Operated Facilities](#), will be updated to include the new personal right. CCLD will notify licensees once these updates are finalized.

Updated Timeframe for Rate Increase Notices

Note: Pursuant to HSC [Section 1569.655\(d\)](#), this section does not apply to RCFE licensees that have obtained a certificate of authority to offer continuing care contracts, as specified.

HSC Section 1569.655 was amended to extend the required timeframe for providing written notice of increasing rates of fees, or increasing any of its rate structures for services, to residents or their representatives from no less than 60 days to **no less than 90 days**. The written notice must include the amount of the increase, the reason or reasons for the increase, and a description of the additional costs, except for an increase in the rate due to a change in the level of care of the resident.

The required timeframe to provide written notice is determined by the requirements in effect when the notice is issued, rather than the date of the scheduled rate increase. Please note the following guidance regarding required timeframes for issuing written notices for rate increases:

- Through December 31, 2024, a licensee must provide no less than 60 days written notice for rate increases. This 60 day timeframe remains valid until January 1, 2025, even if the rate increase is set to occur in 2025.
- On and after January 1, 2025, a licensee must provide no less than 90 days written notice for rate increases.

If you have questions regarding this PIN, please contact your local [Adult and Senior Care Regional Office](#). For CCRC providers you may also contact the Continuing Care Contracts Bureau (Call 1-916-654-0591).

PIN Summary for Persons in Care

A Companion Guide for Provider Information Notice (PIN) 24-08-ASC, 2024 Chaptered Legislation Affecting Adult and Senior Care Facilities

The California Department of Social Services (CDSS) has prepared this **PIN Summary for persons in care** as a companion to **PIN 24-08-ASC**, in order to inform you of information and guidance that has been provided to your care providers concerning 2024 chaptered legislation affecting Adult and Senior Care facilities.

The following bills are addressed in this PIN Summary:

- [Assembly Bill \(AB\) 2866: Pool safety: State Department of Social Services regulated facilities](#)
- [Senate Bill \(SB\) 1352: Continuing Care Retirement Communities: Residents rights](#)
- [Senate Bill \(SB\) 1406: Residential care facilities for the elderly: resident services](#)

Action Required

- These bills require action by your facility licensee.

Assembly Bill (AB) 2866 (Pellerin), Chapter 745, Statutes of 2024

Note: Applies to Adult Day Programs, Adult Residential Facilities, Adult Residential Facilities for Persons with Special Health Care Needs, Community Crisis Homes, Enhanced Behavioral Supports Homes, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly, and Social Rehabilitation Facilities.

Pool safety: State Department of Social Services regulated facilities.

This bill updates requirements related to swimming pool drowning prevention and safety measures that is summarized below.

For the construction or remodeling of a swimming pool or spa at a **private single-family home**, the swimming pool or spa must be equipped with at least two of the following seven drowning prevention safety features:

- An enclosure;
- Removable mesh fencing;
- An approved safety pool cover;
- Exit alarms;
- A self-closing, self-latching device;

- An alarm;
- Other means of protection.

Please Note: This summary only includes requirements for pool safety that have been updated by this bill. **Licensees must continue to follow existing CDSS pool safety requirements**, as outlined in [PIN 24-03-ASC](#) and other applicable requirements specific to your facility type (e.g. requirements related to pools in larger facilities that are regulated as “public pools” with oversight by the local health department).

Senate Bill (SB) 1352 (Wahab) Chapter 338, Statutes of 2024

Note: Applies to Continuing Care Retirement Communities (CCRC)

Continuing Care Retirement Communities: Resident Rights

SB 1352 amends Section 1771.7 of the Health and Safety Code, relating to continuing care retirement communities to give you a clear understanding of your rights at different stages, including when signing contracts or moving between different levels of care.

This bill revised those provisions to expressly require a continuing care retirement community provider, at the time or before you sign a continuing care contract, and when you are planning to move to a different level of care, to provide you with a copy of the above-described rights, a copy of the residential care facility for the elderly bill of rights, or, if you are moving into the continuing care retirement communities skilled nursing unit, a copy of the rights applicable to residents of skilled nursing facilities.

Senate Bill (SB) 1406 (Allen), Chapter 340, Statutes of 2024

Note: Applies to Residential Care Facilities for the Elderly (RCFE)

Residential care facilities for the elderly: resident services

This bill updates requirements related to resident personal rights and the written notice timeframe for rate of fee increases that are summarized below.

New Personal Right in Privately Operated Facilities

Beginning January 1, 2025, SB 1406 grants you a new personal right if you live in privately operated RCFE: **the personal right to request, refuse, or discontinue a service**. When signing the admission agreement, licensees are required to personally advise of and give a copy of the applicable personal rights to you, and if applicable your representative. You and your representative sign a copy of these rights and the signed copy will be included in your facility record.

Updated Timeframe for Rate Increase Notices

Note: Pursuant to HSC [Section 1569.655\(d\)](#), this section does not apply to licensees of RCFEs that have obtained a certificate of authority to offer continuing care contracts, as specified.

Beginning January 1, 2025, written notices of certain rate increases must now be given to you or your representative no less than **90 days** in advance of the rate increase. The written notice must include the amount of the increase, the reason or reasons for the increase, and a description of the additional costs, except for an increase in the rate due to a change in the level of care.

The required timeframe to provide written notice is determined by the requirements in effect when the notice is issued, rather than the date of the scheduled rate increase:

- Through December 31, 2024, a licensee must provide no less than 60 days written notice for rate increases. This 60 day timeframe remains valid until January 1, 2025, even if the rate increase is set to occur in 2025.
- On and after January 1, 2025, a licensee must provide no less than 90 days written notice for rate increases.

Your care providers, the licensee of your facility, and your [local Long-Term Care Ombudsman](#) (call 1-800-510-2020) are available to answer your questions. For CCRC residents, you can also contact the Continuing Care Contracts Bureau (Call 1-916-654-0591).