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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 1@ General Licensing Requirements

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Article 6@ Continuing Requirements

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Section 80078@ Responsibility for Providing Care and Supervision

80078 Responsibility for Providing Care and Supervision

(a)

The licensee shall provide care and supervision as necessary to meet the client's need.

(b)

In any instance where the Department does not suspend the facility license and the licensing agency requires that a client/resident be relocated, as specified in Section 80094, the licensee shall prepare a written relocation plan. The plan shall contain all necessary steps to be taken to reduce stress to the client/resident which may result in transfer trauma. (1) The written relocation plan shall include, but not be limited to the following: (A) A specific date for beginning and a specific date for completion of the process of safely relocating the client/resident. The time frame for relocation may provide for immediate relocation but shall not exceed 30 days or 30 days after the date of the written conclusion of the client's appeal of the relocation order, if appealed. (B) A specific date when the client/resident and the client's/resident's authorized representative, if any, shall be notified of the need for relocation. (C) A specific date when consultation with the client's/resident's physician shall occur to obtain a current medical assessment of the client's/resident's health needs, to determine the appropriate facility type for relocation and to ensure that the client's/resident's health care needs continue to be met at all times during the relocation process. (D) The method by which the

licensee shall participate in the identification of an acceptable relocation site with the client/resident and the authorized representative if any. The licensee shall advise the client/resident and/or the authorized representative that if the client/resident is to be moved to another nonmedical community care facility, a determination must be made that the client's/resident's needs can be legally met in the new facility before the move is made. If the client's/resident's needs cannot be legally met in the new facility, the client/resident must be moved to a facility licensed to provide the necessary care. (E) A list of contacts made or to be made by the licensee with community resources, including but not limited to, social workers, family members, Long Term Care Ombudsman, clergy and others as appropriate to ensure that services are provided to the client/resident before, during and after the move. The need for the move shall be discussed with the client/resident and the client/resident assured that support systems will remain in place. (F) Measures to be taken until relocation to protect the client/resident and/or meet the client's/resident's health and safety needs. (G) An agreement to notify the licensing agency when the relocation has occurred, including the client's/resident's new address, if known. (2) The relocation plan shall be submitted in writing to the licensing agency within the time set forth in the written notice by the licensing agency that the client/resident requires health services that the facility cannot legally provide. (3) Any changes in the relocation plan shall be submitted in writing to the licensing agency. The licensing agency shall have the authority to approve, disapprove or modify the plan. (4) If relocation of more than one (1) client/resident is required, a separate plan shall be prepared and submitted in writing for each client/resident. (5) The licensee shall comply with all terms and conditions of the approved plan. No written or oral contract with any other person shall release the licensee from the responsibility specified in sections

80078(b) and (c) for relocating a client/resident who has a health condition(s) which cannot be cared for in the facility and/or requires inpatient care in a licensed health facility, nor from taking necessary actions to reduce stress to the client/resident. (6) In cases where the licensing agency determines that the resident is in imminent danger because of a health condition(s) which cannot be cared for in the facility or which requires inpatient care in a licensed health facility, the licensing agency shall have the authority to order the licensee to immediately relocate the resident.

(1)

The written relocation plan shall include, but not be limited to the following: (A) A specific date for beginning and a specific date for completion of the process of safely relocating the client/resident. The time frame for relocation may provide for immediate relocation but shall not exceed 30 days or 30 days after the date of the written conclusion of the client's appeal of the relocation order, if appealed. (B) A specific date when the client/resident and the client's/resident's authorized representative, if any, shall be notified of the need for relocation. (C) A specific date when consultation with the client's/resident's physician shall occur to obtain a current medical assessment of the client's/resident's health needs, to determine the appropriate facility type for relocation and to ensure that the client's/resident's health care needs continue to be met at all times during the relocation process. (D) The method by which the licensee shall participate in the identification of an acceptable relocation site with the client/resident and the authorized representative if any. The licensee shall advise the client/resident and/or the authorized representative that if the client/resident is to be moved to another nonmedical community care facility, a determination must be made that the client's/resident's needs can be legally met in the new facility before the move is made. If the client's/resident's needs cannot be legally met in the new facility, the

client/resident must be moved to a facility licensed to provide the necessary care. (E) A list of contacts made or to be made by the licensee with community resources, including but not limited to, social workers, family members, Long Term Care Ombudsman, clergy and others as appropriate to ensure that services are provided to the client/resident before, during and after the move. The need for the move shall be discussed with the client/resident and the client/resident assured that support systems will remain in place. (F) Measures to be taken until relocation to protect the client/resident and/or meet the client's/resident's health and safety needs. (G) An agreement to notify the licensing agency when the relocation has occurred, including the client's/resident's new address, if known.

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(B)

A specific date when the client/resident and the client's/resident's authorized representative, if any, shall be notified of the need for relocation.

(C)

A specific date when consultation with the client's/resident's physician shall occur to obtain a current medical assessment of the client's/resident's health needs, to determine the appropriate facility type for relocation and to ensure that the client's/resident's health care needs continue to be met at all times during the relocation process.

(D)

The method by which the licensee shall participate in the identification of an acceptable relocation site with the client/resident and the authorized representative if any. The licensee

shall advise the client/resident and/or the authorized representative that if the client/resident is to be moved to another nonmedical community care facility, a determination must be made that the client's/resident's needs can be legally met in the new facility before the move is made. If the client's/resident's needs cannot be legally met in the new facility, the client/resident must be moved to a facility licensed to provide the necessary care.

(E)

A list of contacts made or to be made by the licensee with community resources, including but not limited to, social workers, family members, Long Term Care Ombudsman, clergy and others as appropriate to ensure that services are provided to the client/resident before, during and after the move. The need for the move shall be discussed with the client/resident and the client/resident assured that support systems will remain in place.

(F)

Measures to be taken until relocation to protect the client/resident and/or meet the client's/resident's health and safety needs.

(G)

An agreement to notify the licensing agency when the relocation has occurred, including the client's/resident's new address, if known.

(2)

The relocation plan shall be submitted in writing to the licensing agency within the time set forth in the written notice by the licensing agency that the client/resident requires health services that the facility cannot legally provide.

(3)

Any changes in the relocation plan shall be submitted in writing to the licensing agency. The licensing agency shall have the authority to approve, disapprove or modify the plan.

(4)

If relocation of more than one (1) client/resident is required, a separate plan shall be prepared and submitted in writing for each client/resident.

(5)

The licensee shall comply with all terms and conditions of the approved plan. No written or oral contract with any other person shall release the licensee from the responsibility specified in sections 80078(b) and (c) for relocating a client/resident who has a health condition(s) which cannot be cared for in the facility and/or requires inpatient care in a licensed health facility, nor from taking necessary actions to reduce stress to the client/resident.

(6)

In cases where the licensing agency determines that the resident is in imminent danger because of a health condition(s) which cannot be cared for in the facility or which requires inpatient care in a licensed health facility, the licensing agency shall have the authority to order the licensee to immediately relocate the resident.

(c)

In all cases when a client or resident must be relocated, the licensee shall not obstruct the relocation process and shall cooperate with the licensing agency in the relocation in process. Such cooperation shall include, but not be limited to, the following activities: (1) Identifying and preparing for removal of the medications, Medi-Cal or Medicare or other medical insurance documents, clothing, safeguarded cash resources, valuables and other belongings of the client or resident. (2) Contacting the authorized representative of the client/resident to assist in transporting him or her, if necessary. (3) Contacting other suitable facilities for placement, if necessary. (4) Providing access to client's/resident's files when required by the Department.

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(2)

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(3)

Contacting other suitable facilities for placement, if necessary.

(4)

Providing access to client's/resident's files when required by the Department.