

## 82001 Definitions

For purposes of this chapter, the following definitions shall apply:

### (a)

(1) "Activities of Daily Living" (ADLs) mean the following six activities: (A) Bathing: Cleaning the body using a tub, shower or sponge bath, including getting a basin of water, managing faucets, getting in and out of tub or shower, reaching head and body parts for soaping, rinsing and drying. (B) Dressing: Putting on and taking off, fastening and unfastening garments and undergarments and special devices such as back or leg braces, corsets, elastic stockings/garments and artificial limbs or splints. (C) Toileting: Getting on and off a toilet or commode, emptying a commode, managing clothes, wiping and cleaning the body after toileting, and using and emptying a bedpan and urinal. (D) Transferring: Moving from one sitting or lying position to another sitting or lying position (e.g., from bed to or from a wheelchair, or sofa, coming to a standing position and/or repositioning to promote circulation and to prevent skin breakdown). (E) Continence: Ability to control bowel and bladder as well as to use ostomy and/or catheter receptacles, and to apply diapers and disposable barrier pads. (F) Eating: Reaching for, picking up, grasping a utensil and cup; getting food on a utensil; bringing food, utensil, and cup to mouth; manipulating food on plate; and cleaning face and hands as necessary following meal. (2) "Administrator" means the licensee, or the adult designated by the licensee to act in his/her behalf in the overall management of

the day program. (3) "Adult" means a person who is 18 years of age or older. (4) "Adult Community Care Facility" (Adult CCF) means Adult Residential Facilities (ARF), Social Rehabilitation Facilities (SRF), and Adult Day Programs, as defined in Health and Safety Code Sections 1502(a)(1), (2), and (7). (5) "Adult Day Program" means any community-based facility or program as defined in Health and Safety Code Section 1502(a)(2). (6) "Applicant" means any adult, firm, partnership, association, corporation, county, city, public agency or other government entity that has made application for an initial community care facility license. (7) "Assessment" means a written evaluation which identifies the client's strengths and his/her social and other related needs. (8) "Authorized Representative" means any person or entity authorized by law to act on behalf of any client. Such person or entity may include, but not be limited to a conservator. (9) "Automated External Defibrillator" (AED) means a light-weight, portable device used to administer an electric shock through the chest wall to the heart. Built-in computers assess the patient's heart rhythm, determine whether defibrillation (electrical shock) is needed and then administer the shock. Audible and/or visual prompts guide the user through the process.

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urinal. (D) Transferring: Moving from one sitting or lying position to another sitting or lying position (e.g., from bed to or from a wheelchair, or sofa, coming to a standing position and/or repositioning to promote circulation and to prevent skin breakdown). (E) Continence: Ability to control bowel and bladder as well as to use ostomy and/or catheter receptacles, and to apply diapers and disposable barrier pads. (F) Eating: Reaching for, picking up, grasping a utensil and cup; getting food on a utensil; bringing food, utensil, and cup to mouth; manipulating food on plate; and cleaning face and hands as necessary following meal.

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Dressing: Putting on and taking off, fastening and unfastening garments and undergarments and special devices such as back or leg braces, corsets, elastic stockings/garments and artificial limbs or splints.

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Toileting: Getting on and off a toilet or commode, emptying a commode, managing clothes, wiping and cleaning the body after toileting, and using and emptying a bedpan and urinal.

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Transferring: Moving from one sitting or lying position to another sitting or lying position (e.g., from bed to or from a wheelchair, or sofa, coming to a standing position and/or repositioning to promote circulation and to prevent skin breakdown).

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Continence: Ability to control bowel and bladder as well as to use ostomy and/or catheter receptacles, and to apply diapers and disposable barrier pads.

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Eating: Reaching for, picking up, grasping a utensil and cup; getting food on a utensil; bringing food, utensil, and cup to mouth; manipulating food on plate; and cleaning face and hands as necessary following meal.

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"Administrator" means the licensee, or the adult designated by the licensee to act in his/her behalf in the overall management of the day program.

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"Adult" means a person who is 18 years of age or older.

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"Applicant" means any adult, firm, partnership, association, corporation, county, city, public agency or other government entity that has made application for an initial community care facility license.

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conservator.

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**(b)**

(1) "Basic Rate" means the rate charged by a licensee to provide basic services.

(2) "Basic Services" means those services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a community care facility license.

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**(c)**

(1) "California Clearance" means an individual has no felony or misdemeanor convictions reported by the California Department of Justice. However, the individual may have been arrested with no criminal conviction or convicted of a minor traffic or juvenile offenses. (2) "Capacity" means the maximum number of persons authorized to be provided care and supervision at any one time in any licensed adult day program. (3) "Care and Supervision" means any one or more of the following activities provided by a person or day program to meet the needs

of the clients: (A) Assistance in dressing, grooming, bathing and other personal hygiene. (B) Assistance with taking medication, as specified in Section 82075. (C) Central storing or distribution of medications, as specified in Section 82075. (D) Arrangement of and assistance with medical and dental care. (E) Maintenance of day program rules for the protection of clients. (F) Supervision of client schedules and activities. (G) Maintenance or supervision of client cash resources or property. (H) Monitoring food intake or special diets. (I) Providing basic services as defined in Section 82001(b).

(4) "Careprovider" means any person or institution having the responsibility for the client's primary care needs outside the adult day program.

(5) "Cash Resources" means: (A) Monetary gifts. (B) Tax credits and/or refunds. (C) Earnings from employment or workshops. (D) Personal and incidental needs allowances from funding sources including, but not limited to, SSI/SSP. (E) Any other similar resources as determined by the licensing agency.

(6) "Client" means an adult who is receiving care and supervision in an adult day program.

(7) "Client Who Relies Upon Others To Perform All Activities of Daily Living" means a client who is unable to perform all six activities of daily living without physical assistance.

(8) "Close Friend" means a person who is attached to another by feelings of personal regard as indicated by both parties involved.

(9) "Community Care Facility" means any day program, place or building where nonmedical care and supervision, as defined in Section 82001(c), are provided.

(10) "Conservator" means a person appointed by the Superior Court pursuant to the provisions of Section 1801 of the Probate Code or Section 5350 of the Welfare and Institutions Code.

(11) "Consultant" means a person professionally qualified by training or experience to provide expert information on a particular subject and/or to provide services not otherwise available through the day program's personnel.

(12) "Contagious" means an illness capable of being transmitted from

one human to another human via direct or indirect contact. (13) "Control of Property" means the right to enter, occupy, and maintain the operation of the adult day program property within regulatory requirements. Evidence of control of property may include, but is not limited to, the following: (A) A Grant Deed showing ownership; or (B) The lease agreement or rental agreement; or (C) A court order or similar document which shows the authority to control the property pending outcome of a probate proceeding or an estate settlement. (14)

"Conviction" means: (A) A criminal conviction in California; or (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California. (15) "Criminal Record Clearance" means an individual has a California clearance and a Federal Bureau of Investigation (FBI) clearance.

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Assistance with taking medication, as specified in Section 82075.

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"Contagious" means an illness capable of being transmitted from one human to another human via direct or indirect contact.

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"Control of Property" means the right to enter, occupy, and maintain the operation of the adult day program property within regulatory requirements. Evidence of control of property may include, but is not limited to, the following: (A) A Grant Deed showing ownership; or (B) The lease agreement or rental agreement; or (C) A court order or similar document which shows the authority to control the property pending outcome of a probate proceeding or an estate settlement.

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**(15)**

"Criminal Record Clearance" means an individual has a California clearance and a Federal Bureau of Investigation (FBI) clearance.

**(d)**

(1) "Day" means calendar day unless otherwise specified. (2) "Deficiency" means any failure to comply with any provision of the Community Care Facilities Act (Health and Safety Code, Section 1500 et seq.) or regulations adopted by the Department pursuant to the Act. (3) "Department" means the California Department of Social Services, as defined in Health and Safety Code Section 1502(b). (4) "Developmental Disability" means a disability as defined in Welfare and Institutions Code Section 4512(a). (5) "Dietitian" means a person who is a member of, or registered by, the American Dietetics Association. (6) "Direct Care Staff" means those persons in the center who provide care and supervision to clients at least 70 percent of the hours of program operations per month or who supervise direct care staff. (7) "Director" means the Director of the California Department of Social Services as defined in Health and Safety Code Section 1502(c).

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**(e)**

(1) "Emergency Approval to Operate" (LIC 9117) means a temporary approval to operate a day program for no more than 60 days pending the Department's decision to either approve or deny a provisional license pursuant to Section 82035(c). (2) "Evaluator" means any person who is a duly authorized officer,

employee or agent of the Department. (3) "Evidence of Licensee's Death" shall include, but is not limited to, a copy of the death certificate, obituary notice, certification of death from the decedent's mortuary or a letter from the attending physician or coroner's office verifying the licensee's death. (4) "Exception" means a written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation and which are based on the unique needs or circumstances of a specific client or staff person. Exceptions are granted for particular client or staff person and are not transferable or applicable to other client, staff person, day programs or licensees. (5) "Exemption" means an exception to the requirements of Health and Safety Code Section 1522 and applicable regulations. Exemptions are not transferable. (6) "Existing Facility" means any community care facility operating under a valid license.

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"Exception" means a written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation and which are based

on the unique needs or circumstances of a specific client or staff person. Exceptions are granted for particular client or staff person and are not transferable or applicable to other client, staff person, day programs or licensees.

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"Existing Facility" means any community care facility operating under a valid license.

**(f)**

(1) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions reported by the FBI. The individual may also have been arrested with no criminal conviction or convicted of minor traffic or juvenile offenses. (2) "Formal Supports" means the formal network of social, health, financial, and other services offered by public and private agencies. (3) "Functionally Impaired Adult" means an adult who does not require continuous onsite medical supervision, and has a limited capacity for independence in the following: (A) Activities of daily living. (B) Instrumental activities of daily living.

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**(A)**

Activities of daily living.

**(B)**

Instrumental activities of daily living.

**(g)**

(Reserved)

**(h)**

(1) "Health Condition Relocation Order" means written notice by the Department to a licensee requiring the relocation of a client from an adult day program because either the licensee is not providing adequate care for a client's health condition as required by the regulations or the client cannot be cared for within the limits of the license or the client requires in-patient care in a health facility or has a prohibited health condition, as specified in Section 82091. (2) "Home Economist" means a person who holds a baccalaureate degree in home economics with a specialization in either foods and nutrition or dietetics. (3) "Hours of Operation" means the period of time that the day program is providing services to clients.

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"Hours of Operation" means the period of time that the day program is providing services to clients.

**(i)**

(1) "Infectious" means something (e.g. material, agent, person) that is capable of transmitting infection: This includes something which contains an organism -- such as bacteria, viruses, fungi or parasites, which can cause disorder or disease. Some infectious diseases can be passed from person to person. (2) "Inhalation-assistive Device" means equipment that assists a client to breathe including, but not limited to, nebulizers, humidifiers, incentive spirometry devices, positive airway pressure devices, and positive expiratory pressure devices, and intermittent positive pressure breathing (IPPB) machines. This does not include metered-dose aerosols and dry-powder inhalers. (3) "Instrumental Activities of Daily Living" shall include, but not be limited to, the following: (A) Paying bills. (B) Cooking. (C) Shopping. (D) Laundry. (E) Using the telephone. (4) "Interdisciplinary Team" (IDT) means a team that assists the Department in evaluating the need for relocating a client when the client requests a review of the Department's Health Condition Relocation Order. This team consists of a nurse practitioner and a social worker, both designated by the Department, with experience in the needs of the client population. Persons selected for an IDT shall not have been involved in the initial decision to issue a relocation order for the client in question.

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transmitting infection: This includes something which contains an organism -- such as bacteria, viruses, fungi or parasites, which can cause disorder or disease. Some infectious diseases can be passed from person to person.

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Cooking.

**(C)**

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**(j)**

(Reserved)

**(k)**

(Reserved)

**(l)**

(1) "License" means authorization to operate a community care facility and to provide care and supervision. The license is not transferable. (2) "Licensed Professional" means a person who is licensed in California to provide medical care or therapy. This includes physicians and surgeons, physician assistants, nurse practitioners, registered nurses, licensed vocational nurses, psychiatric technicians, physical therapists, occupational therapists and respiratory therapists, who are operating within their scope of practice. (3) "Licensee" means the adult, firm, partnership, association, corporation, county, city, public agency, or other governmental entity having the authority and responsibility for the operation of a licensed community care facility. (4) "Licensing Agency" means the California Department of Social Services, Community Care Licensing Division.

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"Licensing Agency" means the California Department of Social Services, Community Care Licensing Division.

**(m)**

(1) "Mandated Reporter" is defined in Welfare and Institutions Code Section 15630(a). (2) "Medical Professional" means an individual who is licensed or certified in California to perform the necessary medical procedures within his/her scope of practice. This includes, but is not limited to, Medical Doctor (MD), Registered Nurse (RN) and Licensed Vocational Nurse (LVN). (3) "Mental Disorder" means any of the disorders set forth in the Diagnostic and Statistical Manual of Mental Disorders (Fourth Edition) of the American Psychiatric Association and a degree of functional impairment which renders a person eligible for the services enumerated under the Lanterman-Petris-Short Act, commencing with Section 5000 of the Welfare and Institutions Code.

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**(n)**

(1) "Needs and Services Plan" means a written plan that identifies the specific needs of an individual client, including those items specified in Section 82068.2 and delineates those services necessary to meet the client's identified needs. (2) "Nonambulatory Person" means a person as defined in Health and Safety Code Section 13131. (A) A person who uses postural supports as specified in Section 82072(a)(8) is deemed nonambulatory. (B) A person is not deemed nonambulatory solely because he/she is deaf, blind, or prefers to use a mechanical aid. (3) "Nutritionist" means a person who holds a master's degree in food and nutrition, dietetics, or public health nutrition, or who is employed as a nutritionist by a county health department.

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**(o)**

(Reserved)

**(p)**

(1) "Participant" means any adult admitted to an adult day program. Participant is equivalent to "client" as defined in Section 82001(c). (2) "Physician" means a person licensed as a physician and surgeon by the California Board of Medical Examiners or by the California Board of Osteopathic Examiners. (3) "Placement Agency" is defined in Health and Safety Code Sections 1536.1 and 1569.47(a). (4) "PRN Medication" (pro re nata) means any nonprescription or prescription medication which is to be taken as needed. (5) "Provision" or "Provide" means whenever any regulation requires that provisions be made for or that there be provided any service, personnel, or other requirement, the licensee shall do so directly or present evidence to the licensing agency that the requirement has been met by some other means. (6) "Provisional License" means a license which

is temporary, nonrenewable, and issued for a period not to exceed 12 months. A provisional license is issued in accordance with the criteria as specified in Section 82030.

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**(q)**

(Reserved)

**(r)**

(1) "Rehabilitation" means the effort to reestablish good character since the date of the last conviction, including, but not limited to, education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service. (2) "Relative" means spouse, domestic partner as defined in Family Code Section 297, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or such person denoted by the prefix "grand" or "great" or the spouse or domestic partner of any of the persons specified in this definition, even after the marriage, or domestic partnership, has been terminated by death or dissolution. (3) "Responsible Person" means that individual or individuals, including a relative or placement agency, who assists the client or prospective client in placement or assumes varying degrees of responsibility for the client's well-being. A responsible person cannot act on behalf of a client unless authorized by law.

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"Rehabilitation" means the effort to reestablish good character since the date of the last conviction, including, but not limited to, education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service.

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"Relative" means spouse, domestic partner as defined in Family Code Section 297, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or such person denoted by the prefix "grand" or "great" or the spouse or domestic partner of any of the persons specified in this definition, even after the marriage, or domestic partnership, has been terminated by death or dissolution.

**(3)**

"Responsible Person" means that individual or individuals, including a relative or placement agency, who assists the client or prospective client in placement or assumes varying degrees of responsibility for the client's well-being. A responsible person cannot act on behalf of a client unless authorized by law.

**(s)**

(1) "Serious Bodily Injury" is defined in Welfare and Institutions Code Section 15610.67. (2) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of the day program clients. (3) "Sexual Orientation" means, for the purpose of this chapter, the identification of any individual as heterosexual, gay, lesbian, or bisexual. (4) "Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code Section 1522(c)(4), if the individual's criminal history meets specific criteria established by Department regulation. (5) "Social Worker" means a person who has a graduate degree from an accredited school of social work. (6) "SSI/SSP" means the Supplemental Security Income/State Supplemental Program which is a federal/state program that provides financial assistance to aged, blind and/or disabled residents of California. (7) "Substantial Compliance" means the absence of any serious deficiencies. (8) "Substantiated Complaint" means a complaint which has been investigated by the licensing agency, and as a result, a violation of regulations has been found.

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**(t)**

(Reserved)

**(u)**

(1) "Unlicensed Community Care Facility" means an unlicensed facility day program that is maintained and operated to provide nonmedical care and not exempt from licensure and meets any one of the following conditions. (A) A day program that is "providing care and supervision" as defined in Section 82001(c)

includes, but is not limited to, one in which an individual has been placed by a placement agency or family members for temporary or permanent care. (B) A day program that is "held out as or represented as providing care or supervision" includes, but is not limited to: 1. A day program license that has been revoked or denied, but continued care is provided for the same or different clients with similar needs. 2. A day program where a change of ownership has occurred and the same clients are retained. 3. A licensed day program that moves to a new location. 4. A day program that advertises as providing care and/or supervision. (C) A day program that "accepts or retains clients who demonstrate the need for care or supervision" includes, but is not limited to: 1. A day program where it is apparent that care and/or supervision are being provided by virtue of the client's needs being met. (2) "Urgent Need" means a situation where prohibiting the operation of the day program would be detrimental to a client's physical health, mental health, safety, or welfare. Circumstances constituting urgent need include, but are not limited to, the following: (A) A change in day program location when clients are in need of services from the same operator at the new location. (B) A change of day program ownership when clients are in need of services from a new operator.

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**(B)**

A day program that is "held out as or represented as providing care or supervision" includes, but is not limited to: 1. A day program license that has been revoked or denied, but continued care is provided for the same or different clients with similar needs. 2. A day program where a change of ownership has occurred and the same clients are retained. 3. A licensed day program that moves to a new location. 4. A day program that advertises as providing care and/or supervision.

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**2.**

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**3.**

A licensed day program that moves to a new location.

**4.**

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"Urgent Need" means a situation where prohibiting the operation of the day program would be detrimental to a client's physical health, mental health, safety, or welfare.

Circumstances constituting urgent need include, but are not limited to, the following:

(A) A change in day program location when clients are in need of services from the same operator at the new location. (B) A change of day program ownership when clients are in need of services from a new operator.

**(A)**

A change in day program location when clients are in need of services from the same operator at the new location.

**(B)**

A change of day program ownership when clients are in need of services from a new operator.

**(v)**

(Reserved)

**(w)**

(1) "Waiver" means a nontransferable written authorization issued by the licensing

agency to use alternative means which meet the intent of a specific regulation and which are based on a program-wide need or circumstance.

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**(x)**

(Reserved)

**(y)**

(Reserved)

**(z)**

(Reserved)