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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 6@ Adult Residential Facilities

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Article 6@ Continuing Requirements

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Section 85081@ Requirements for Emergency Adult Protective Services Placements

85081 Requirements for Emergency Adult Protective Services Placements

(a)

The licensee shall be permitted to accept emergency placements by an adult protective services (APS) agency, if the licensee has received approval from the Department to provide emergency shelter services. (1) To obtain approval, the licensee shall submit a written request to the Department. The request shall include, but not be limited to, the following: (A) A letter of interest from the county APS agency stating that if the request to provide emergency shelter services is approved, the APS agency may enter into an agreement with the licensee to provide such services. 1. A copy of the written agreement between the APS agency and the licensee, listing the responsibilities of each party, shall be sent to the Department within seven calendar days of signing. (B) A written addendum to the Plan of Operation, specified in Sections 80022 and 85022, that includes procedures for the intake of an APS emergency placement. The addendum shall specify how the licensee will meet the needs of a client placed on an emergency basis, such as on-call staff, additional staff and training. 1. The procedures shall include, but not be limited to, provisions for a private room. a. The licensee shall provide a private room for the client until an individual program plan or a Needs and Services Plan has been completed, specified in Sections 80068.2 and 85068.2. b. The Department may approve an alternative to a

private room, such as awake or additional staff, but an alternative shall not be approved if it displaces staff or other clients of the facility. (C) A licensee of an adult residential facility may accept an elderly client, 60 years of age or older, for emergency placement under the following conditions: 1. The APS agency has written a statement indicating a local need exists for the licensee to accept elderly emergency placements. a. The licensee attaches this APS statement of local need [Section 85081(a)(1)(C)1.] to the written request, specified in Section 85081(a)(1). b. The licensee must request a statement each year from the APS agency, indicating a local need still exists as specified in Section 85081(a)(1)(C)1., and submit the statement to the Department.

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The Department may approve an alternative to a private room, such as awake or additional staff, but an alternative shall not be approved if it displaces staff or other clients of the facility.

(C)

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(b)

The Department shall provide written approval or denial of a licensee's request to provide emergency shelter services within 15 working days of its receipt.

(c)

The licensee shall comply with the regulations in Title 22, Division 6, Chapter 1 (General Licensing Requirements) and Chapter 6 (Adult Residential Facilities), unless otherwise stated in Section 85081. These regulations include, but are not limited to, the following: (1) The licensee shall not exceed the capacity limitations specified on the license and shall not allow rooms approved only for ambulatory clients to be used by nonambulatory clients, as specified in Section 80010. (2) The licensee shall meet the requirements in Section 80020(b) on fire clearance if the licensee has accepted a nonambulatory client, defined in Section 80001 n.(2).

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(2)

The licensee shall meet the requirements in Section 80020(b) on fire clearance if the

licensee has accepted a nonambulatory client, defined in Section 80001 n.(2).

(d)

The licensee shall not accept the following persons as APS emergency placements: (1) Individuals who use metered-dose and dry powder inhalers [Section 80075(a)(2)(A)]. (2) Individuals who require oxygen [Section 80075(h)]. (3) Individuals who rely upon others to perform all activities of daily living [Section 80077.2]. (4) Individuals who lack hazard awareness or impulse control [Section 80077.3]. (5) Individuals who have contractures [Section 80077.5]. (6) Individuals who have prohibited health conditions [Section 80091]. (7) Individuals who have restricted health conditions [Section 80092]. (8) Individuals who require inpatient care in a health facility [Section 85068.4(a)(2)]. (9) Any individual whose primary need is acute psychiatric care due to a mental disorder [Section 85068.4(a)(5)]. (10) Individuals who are receiving hospice care.

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Individuals who require oxygen [Section 80075(h)].

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Individuals who rely upon others to perform all activities of daily living [Section 80077.2].

(4)

Individuals who lack hazard awareness or impulse control [Section 80077.3].

(5)

Individuals who have contractures [Section 80077.5].

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Individuals who have prohibited health conditions [Section 80091].

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Individuals who require inpatient care in a health facility [Section 85068.4(a)(2)].

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Any individual whose primary need is acute psychiatric care due to a mental disorder [Section 85068.4(a)(5)].

(10)

Individuals who are receiving hospice care.

(e)

The licensee shall not admit an APS emergency placement unless the APS worker is present at the facility at the time of admission.

(f)

Prior to acceptance of an APS emergency placement, the licensee shall obtain and keep on file the following information received from the APS worker: (1) Client's name. (2) Client's ambulatory status. (3) Name(s) and telephone number(s) of the client's physician(s). (4) Name(s), business address(es), and telephone number(s) of the APS worker responsible for the client's placement and the APS case worker, if known. (5) Name, address, and telephone number of any person responsible for the care of the client, if available.

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(5)

Name, address, and telephone number of any person responsible for the care of the client, if available.

(g)

At the time of the APS emergency placement, the licensee shall ensure receipt of a mental health intake assessment, specified in Section 85069.3, for mentally ill clients.

(h)

Within seven calendar days of an APS emergency placement, the licensee shall obtain other client information specified in Sections 80070 and 85070. (1) The client must have a tuberculosis test [Section 80069(c)(1)] by the seventh day of placement even though the test results may not be available by the seventh day of placement.

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(i)

The licensee shall contact the client's attending physician or the person authorized to act for the physician to identify all of the client's prescribed medications and usage instructions [Section 80069(c)(3)] by the next working day, but no later than 72 hours from the initial APS emergency placement.(1) The attending physician or the person acting for the physician shall have access to the client's

records to determine whether the full medication regimen is accounted for and accurate. (2) If medication verification, as specified in Section 85081(i), has not been obtained within 72 hours from the client's initial placement, the licensee shall contact the APS worker to request that the client be relocated, as specified in Section 85081(j).

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(j)

The licensee shall contact the APS worker to request that the client be relocated immediately when the licensee identifies that needs cannot be met or that the client has a condition specified in Section 85081(d). (1) The licensee cannot retain a client aged 60 years or older beyond 30 calendar days from initial placement by the APS agency unless the following requirement is met: (A) The licensee must request an exception, specified in Section 80024(b)(2), within 30 calendar days of initial placement, but the client must be relocated if the Department denies the request.

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calendar days of initial placement, but the client must be relocated if the Department denies the request.

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(k)

Within seven calendar days of the licensee making any changes to an agreement with an APS agency, the licensee shall notify the Department in writing of these changes, which may include a renewed agreement, amended language and/or notification of a terminated agreement.

(l)

All emergency placements are subject to the same record requirements as set forth in Section 80070(f).