

87101 Definitions

(a)

(1) "Administrator" means the individual designated by the licensee to act in behalf of the licensee in the overall management of the facility. The licensee, if an individual, and the administrator may be one and the same person. (2)

"Admission Agreement" includes all documents that a resident or resident's representative must sign at the time of, or as a condition of, admission. (3) "Adult" means a person who is eighteen (18) years of age or older. (4) "Adult protective services agency" means a county welfare department, as defined in Welfare and Institutions Code section 15610.13. (5) "Advance Health Care Directive" means a written instruction that relates to the provision of health care when the individual is incapacitated. Advance directives include, but are not limited to, a Durable Power of Attorney for Health Care, an Individual Health Care Instruction, a Request to Forego Resuscitative Measures, or a Do Not Resuscitate Form. In an advance directive, a person states choices for medical treatment and/or designates who should make treatment choices if the person creating the advance directive should lose decision-making capacity. (6) "Allowable Health Condition" means any health

condition that the licensee is allowed to care for either in accordance with a specific regulation, or with an exception approved by the licensing agency. This includes restricted health conditions as specified in Section 87612, Restricted Health Conditions. (7) "Ambulatory Person" means a person who is capable of

demonstrating the mental competence and physical ability to leave a building without assistance of any other person or without the use of any mechanical aid in case of an emergency. (8) "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. (9) "Applicant" means any individual, firm, partnership, association, corporation, county, city, public agency or other government entity that has made application for a residential care facility for the elderly license, administrator certificate, or special permit. (10) "Appropriately Skilled Professional" means an individual that has training and is licensed to perform the necessary medical procedures prescribed by a physician. This includes but is not limited to the following: Registered Nurse (RN), Licensed Vocational Nurse (LVN), Physical Therapist (PT), Occupational Therapist (OT) and Respiratory Therapist (RT). These professionals may include, but are not limited to, those persons employed by a home health agency, the resident, or facilities and who are currently licensed in California.

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(b)

(1) "Basic Rate" means the SSI/SSP established rate, which does not include that amount allocated for the recipient's personal and incidental needs. (2) "Basic Services," as defined in Health and Safety Code section 1569.312, means those services required to be provided by the facility in order to obtain and maintain a license and include, in such combinations as may meet the needs of the residents and be applicable to the type of facility to be operated, the following: safe and healthful living accommodations; personal assistance and care; observation and supervision; planned activities; food service; and arrangements for obtaining incidental medical and dental care. (3) "Behavioral expression" means behavior or behaviors displayed by a resident that may result in harm to self or others including, but not limited to, unsafe wandering as defined in subsection (u), or elopement as defined in subsection (e), expressions of frustration, disorientation,

hallucinations, or lacking in hazard awareness or impulse control. Behavioral expression may be due to boredom, fear, overstimulation, perceived threat, fatigue, physical discomfort, pain, "Major Neurocognitive Disorder (major NCD)" as defined in subsection (m), or other causes including, but not limited to, medication interactions and/or illnesses such as urinary tract infections.

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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, convicted of a minor traffic offense or adjudicated as a juvenile. (2) "Capacity" means that maximum number of persons authorized to be provided services at any one time in any licensed facility. (3) "Care and Supervision" means those activities which if provided shall require the facility to be licensed. It involves assistance as needed with activities of daily living and the assumption of varying degrees of responsibility for the safety and well-being of residents. "Care and Supervision" shall include, but not be limited to, any one or more of the following activities provided by a person or facility to meet the needs of the residents: (A) Assistance in dressing, grooming, bathing and other personal hygiene; (B) Assistance with taking medication, as specified in Section 87465, Incidental Medical and Dental Care Services; (C) Central storing and distribution of medications, as specified in Section 87465, Incidental Medical and Dental Care Services; (D) Arrangement of and assistance with medical and dental care. This may include transportation, as specified in Section 87465, Incidental Medical and Dental Care Services; (E) Maintenance of house rules for the protection of residents; (F) Supervision of resident schedules and activities; (G) Maintenance and supervision of resident monies or property; (H) Monitoring food intake or special diets. (4) "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in a residential care facility for the elderly. (5) "Certified administrator" means an administrator who has been issued a residential care facility for the elderly administrator certificate by the Department and whose certificate is current. (6) "Classroom Hour" means fifty (50) to sixty (60) minutes of classroom instruction

within a 60-minute period. No credit is given for meal breaks. (7) "Classroom setting" means a setting, conducive to learning and free from distractions, for which the primary purpose is education, instruction, training, or conference. Participants must be able to simultaneously interact with each other as well as with the instructor. (8) "Close friend" means a person who is attached to another by feelings of personal regard as indicated by both parties involved. (9) "Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for Continuing Education Training Program vendors only. (10) "Community Care Facility" means any facility, place or building providing nonmedical care and supervision, as defined in Section 87101(c)(3). (11) "Complete request" means the vendor applicant has submitted, and the Department has received, all required information and materials necessary to approve or deny the request for certification program and/or course approval. (12) "Conservator" means a person appointed by the Superior Court pursuant to Probate Code section 1800 et. seq. or Welfare and Institutions Code section 5350, to care for the person, or estate, or person and estate, of an adult. (13) "Consultant" means a person professionally qualified by training and experience to provide expert information on a particular subject. (14) "Contagious disease" means an illness capable of being transmitted from one human to another human via direct or indirect contact. (15) "Continuing Care Contract" is defined in Health and Safety Code section 1771(c)(8). (16) "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide continuing education training courses to residential care facility for the elderly administrators and certificate holders to qualify them for renewal of their residential care facility for the elderly administrator certificate.

(17) "Control of Property" means the right to enter, occupy, and maintain the operation of the facility property within regulatory requirements. Evidence of control of property shall 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 probate proceeding or estate settlement. (18)

"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. (19) "Course" means either, (1) a quarter- or semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop, or lecture of varying duration. (20) "Criminal Record Clearance" means an individual has a California clearance and an FBI clearance.

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"Capacity" means that maximum number of persons authorized to be provided services at any one time in any licensed facility.

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"Care and Supervision" means those activities which if provided shall require the facility to be licensed. It involves assistance as needed with activities of daily living and the assumption of varying degrees of responsibility for the safety and well-being of residents. "Care and Supervision" shall include, but not be limited to, any one or more

of the following activities provided by a person or facility to meet the needs of the residents: (A) Assistance in dressing, grooming, bathing and other personal hygiene; (B) Assistance with taking medication, as specified in Section 87465, Incidental Medical and Dental Care Services; (C) Central storing and distribution of medications, as specified in Section 87465, Incidental Medical and Dental Care Services; (D) Arrangement of and assistance with medical and dental care. This may include transportation, as specified in Section 87465, Incidental Medical and Dental Care Services; (E) Maintenance of house rules for the protection of residents; (F) Supervision of resident schedules and activities; (G) Maintenance and supervision of resident monies or property; (H) Monitoring food intake or special diets.

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Monitoring food intake or special diets.

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"Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in a residential care facility for the elderly.

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"Certified administrator" means an administrator who has been issued a residential care facility for the elderly administrator certificate by the Department and whose certificate is current.

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"Classroom Hour" means fifty (50) to sixty (60) minutes of classroom instruction within a 60-minute period. No credit is given for meal breaks.

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"Classroom setting" means a setting, conducive to learning and free from distractions, for which the primary purpose is education, instruction, training, or conference.

Participants must be able to simultaneously interact with each other as well as with the instructor.

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

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"Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for

Continuing Education Training Program vendors only.

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"Community Care Facility" means any facility, place or building providing nonmedical care and supervision, as defined in Section 87101(c)(3).

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"Complete request" means the vendor applicant has submitted, and the Department has received, all required information and materials necessary to approve or deny the request for certification program and/or course approval.

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"Conservator" means a person appointed by the Superior Court pursuant to Probate Code section 1800 et. seq. or Welfare and Institutions Code section 5350, to care for the person, or estate, or person and estate, of an adult.

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"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.

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(19)

"Course" means either, (1) a quarter- or semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop, or lecture of varying duration.

(20)

"Criminal Record Clearance" means an individual has a California clearance and an FBI clearance.

(d)

(1) "Day" means calendar day unless otherwise specified. (2) "Deficiency" means any failure to comply with any provision of the Residential Care Facilities Act for the Elderly and regulations adopted by the Department pursuant to the Act. (3) "Delayed Egress Device" means a special egress-control device of the time delay type as specified in Health and Safety Code section 1569.699(a). (4) "Dementia" means an overall term for diseases and conditions characterized by a progressive decline in memory, language, problem-solving, and other thinking skills that are severe enough to interfere with a person's ability to perform activities of daily life. Dementia is a general term referring to "Major Neurocognitive Disorder (major NCD)" as defined in subsection (m). (5) "Department" is defined in Health and Safety Code section 1569.2(c). (6) "Dietician" means a person who is eligible for registration by the American Dietetic Association. (7) "Direct care staff" means the licensee, or those individuals employed by the licensee, who provide direct care to the residents, including, but not limited to, assistance with activities of daily living. (8) "Director" is defined in Health and Safety Code section 1569.2(d). (9) "Do-Not-Resuscitate (DNR) Form" means the pre-hospital do-not-resuscitate forms developed by the California Emergency Medical Services Authority and by other local emergency medical services agencies. These forms, when properly completed by a resident or (in certain instances) a resident's Health Care Surrogate Decision Maker, and by a physician, alert pre-hospital emergency medical services personnel to the resident's wish to forego resuscitative measures in the event of the resident's cardiac or respiratory arrest. (10) "Documentation"

means written supportive information including but not limited to the Licensing Report (Form LIC 809).63

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"Department" is defined in Health and Safety Code section 1569.2(c).

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"Dietician" means a person who is eligible for registration by the American Dietetic Association.

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"Direct care staff" means the licensee, or those individuals employed by the licensee, who provide direct care to the residents, including, but not limited to, assistance with activities of daily living.

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"Do-Not-Resuscitate (DNR) Form" means the pre-hospital do-not-resuscitate forms developed by the California Emergency Medical Services Authority and by other local emergency medical services agencies. These forms, when properly completed by a resident or (in certain instances) a resident's Health Care Surrogate Decision Maker, and by a physician, alert pre-hospital emergency medical services personnel to the resident's wish to forego resuscitative measures in the event of the resident's cardiac or respiratory arrest.

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"Documentation" means written supportive information including but not limited to the Licensing Report (Form LIC 809).⁶³

(e)

(1) "Egress Alert Device" means a wrist band or other device which may be worn by a resident or carried on a resident's person, which triggers a visual or auditory alarm when the resident leaves the facility building or grounds. (2) "Elderly Person" means, for purposes of admission into a Residential Care Facility for the Elderly, a person who is sixty (60) years of age or older. (3) "Elopement" occurs when a resident who is at risk of harm due to their cognitive condition leaves the facility unsupervised, or while in the licensee's care, leaves another safe location unsupervised. (4) "Emergency Approval to Operate" (EAO) means a temporary approval to operate a facility for no more than 60 days pending the issuance or denial of a license by the licensing agency. (5) "Evaluator" means any person who is a duly authorized officer, employee or agent of the Department including any officer, employee or agent of a county or other public agency authorized by

contract to license community care facilities. (6) "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 death of the licensee. (7) "Exception" means a variance to a specific regulation based on the unique needs or circumstances of a specific resident or staff person. Requests for exceptions are made to the licensing agency by an applicant or licensee. They may be granted for a particular facility, resident or staff person, but cannot be transferred or applied to other individuals. (8) "Existing Facility" means any facility operating under a valid license on the date of application for a new license.

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(8)

"Existing Facility" means any facility operating under a valid license on the date of application for a new license.

(f)

(1) "Facility Hospice Care Waiver" means a waiver from the limitation on retention of residents who require more care and supervision than other residents and residents who are bedridden other than for a temporary illness. The Hospice Care Waiver granted by the Department will permit the retention in a facility of a designated maximum number of terminally ill residents who are receiving hospice services from a hospice agency. The Facility Hospice Care Waiver will apply only to those residents who are receiving hospice care in compliance with a hospice care plan meeting the requirements of Section 87633, Hospice Care for Terminally

III Residents. (2) "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, convicted of a minor traffic offense or adjudicated as a juvenile.

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"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, convicted of a minor traffic offense or adjudicated as a juvenile.

(g)

(1) "Gender Expression" means a person's appearance and behavior, whether or not these are stereotypically associated with the person's sex assigned at birth.

(2) "Gender Identity" means a person's stated identification with a sex, regardless of whether the stated sex is consistent with the person's physical appearance, surgical history, genitalia, legal sex, sex assigned at birth, or name and sex, as they appear in medical records, and regardless of any statement by any other person, including a family member, conservator, or legal representative, that is

contrary. A person who lacks the ability to communicate gender identity retains the gender identity most recently expressed by that person. (3)

"Gender-Nonconforming" means a person whose gender expression does not conform to stereotypical expectations of how a man or woman should appear or behave. (4) "Guardian" means a person appointed by the Superior Court pursuant to Probate Code section 1500 et seq. to care for the person, or person and estate, of a child.

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(h)

(1) "Healing wounds" include cuts, stage one and two pressure injuries and

incisions with the affected area returning to its normal state. They may involve breaking or laceration of the skin and usually damage to the underlying tissues.

(2) "Health Care Provider" means those persons described in Probate Code section 4621: "an individual licensed, certified, or otherwise authorized or permitted by the law of this state to provide health care in the ordinary course of business or practice of a profession." (3) "Health Care Surrogate Decision Maker" means an individual who participates in health care decision making on behalf of an incapacitated resident. Health care surrogate decision maker may be formally appointed (e.g., by the resident in a Durable Power of Attorney for Health Care or by a court in a conservatorship proceeding) or, in the absence of a formal appointment, may be recognized by virtue of a relationship with the resident (e.g., the resident's next of kin). The licensee or any staff member of the facility shall not be appointed health care surrogate decision maker. (4) "Health Condition Relocation Order" means written notice by the Department to a licensee requiring the relocation of a resident from a residential care facility for the elderly because the resident has a health condition which cannot be cared for within the limits of the license, requires inpatient care in a health facility or has a prohibited health condition as specified in Section 87615, Prohibited Health Conditions. (5) "Home Economist" means a person who holds a baccalaureate or higher degree in home economics and who specialized in either food and nutrition or dietetics. (6) "Hospice or Hospice Agency" means an entity which provides hospice services to terminally ill persons, is Medicare certified for hospice, and holds either a Hospice license or a Home Health Agency license from the California Department of Public Health. Any organizations, appropriately skilled professionals, or other professional persons or entities that are subcontracted by the hospice or hospice agency for the provision of specified hospice services to the resident are included

within the definition. The hospice agency providing services in an RCFE shall not subcontract with the licensee or any facility staff for the provision of services. (7) "Hospice Care Plan" means the hospice agency's written plan of care for a terminally ill resident. The hospice shall retain overall responsibility for the development and maintenance of the plan and quality of hospice services delivered.

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"Healing wounds" include cuts, stage one and two pressure injuries and incisions with the affected area returning to its normal state. They may involve breaking or laceration of the skin and usually damage to the underlying tissues.

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"Health Care Provider" means those persons described in Probate Code section 4621: "an individual licensed, certified, or otherwise authorized or permitted by the law of this state to provide health care in the ordinary course of business or practice of a profession."

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"Health Care Surrogate Decision Maker" means an individual who participates in health care decision making on behalf of an incapacitated resident. Health care surrogate decision maker may be formally appointed (e.g., by the resident in a Durable Power of Attorney for Health Care or by a court in a conservatorship proceeding) or, in the absence of a formal appointment, may be recognized by virtue of a relationship with the resident (e.g., the resident's next of kin). The licensee or any staff member of the facility shall not be appointed health care surrogate decision maker.

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"Health Condition Relocation Order" means written notice by the Department to a licensee requiring the relocation of a resident from a residential care facility for the

elderly because the resident has a health condition which cannot be cared for within the limits of the license, requires inpatient care in a health facility or has a prohibited health condition as specified in Section 87615, Prohibited Health Conditions.

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"Home Economist" means a person who holds a baccalaureate or higher degree in home economics and who specialized in either food and nutrition or dietetics.

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"Hospice or Hospice Agency" means an entity which provides hospice services to terminally ill persons, is Medicare certified for hospice, and holds either a Hospice license or a Home Health Agency license from the California Department of Public Health. Any organizations, appropriately skilled professionals, or other professional persons or entities that are subcontracted by the hospice or hospice agency for the provision of specified hospice services to the resident are included within the definition. The hospice agency providing services in an RCFE shall not subcontract with the licensee or any facility staff for the provision of services.

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"Hospice Care Plan" means the hospice agency's written plan of care for a terminally ill resident. The hospice shall retain overall responsibility for the development and maintenance of the plan and quality of hospice services delivered.

(i)

(1) "Immediate Need" means a situation where prohibiting the operation of the facility would be detrimental to a resident's physical health, mental health, safety, or welfare. Examples of immediate need include but are not limited to: (A) A change in facility location when residents are in need of services from the same operator at the new location; (B) A change of facility ownership when residents are in need of services from the new operator. (2) "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. (3) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial eighty (80) hour certification training program to persons who do not possess a valid residential care facility for the elderly administrator certificate. (4) "Instruction" means to furnish an individual with knowledge or to teach, give orders, or direction of a process or procedure. (5) "Interdisciplinary Team" means a team that shall assist the Department in evaluating the need for relocating a resident of a residential care facility for the elderly when the resident has requested a review of the Department's health-condition relocation order. This team shall consist of the Department's nurse consultant and a social worker, designated by the Department, with experience in the needs of the elderly. Persons selected for an interdisciplinary team review shall not have been involved in the initial decision to issue a relocation order for the resident in question.

(1)

"Immediate Need" means a situation where prohibiting the operation of the facility would be detrimental to a resident's physical health, mental health, safety, or welfare. Examples of immediate need include but are not limited to: (A) A change in facility location when residents are in need of services from the same operator at the new location; (B) A change of facility ownership when residents are in need of services from the new operator.

(A)

A change in facility location when residents are in need of services from the same operator at the new location;

(B)

A change of facility ownership when residents are in need of services from the new operator.

(2)

"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.

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"Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial eighty (80) hour certification training program to persons who do not possess a valid residential care facility for the elderly administrator certificate.

(4)

"Instruction" means to furnish an individual with knowledge or to teach, give orders, or direction of a process or procedure.

(5)

"Interdisciplinary Team" means a team that shall assist the Department in evaluating the need for relocating a resident of a residential care facility for the elderly when the resident has requested a review of the Department's health-condition relocation order. This team shall consist of the Department's nurse consultant and a social worker, designated by the Department, with experience in the needs of the elderly. Persons selected for an interdisciplinary team review shall not have been involved in the initial decision to issue a relocation order for the resident in question.

(j)

(Reserved)

(k)

(Reserved)

(I)

(1) "LGBT" means lesbian, gay, bisexual, or transgender. (2) "License" means a basic permit to operate a residential care facility for the elderly. (3) "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 his/her scope of practice. (4) "Licensee" means the individual, firm, partnership, corporation, association or county having the authority and responsibility for the operation of a licensed facility. (5) "Licensing Agency" means a state, county or other public agency authorized by the Department to assume specified licensing, approval or consultation responsibilities pursuant to Health and Safety Code section 1569.13.

(1)

"LGBT" means lesbian, gay, bisexual, or transgender.

(2)

"License" means a basic permit to operate a residential care facility for the elderly.

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"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 his/her scope of practice.

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"Licensee" means the individual, firm, partnership, corporation, association or county

having the authority and responsibility for the operation of a licensed facility.

(5)

"Licensing Agency" means a state, county or other public agency authorized by the Department to assume specified licensing, approval or consultation responsibilities pursuant to Health and Safety Code section 1569.13.

(m)

(1) "Major Neurocognitive Disorder" (major NCD) is a clinical term that describes substantially decreased cognitive or mental function due to a medical disease other than a psychiatric illness. Major NCD includes Alzheimer's disease and related disorders diagnosed by a licensed medical professional acting within their scope of practice. Related disorders considered to be major NCDs include, but are not limited to, vascular dementia, Lewy body dementia, Parkinson's disease, and frontotemporal dementia. Major NCDs cause impairment that is sufficient enough to interfere with independence in daily activities and may result in changes that include, but are not limited to, increased tendency to wander and decreased hazard awareness and ability to communicate. (2) "Mandated Reporter" is defined in Welfare and Institutions Code Section 15630(a). (3) "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). (4) "Mild cognitive impairment" (MCI) refers to people whose cognitive abilities are in a "conditional state" between normal aging and dementia. Normal age-related memory changes can include forgetting a person's name or the location of an object, however, individuals with MCI have difficulty with short-term memory loss. MCI is a state in which at least one cognitive function, usually short-term memory, is impaired to an extent that is

greater than would be anticipated in the normal aging process. MCI is characterized by short-term memory problems, but no other symptoms of dementia (e.g., problems with language, judgment, changes in personality or behavior) that affect a person's daily functioning. Individuals with MCI may experience some difficulty with intellectually demanding activities, but lack the degree of cognitive and functional impairment required to meet diagnostic criteria for dementia.

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"Major Neurocognitive Disorder" (major NCD) is a clinical term that describes substantially decreased cognitive or mental function due to a medical disease other than a psychiatric illness. Major NCD includes Alzheimer's disease and related disorders diagnosed by a licensed medical professional acting within their scope of practice. Related disorders considered to be major NCDs include, but are not limited to, vascular dementia, Lewy body dementia, Parkinson's disease, and frontotemporal dementia. Major NCDs cause impairment that is sufficient enough to interfere with independence in daily activities and may result in changes that include, but are not limited to, increased tendency to wander and decreased hazard awareness and ability to communicate.

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"Mandated Reporter" is defined in Welfare and Institutions Code Section 15630(a).

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"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).

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"Mild cognitive impairment" (MCI) refers to people whose cognitive abilities are in a "conditional state" between normal aging and dementia. Normal age-related memory changes can include forgetting a person's name or the location of an object, however, individuals with MCI have difficulty with short-term memory loss. MCI is a state in which at least one cognitive function, usually short-term memory, is impaired to an extent that is greater than would be anticipated in the normal aging process. MCI is characterized by short-term memory problems, but no other symptoms of dementia (e.g., problems with language, judgment, changes in personality or behavior) that affect a person's daily functioning. Individuals with MCI may experience some difficulty with intellectually demanding activities, but lack the degree of cognitive and functional impairment required to meet diagnostic criteria for dementia.

(n)

(1) "New Facility" means any facility applying for an initial license whether newly constructed or previously existing for some other purpose. (2) "Nonambulatory Person" means a person who is unable to leave a building unassisted under emergency conditions. It includes, but is not limited to, those persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. It also includes persons who are unable, or likely to be unable, to respond physically or mentally to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire or other dangers and, if unassisted, to take appropriate action relating to such danger. (3) "Non-Compliance Conference" means a meeting initiated by the Department that takes place between the licensing agency and the licensee to afford the licensee an opportunity to correct licensing violations other than those that pose an immediate danger to residents and that may result in a corrective plan of action. Its purpose is to review the existing deficiencies and to impress upon the licensee the seriousness of the situation prior to the agency

requesting administrative action to revoke the license. The Department may initiate administrative action without a non-compliance conference. (4)

"Nonrecurring Lump-Sum Assessment" is defined in Health and Safety Code Section 1569.655(b). (5) "Nutritionist" means a person holding a master's degree in food and nutrition, dietetics, or public health nutrition, or who is employed by a county health department in the latter capacity.

(1)

"New Facility" means any facility applying for an initial license whether newly constructed or previously existing for some other purpose.

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"Nonrecurring Lump-Sum Assessment" is defined in Health and Safety Code Section 1569.655(b).

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"Nutritionist" means a person holding a master's degree in food and nutrition, dietetics, or public health nutrition, or who is employed by a county health department in the latter capacity.

(o)

(Reserved)

(p)

(1) "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. (2) "Placement Agency" as defined in Health and Safety Code section 1569.47(a), means any county welfare department, county social services department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, state-funded program or private agency providing placement or referral services, and regional center for persons with developmental disabilities which is engaged in finding homes or other places for the placement of elderly persons for temporary permanent care. (3) "Preadmission Fee" is defined in Health and Safety Code section 1569.651(e) as an application fee, processing fee, admission fee, entrance fee, community fee or other fee, however designated, that is requested or accepted by a licensee of a residential care facility for the elderly prior to admission. (4) "Pressure Injury" means localized damage to the skin and/or soft tissue under the skin that is usually over a bony part of the body or related to a medical or other device. This damage can appear as intact skin or an open ulcer and may be painful. It occurs

as a result of intense and/or prolonged pressure on the affected part of the body or pressure combined with shear (an action or stress that causes internal parts of the body to become deformed). Based on appearance and severity, the damage to tissue is a Stage 1, 2, 3, or 4 pressure injury. (5) "Privately Operated Facility" means a residential care facility for the elderly that is licensed to an individual, firm, partnership, association, or corporation. (6) "PRN Medication" (pro re nata) means any nonprescription or prescription medication which is to be taken as needed. (7) "Provision" or "Provide." Whenever any regulation specifies that provision be made for or that there be provided any service, personnel or other requirement, it means that if the resident is not capable of doing so himself, the licensee shall do so directly or present evidence satisfactory to the licensing agency of the particular arrangement by which another provider in the community will do so. (8) "Provisional License" means a temporary, nonrenewable license, issued for a period not to exceed twelve months which is issued in accordance with the criteria specified in Section 87162, Provisional License. (9) "Publicly Operated Facility" means a residential care facility for the elderly that is licensed to a city, county, or other government entity.

(1)

"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.

(2)

"Placement Agency" as defined in Health and Safety Code section 1569.47(a), means any county welfare department, county social services department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, state-funded program or private agency providing placement or referral services, and regional center for persons with developmental

disabilities which is engaged in finding homes or other places for the placement of elderly persons for temporary permanent care.

(3)

"Preadmission Fee" is defined in Health and Safety Code section 1569.651(e) as an application fee, processing fee, admission fee, entrance fee, community fee or other fee, however designated, that is requested or accepted by a licensee of a residential care facility for the elderly prior to admission.

(4)

"Pressure Injury" means localized damage to the skin and/or soft tissue under the skin that is usually over a bony part of the body or related to a medical or other device. This damage can appear as intact skin or an open ulcer and may be painful. It occurs as a result of intense and/or prolonged pressure on the affected part of the body or pressure combined with shear (an action or stress that causes internal parts of the body to become deformed). Based on appearance and severity, the damage to tissue is a Stage 1, 2, 3, or 4 pressure injury.

(5)

"Privately Operated Facility" means a residential care facility for the elderly that is licensed to an individual, firm, partnership, association, or corporation.

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"PRN Medication" (pro re nata) means any nonprescription or prescription medication which is to be taken as needed.

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"Provisional License" means a temporary, nonrenewable license, issued for a period not to exceed twelve months which is issued in accordance with the criteria specified in Section 87162, Provisional License.

(9)

"Publicly Operated Facility" means a residential care facility for the elderly that is licensed to a city, county, or other government entity.

(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, parent, stepparent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even if the marriage has been terminated by death or dissolution. (3) "Representative" means an individual who has authority to act on behalf of the resident; including but not limited to, a conservator, guardian, person authorized as the agent in the resident's valid advance health care directive, the resident's spouse, registered domestic partner, family member, a person designated by the resident, or other surrogate decisionmaker designated consistent with statutory and case law. Without other legal obligation to the contrary, acting as a resident representative does not mean that the individual assumes personal responsibility or liability for payment of any

charges incurred by the resident. (4) "Request to Forego Resuscitative Measures" is defined in Probate Code section 4780. (5) "Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75 percent of the residents are sixty years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents. (6) "Responsible Person" means "Representative," as defined in Section 87101(r)(3), for purposes of these regulations and applicable statutes. (7) "Room and Board" means a living arrangement where care and supervision is neither provided nor available.

(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, parent, stepparent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even if the marriage has been terminated by death or dissolution.

(3)

"Representative" means an individual who has authority to act on behalf of the resident; including but not limited to, a conservator, guardian, person authorized as the agent in the resident's valid advance health care directive, the resident's spouse, registered domestic partner, family member, a person designated by the resident, or other surrogate decisionmaker designated consistent with statutory and case law.

Without other legal obligation to the contrary, acting as a resident representative does not mean that the individual assumes personal responsibility or liability for payment of any charges incurred by the resident.

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"Request to Forego Resuscitative Measures" is defined in Probate Code section 4780.

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"Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75 percent of the residents are sixty years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents.

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"Responsible Person" means "Representative," as defined in Section 87101(r)(3), for purposes of these regulations and applicable statutes.

(7)

"Room and Board" means a living arrangement where care and supervision is neither provided nor available.

(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 residents or clients of a community care facility. (3) "Shall" means mandatory. "May" means permissive. (4) "Significant Change in Condition" means a deterioration or improvement in a resident's physical, cognitive, behavioral, or functional condition that is significant enough to require an alteration of the

services provided to the resident. (5) "Significant Other" means a person, including a person of the same gender, with whom a resident was sharing a partnership prior to his/her placement in a Residential Care Facility for the Elderly (RCFE). The partnership involves two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring. (6) "Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code section 1569.17(c)(4), if the individual's criminal history meets specific criteria established by Department regulation. (7) Singular-Plural. Whenever in these regulations the singular is used, it can include the plural. (8) "Social Worker" means a person who has a graduate degree from an accredited school of social work or who has equivalent qualifications as determined by the Department. (9) "SSI/SSP" means the Supplemental Security Income/State Supplemental Program. (10) "Substantial Compliance" means the absence of any deficiencies which would threaten the physical health, mental health, safety or welfare of the residents. Such deficiencies include, but are not limited to, those deficiencies referred to in Section 87758, Serious Deficiencies -- Examples, and the presence of any uncorrected serious deficiencies for which civil penalties could be assessed. (11) "Supervision" means to oversee or direct the work of an individual or subordinate but does not necessarily require the immediate presence of the supervisor.

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"Serious Bodily Injury" is defined in Welfare and Institutions Code Section 15610.67.

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"Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health, or safety of the residents or clients of a community care facility.

(3)

"Shall" means mandatory. "May" means permissive.

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"Significant Change in Condition" means a deterioration or improvement in a resident's physical, cognitive, behavioral, or functional condition that is significant enough to require an alteration of the services provided to the resident.

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"Significant Other" means a person, including a person of the same gender, with whom a resident was sharing a partnership prior to his/her placement in a Residential Care Facility for the Elderly (RCFE). The partnership involves two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.

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"Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code section 1569.17(c)(4), if the individual's criminal history meets specific criteria established by Department regulation.

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"Social Worker" means a person who has a graduate degree from an accredited school of social work or who has equivalent qualifications as determined by the Department.

(9)

"SSI/SSP" means the Supplemental Security Income/State Supplemental Program.

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"Substantial Compliance" means the absence of any deficiencies which would threaten the physical health, mental health, safety or welfare of the residents. Such deficiencies

include, but are not limited to, those deficiencies referred to in Section 87758, Serious Deficiencies -- Examples, and the presence of any uncorrected serious deficiencies for which civil penalties could be assessed.

(11)

"Supervision" means to oversee or direct the work of an individual or subordinate but does not necessarily require the immediate presence of the supervisor.

(t)

(1) "Terminally Ill Resident" means that the resident has a prognosis by his/her attending physician that the resident's life expectancy is six months or less if his/her illness or condition runs its normal course. (2) "Transfer trauma" means the consequences of the stress and emotional shock caused by an abrupt, involuntary relocation of a resident from one facility to another. (3) "Transgender" means a person whose gender identity is different from the person's assigned or presumed sex at birth. (4) "Transition" means to undergo a process by which a person changes physical sex characteristics or gender expression to match the person's inner sense of being male or female. This process may include, among other things, a name change, a change in pronoun, and a change in social gender expression, as indicated by hairstyle, clothing, and restroom use. Transition may or may not include hormone use and surgery.

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"Transfer trauma" means the consequences of the stress and emotional shock caused by an abrupt, involuntary relocation of a resident from one facility to another.

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"Transition" means to undergo a process by which a person changes physical sex characteristics or gender expression to match the person's inner sense of being male or female. This process may include, among other things, a name change, a change in pronoun, and a change in social gender expression, as indicated by hairstyle, clothing, and restroom use. Transition may or may not include hormone use and surgery.

(u)

(1) "Unlicensed Residential Care Facility for the Elderly" means a facility as defined in Health and Safety Code section 1569.44. (A) A facility which is "providing care and supervision" as defined in section 87101(c)(3) includes, but is not limited to, one in which an individual has been placed by a placement agency or family members. (B) A facility which is "held out as or represented as providing care and supervision" includes, but is not limited to: 1. A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs. 2. A facility where change of ownership has occurred and the same clients are retained. 3. A licensed facility that moves to a new location. 4. A facility which advertises as providing care and supervision. (C) A facility which "accepts or retains residents who demonstrate the need for care and supervision" includes, but is not limited to: 1. A facility with residents requiring care and supervision, even though the facility is providing board and room only, or board only, or room only. 2. A facility where it is apparent that care and supervision are being provided by virtue of the client's needs being met. (2) "Unsafe wandering" occurs when a resident at risk enters an

area that is physically hazardous or contains items that are potential safety hazards. For example, unsafe wandering may occur when a resident enters another resident's room when doing so may lead to an altercation or contact with hazardous items.

(1)

"Unlicensed Residential Care Facility for the Elderly" means a facility as defined in Health and Safety Code section 1569.44. (A) A facility which is "providing care and supervision" as defined in section 87101(c)(3) includes, but is not limited to, one in which an individual has been placed by a placement agency or family members. (B) A facility which is "held out as or represented as providing care and supervision" includes, but is not limited to: 1. A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs. 2. A facility where change of ownership has occurred and the same clients are retained. 3. A licensed facility that moves to a new location. 4. A facility which advertises as providing care and supervision. (C) A facility which "accepts or retains residents who demonstrate the need for care and supervision" includes, but is not limited to: 1. A facility with residents requiring care and supervision, even though the facility is providing board and room only, or board only, or room only. 2. A facility where it is apparent that care and supervision are being provided by virtue of the client's needs being met.

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A facility which is "providing care and supervision" as defined in section 87101(c)(3) includes, but is not limited to, one in which an individual has been placed by a placement agency or family members.

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but is not limited to: 1. A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs. 2. A facility where change of ownership has occurred and the same clients are retained. 3. A licensed facility that moves to a new location. 4. A facility which advertises as providing care and supervision.

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A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs.

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A licensed facility that moves to a new location.

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A facility which "accepts or retains residents who demonstrate the need for care and supervision" includes, but is not limited to: 1. A facility with residents requiring care and supervision, even though the facility is providing board and room only, or board only, or room only. 2. A facility where it is apparent that care and supervision are being provided by virtue of the client's needs being met.

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"Unsafe wandering" occurs when a resident at risk enters an area that is physically hazardous or contains items that are potential safety hazards. For example, unsafe wandering may occur when a resident enters another resident's room when doing so may lead to an altercation or contact with hazardous items.

(v)

(1) "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program or a Continuing Education Training Program. (2) "Vendor applicant" means any institution, association, individual(s), or other entity that submits a request for approval of an Initial Certification Training Program or a Continuing Education Training Program. (3) "Voluntary" means resulting from free will.

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(2)

"Vendor applicant" means any institution, association, individual(s), or other entity that submits a request for approval of an Initial Certification Training Program or a Continuing Education Training Program.

(3)

"Voluntary" means resulting from free will.

(w)

(1) "Waiver" means a variance to a specific regulation based on a facility-wide need or circumstance which is not typically tied to a specific resident or staff

person. Requests for waivers are made to the licensing agency, in advance, by an applicant or licensee.

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(x)

(Reserved)

(y)

(Reserved)

(z)

(Reserved)