

|->

Title 22@ Social Security

|->

Division 6@ Licensing of Community Care Facilities

|->

Chapter 8@ Residential Care Facilities for the Elderly (RCFE)

|->

Article 4@ Operating Requirements

|->

Section 87211@ Reporting Requirements

87211 Reporting Requirements

(a)

Each licensee shall furnish to the licensing agency such reports as the Department may require, including, but not limited to, the following: (1) A written report shall be submitted to the licensing agency and to the person responsible for the resident within seven days of the occurrence of any of the events specified in (A) through (D) below. This report shall include the resident's name, age, sex and date of admission; date and nature of event; attending physician's name, findings, and treatment, if any; and disposition of the case. (A) Death of any resident from any cause regardless of where the death occurred, including but not limited to a day program, a hospital, en route to or from a hospital, or visiting away from the facility. (B) Any serious injury as determined by the attending physician and occurring while the resident is under facility supervision. (C) The use of an Automated External Defibrillator. (D) Any incident which threatens the welfare, safety or health of any resident, such as psychological abuse of a resident by staff or other residents, or unexplained absence of any resident. (2) Occurrences, such as epidemic outbreaks, poisonings, catastrophes or major accidents which threaten the welfare, safety or health of residents, personnel or visitors, shall be reported within 24 hours either by telephone or facsimile to the licensing agency and to the local health officer when appropriate. (3) Fires or explosions which occur in or on the premises shall be reported immediately to the local fire authority; in

areas not having organized fire services, within 24 hours to the State Fire Marshal; and no later than the next working day to the licensing agency.

(1)

A written report shall be submitted to the licensing agency and to the person responsible for the resident within seven days of the occurrence of any of the events specified in (A) through (D) below. This report shall include the resident's name, age, sex and date of admission; date and nature of event; attending physician's name, findings, and treatment, if any; and disposition of the case. (A) Death of any resident from any cause regardless of where the death occurred, including but not limited to a day program, a hospital, en route to or from a hospital, or visiting away from the facility. (B) Any serious injury as determined by the attending physician and occurring while the resident is under facility supervision. (C) The use of an Automated External Defibrillator. (D) Any incident which threatens the welfare, safety or health of any resident, such as psychological abuse of a resident by staff or other residents, or unexplained absence of any resident.

(A)

Death of any resident from any cause regardless of where the death occurred, including but not limited to a day program, a hospital, en route to or from a hospital, or visiting away from the facility.

(B)

Any serious injury as determined by the attending physician and occurring while the resident is under facility supervision.

(C)

The use of an Automated External Defibrillator.

(D)

Any incident which threatens the welfare, safety or health of any resident, such as

psychological abuse of a resident by staff or other residents, or unexplained absence of any resident.

(2)

Occurrences, such as epidemic outbreaks, poisonings, catastrophes or major accidents which threaten the welfare, safety or health of residents, personnel or visitors, shall be reported within 24 hours either by telephone or facsimile to the licensing agency and to the local health officer when appropriate.

(3)

Fires or explosions which occur in or on the premises shall be reported immediately to the local fire authority; in areas not having organized fire services, within 24 hours to the State Fire Marshal; and no later than the next working day to the licensing agency.

(b)

Any suspected physical abuse that results in serious bodily injury of an elder or dependent adult shall be reported to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two (2) hours as required by Welfare and Institutions Code Section 15630(b)(1).

(c)

Any suspected physical abuse that does not result in serious bodily injury of an elder or dependent adult shall be reported to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within twenty-four (24) hours as required by Welfare and Institutions Code Section 15630(b)(1).

(d)

The licensee shall notify the Department, the State Long-Term Care Ombudsman, all residents, and, if applicable, their representatives, in writing within two business days of any of the following specified events, or knowledge thereof:(1) A

notice of default, notice of trustee's sale, or any other indication of foreclosure is issued on the property. (2) An unlawful detainer action is initiated against the licensee. (3) The licensee files for bankruptcy. (4) The licensee receives a written notice of default of payment of rent described in Section 1161 of the Code of Civil Procedure. (5) A utility company has sent a notice of intent to terminate electricity, gas, or water service on the property within not more than 15 days of the notice.

(1)

A notice of default, notice of trustee's sale, or any other indication of foreclosure is issued on the property.

(2)

An unlawful detainer action is initiated against the licensee.

(3)

The licensee files for bankruptcy.

(4)

The licensee receives a written notice of default of payment of rent described in Section 1161 of the Code of Civil Procedure.

(5)

A utility company has sent a notice of intent to terminate electricity, gas, or water service on the property within not more than 15 days of the notice.

(e)

The licensee shall notify in writing all applicants for potential residence, and, if applicable, the representatives, prior to signing an admission agreement, of any of the events, or knowledge of events specified in Section 87211(d).

(f)

Failure to comply with Section 87211(d), or Section 87211(e), or both, may

result in a civil penalty of one hundred dollars (\$100) for each day of the failure to provide the required notification, not to exceed two thousand dollars (\$2,000). (1) If a resident is relocated without the specified notification, and the resident suffers transfer trauma as defined in Section 87101, or other harm to their health or safety, the Department may suspend or revoke the license or other specified actions pursuant to Health and Safety Code section 1569.686(c).

(1)

If a resident is relocated without the specified notification, and the resident suffers transfer trauma as defined in Section 87101, or other harm to their health or safety, the Department may suspend or revoke the license or other specified actions pursuant to Health and Safety Code section 1569.686(c).

(g)

The licensee shall notify the Department, in writing, within thirty (30) days of the hiring of a new administrator. The notification shall include the following: (1) Name and residence and mailing addresses of the new administrator. (2) Date he/she assumed his/her position. (3) Description of his/her background and qualifications, including documentation of required education and administrator certification. (A) A photocopy of the documentation is acceptable.

(1)

Name and residence and mailing addresses of the new administrator.

(2)

Date he/she assumed his/her position.

(3)

Description of his/her background and qualifications, including documentation of required education and administrator certification. (A) A photocopy of the documentation is acceptable.

(A)

A photocopy of the documentation is acceptable.

(h)

Any change in the chief corporate officer of an organization, corporation or association shall be reported to the licensing agency in writing within fifteen (15) working days following such change. Such notification shall include the name, address and the fingerprint card of the new chief executive officer, as required by Section 87355, Criminal Record Clearance.