



Community Care Licensing Division Updates April 16, 2024

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COMMUNITY CARE LICENSING DIVISION

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Today's Objectives

- Describe how general licensing regulations and ADP specific requirements apply to your facility
- Understand the difference between residential care regulations and ADP regulations
- How to reach out to DSS for technical assistance to get answers to compliance questions
- Prepare an emergency plan that will comply with DSS Regulations
- Navigate the new employee fingerprinting process

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Introduction to the Community Care Licensing Division (CCLD)

The Department of Social Services Community Care Licensing Division (CDSS/ CCLD) Adult and Senior Care Program consists of:

- Oversees approximately 15,000 facilities statewide
- 943 Adult Day Care facilities statewide
- 14 Regional Offices across the state serving all counties
- Approximately 235 Licensing Program Analysts

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What is an ADP?

Adult Day Programs (ADP)

Any community-based facility or program that provides non-medical care and supervision to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals, in a day care setting, on less than a 24-hour basis.

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TITLE 22, DIVISION 6 CHAPTER 3: ADULT DAY PROGRAMS

Adult Day Programs (ADP) are governed by Sections 82000 – 82175 and the most common deficiencies cited fall under the following categories:

- Fixtures, Furniture, Equipment and Supplies 82088
- Buildings and Grounds 82087
- Responsibility for Providing Care and Supervision 82078
- Health-Related Services 82075
- Personal Rights 82072
- Needs and Service Plan 82068
- Criminal Record Clearance 82019
- Personal Rights 82072

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PINs that apply to ADPs

- **PIN 23-16-CCLD** announces live Guardian webinar for all providers December 6, 2023, 11am- 12pm.
- **PIN 19-20-ASC** provides an overview of the California Overdose Treatment Act and describes the specific provisions that must be followed in order to support the emergency use of Naloxone (Narcan) by licensees and staff at adult or senior care facilities.
- **PIN 23-12-CCLD** provides information on the new public disaster response webpage for the Community Care Licensing Division (CCLD). The webpage has disaster-related resources available that can help assist in disaster preparedness, response, and recovery.
- **PIN 23-08-CCLD** notifies all Community Care Licensing Division (CCLD) Licensees and Registered Home Care Aids of updates to the Criminal Background Clearance Transfer Request Form (LIC 9182) and the Criminal Record Exemption Transfer Request Form (LIC 9188) following the implementation of Senate Bill 1093 and Assembly Bill 1720.

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Who oversees what rules?

- California Department of Developmental Services (CDDS) oversees Title 17 and vendorship for select non-private pay ADPS.
- Local Infection Control Restrictions: During times of increased infectious diseases, local public health is involved and has increased authority.
- The California Department of Public Health (CDPH) has jurisdiction on requirements during times of statewide infectious disease state of emergencies.
- Certain equipment requirements such as fit testing is overseen by the Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA CalOSHA.

Remember, If there are differing requirements between the most current CDC, CDPH, CDSS, CDDS, Cal/OSHA, and local health department guidance/ health orders, Licensees should follow the strictest requirements to be compliant and ensure the safety of the people they serve.

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Infection Control in ADPs

- A licensee is required to have an Infection Control Plan pursuant to California Code of Regulations (CCR), Title 22, Section 82095.5, Infection Control Requirements. The plan must be in writing and made available upon request to clients onsite, any party responsible for a client, and the California Department of Social Services.
- Form LIC 9283: This form is provided as a courtesy to Adult Day Program (ADP) facility applicants and licensees. An applicant seeking a license for a new ADP must submit an Infection Control Plan with their initial license application and may choose to either provide the required information on this form or on a separate written submission. This form is provided as a courtesy and its use is voluntary
- The Infection Control Plan shall be included in the Plan of Operation required in CCR Title 22, Section 82022. Any change to the Plan of Operation which affects services to clients shall be reported to the Department within 10 working days pursuant to CCR Title 22, Section 82061. All client and employee information on this form must be kept confidential.

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Infection Control in ADPs (cont)

- The Infection Control Plan shall be reviewed annually, updated as necessary, and maintained on file at the facility, pursuant to CCR Title 22, Section 82095.5(b)(1)(D). A licensee or administrator should sign and date the plan to show that it has been reviewed and updated as necessary.
- In the case of an emergency as defined in Government Code Section 8558, or a federal emergency for contagious disease is proclaimed or declared, the Emergency Infection Control Plan shall be reviewed and updated as necessary, or whenever new infection control measures are recommended by the federal, state and local public health authorities, or as determined by the Department, until the proclaimed state of emergency is no longer in effect.

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Resources for Natural Disasters

CDC Resources
[Wildfires](#)
[Flood page](#)
[Landslides and mudslides](#)
[Natural disasters and severe weather](#)

FEMA
[Flood information sheet](#)

Ready.gov
[Disasters and emergencies](#)

National Weather Service
[California current hazards](#)
[Flood safety information](#)
[Active weather warning by county](#)

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Background Check Process No Criminal History

No Criminal History

- Step 1: Create a Guardian profile for applicant/employee
- Step 2: Applicant gets fingerprinted at a California Department of Justice (DOJ)-approved LiveScan Vendor
- Step 3: Fingerprint received in Guardian
- Step 4: Guardian runs through CDSS' Administrative Action Records System (AARS)
- Step 5: Guardian will auto clear within approximately 4 days.

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Background Check Process With Criminal History

Steps 1-4 are the same as previous slide 1
 Step 5: Moves to Exemption team to review criminal history
 Step 6: Process a simplified exemption if possible
 Step 7: Send Exemption Needed Letter if a standard exemption is required
 Step 8: Wait for response from applicant (45 days)
 Step 9: If the applicant responds to the ENL requesting an exemption and submits all required paperwork, then arrest reports, court documents, and other documents are requested by appropriate agencies
 Step 6: Final Determination

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Background Check Data

Care Provider Management Branch Background Check Application Data											
	Workload Pending					Workload Completed			Case Processing Time		
	Applications		Exemptions		Error Batch	Clearances	Simplified Exemption	Standard Exemption and other Manual Determinations	Clearances	Simplified Exemptions	Standard Exemption and other Manual Determinations
	New Applications received	Pending Initial Review	Current Caseload	Backlogged Caseload	Cases unable to connect to an Active Application	No Criminal History	Meet AB1720 Simplified Criteria	Manual Determinations made by staff	Average Days for Auto Determination	Days for Simplified Exemptions	Average Days for Manual Determination
			Less than 120 days	More than 120 days							
Jul-23	20,509	1,130	3,148	2,127	262	20,386	1,347	794	6	7 - 14	123
Aug-23	20,977	3,001	2,188	3,420	205	20,994	1,557	929	6	7 - 14	137
Sep-23	20,948	1,521	3,313	3,161	283	22,337	1,377	988	7	7 - 14	123
Oct-23	19,605	2,199	2,922	3,430	245	20,315	1,910	981	7	7 - 14	105
Nov-23	17,141	1,949	2,886	3,423	239	17,044	1,081	833	7	7 - 14	116
Dec-23	16,841	862	2,668	3,352	211	15,944	1,772	1,043	9	7 - 14	116
Jan-24	20,611	1,563	2,500	3,013	31	16,950	1,007	980	8	7 - 14	195
Feb-24	20,838	1,816	2,191	2,730	65	17,130	1,346	753	10	7 - 14	118
Average	19,934	1,730	2,490	3,113	195	19,175	1,425	885	8	7 - 14	129

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Customer Service

- Agencies and applicants should be contacting CDSS for background check status, not DOJ.
- Checking the DOJ, FBI, and CACI (when applicable), is only the first step in the background check process.
- Further checks are conducted once CDSS received information from DOJ.
- For background check status agencies/applicants should use the following contract information:
 - Live Operators available Mon-Fri 8am-12pm 1-888-422-5669
 - Guardian@dss.ca.gov
- For Guardian support:
 - Guardian LoginSupport@dss.ca.gov
- Please visit our website at www.cdss.ca.gov/cpmb

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Roster Updates

- Guardian recently experienced a system glitch that kicked out individuals fingerprints from our system
- This recently created a need for many people to submit new fingerprints
- Notices, phone calls, text messages, and emails have gone out around this issue.
- Over 1,400 individuals were associated to Adult Day Programs that were no longer working.
- It is very important that rosters are kept updated to ensure compliance with CDSS and DOJ guidelines around fingerprint access.
- If you need assistance disassociating staff from your agencies, please contact us.

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Inspections

- All LPAs start prepare for an inspection by looking in the file to look at compliance history, review facility sketches and obtain any documentation that needs to be updated by the licensee.

Inspections are generally carried out in the following order:

- Inspect the facility rooms and grounds
- Conduct record reviews
- Conduct interviews of clients/residents and staff

- When an on-site inspection has been completed, the Licensing Program Analyst (LPA) must meet with the licensee or their representative to conduct an exit interview.

The exit interview allows the licensee an opportunity to

- personally receive the notice of deficiency
- understand any deficiencies identified
- receive consultation from the LPA on the inspection findings and create a Plan of Correction, as needed.

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Working with your Regional Office

Tips for working with your Regional Office (RO)

- Contact your Regional Office if you are not sure who your assigned LPA is
- Introduce yourself to your LPA
- Contact your LPA for regulation advice on issues and/ or ongoing problems you are looking for a solution for. They are free!
- Learn the Regulations as is required and ensure your staff are trained regularly

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What if I disagree with a citation?

- Anytime you disagree with a citation, have a professional discussion on why you disagree with the citation.
- If the LPA states that the citation stands, at the end of the visit they will issue the citations along with your appeal rights.
- Appealing a citation is a licensee right. This gives you an opportunity to explain why you believe that citation is incorrect.

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Appeal Rights

- Licensee **must** file an appeal, in writing, to the Regional Manager within 15 business days from the date of receiving the penalty assessment or notice of deficiency.
- Within 30 business days of the request for an appeal, the licensee may submit any additional supporting documentation.
 - If the Department requires additional information from the licensee to make its determination, that information **must** be requested within 30 business days of receiving the initial request.
 - If the Department requested information, the licensee shall provide the information within 30 business days of receiving the request.
- If the licensee disagrees with the Regional Manager's decision, the licensee may appeal the deficiency or civil penalty to the Program Administrator.
- The Program Administrator's decision is considered final and concludes the licensee's appeal rights within the Department.

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Complaints

The complaint process is an important tool to help monitor the provision of licensed care and ensure that Community Care Facilities meet health and safety standards as required by law.

The local licensing office will make an unannounced visit to the facility to investigate the complaint within 10 days of receipt of the complaint.

When reaching a determination on a complaint, Community Care Licensing uses a "Preponderance of the Evidence" standard, meaning the available evidence must show that it is more likely than not (more than 50%) that the allegation is true. If this standard is met, the allegation will be "Substantiated." The LPA may reach a finding of "Unsubstantiated" if the investigation shows that this standard hasn't been met, meaning there isn't enough evidence to prove a violation occurred. The LPA may reach a finding of "Unfounded" if the evidence shows an allegation could not have happened, is false, and/or is without a reasonable basis.

Once the investigation is completed, the Department will notify the facility and complainant in writing of the findings.

The length of the investigation depends on the complexity of the case. In the interim, should you have any questions or concerns, you may contact the local licensing office.

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Most common deficiencies cited when citations were issued during all ADP visit types

82087(a) Buildings and Grounds - The program site shall be clean, safe, sanitary, and in good repair at all times for the safety and well-being of clients, employees and visitors.

82078 Responsibility for Providing Care and Supervision - The licensee shall provide care and supervision necessary to meet the client's needs and all services specified in the admission agreement.

82088(e)(1) Equipment and Supplies - Hot water provided for the use of clients shall be maintained between 105 degrees F (40.5 degrees C) and 120 degrees F (48.8 degrees C).

82087(a)(3) Buildings and Grounds - The program site shall be safe at all times for the safety and well-being of clients. Disinfectants, cleaning solutions, poisons, and other items which could pose a danger to clients shall be stored where inaccessible to clients.

82075(f) Health-Related Services - Staff shall receive first aid training from persons qualified by such agencies as the American Red Cross.

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Most common deficiencies cited when citations were issued during all ADP visit types

82068.2(d)(1) Needs and Services Plan - If the client has an existing needs appraisal or individual program plan (IPP) completed by a placement agency, or a consultant for the placement agency, the plan may meet the requirements of this section provided that the needs appraisal or IPP is not more than one year old.

82065(a) Personnel Requirements - Program personnel shall at all times be sufficient in numbers and competent to provide the services necessary to meet individual client needs.

82072(a)(1) Personal Rights - Each client shall be accorded dignity in his/her personal relationships with staff and other persons

82072(a)(3) Personal Rights - Each client shall be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature.

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The Technical Support Program (TSP)

- **What is TSP?** The Technical Support Program (TSP) is the non - enforcement service of Community Care Licensing to help provider s. TSP does not cite but instead helps providers improve their compliance
- **How much does it cost?** It's FREE. There is no cost for TSP services.
- **How long does it take?** Each engagement is unique and the timeline for completion will vary based on capacity, population served, resources available, and what TSP is assisting with. TSP analysts also conducts virtual visits.
- **What does it include?** Provider support such as consultation, training, and resources.
- **Who can use TSP services?** Providers who would like support to comply with and better understand laws and regulations.

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The Technical Support Program (TSP)

For more information, email or call us!

CDSS/CCLD Technical Support Program

744 P Street | MS 9-15-805 Sacramento, CA 95814

Technicalsupportprogram@dss.ca.gov

(916) 654-1549

For TSP guides

[Technical Support Program](#)

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Resources

List of Regional Offices:

[COMMUNITY CARE LICENSING - ADULT
AND SENIOR CARE PROGRAM REGIONAL
OFFICES](#)

Complaint Contacts:

Phone: 844-LET US NO (844-538-8766)

letusno@dss.ca.gov or use our [online
complaint webpage](#)

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Questions?



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