

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 22, 1999

ALL COUNTY LETTER NO. 99-48

TO: ALL COUNTY WELFARE DIRECTORS
ADULT PROTECTIVE SERVICES (APS)
PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: EMERGENCY PLACEMENTS – ADULT PROTECTIVE SERVICES

This All-County Letter (ACL) provides interim procedures for county Adult Protective Services (APS) agencies that will be utilizing facilities licensed by the California Department of Social Services (CDSS), Community Care Licensing Division (CCLD) pursuant to Welfare and Institutions Code sections 15760 and 15763.

Welfare and Institutions Code (WIC) section 15765 requires that by May 1, 1999, each county APS agency provide 24-hour emergency response to reports of abuse of a dependent adult or elder for the purpose of providing immediate intake or intervention. The county is responsible for identifying a list of resources that can be used to ensure a safe setting for the abused victim. Resources for placing these individuals may include, but are not limited to, placement in a CDSS licensed facility if it is determined that the individual requires care and supervision.

In an effort to assist county APS agencies, CCLD is making provisions to allow for emergency placement of county APS agency clients in CDSS licensed Adult Residential Facilities (ARF) and Residential Care Facilities for the Elderly (RCFE). The procedures contained in this document apply only to the placement of dependent adults and/or elders that are made pursuant to the authority granted to county APS agencies as codified in WIC section 15760.

The emergency placement by county APS agencies of an individual in a CDSS licensed facility does not fall within the standard procedures established by regulations and statute that require obtaining specific information and documentation on the individual prior to placement.

Such information may include medical assessment, needs assessment, functional capability assessment, or TB screening. For these APS emergency placements only, the licensee will be permitted up to seven days to complete all necessary documentation.

The attached interim procedures are effective immediately. CDSS will promulgate regulations on an emergency basis by January 31, 2000, at which time this ACL will become obsolete.

If an area does not have sufficient facilities for APS purposes, if circumstances fall outside of the attached guidelines, or if you have any questions, please contact your local licensing district office. A list of offices and the counties they serve is attached.

**Original Signed by Martha Lopez
On 9/22/99**

MARTHA LOPEZ
Deputy Director
Community Care Licensing Division

Attachments

DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION

INTERIM PROCEDURES FOR
ADULT EMERGENCY PLACEMENTS

The following information is to assist Adult Protective Services agencies, licensees of Adult Residential Facilities and Residential Care Facilities for the Elderly, and local CDSS licensing offices when placing an adult/elder victim of abuse in a licensed facility on a temporary, emergency basis. These procedures are designed to provide interim guidelines for the creation and utilization of CDSS licensed facilities as emergency shelters. Regulations governing APS emergency placements will be developed by January 2000. If an area does not have facilities available for county APS placements, the county must work with the local licensing district office to develop a plan to meet local needs.

Identifying Available Resources

The authority of a licensee to accept placements without all required paperwork will not be extended to all facilities licensed by California Department of Social Services (CDSS). It will be extended only to licensees who have a valid contract or other written agreement with a county APS agency to provide temporary shelter to individuals in need of care and supervision.

- The authority to accept emergency placements will be limited to licensees who have no pending administrative actions or open plans of correction.
- Licensing reports are public information and are available at the licensing district office which oversees the particular facility. APS should visit the licensing district office serving their county to review the facility file. In addition to copies of the licensing reports, the file also will contain information on complaints filed against the facility and the outcome of the complaints. All of this is public information and is available upon request.
- Written agreements outlining the responsibilities of the county APS agency and the licensee must be in place before a county can make emergency placements in CDSS licensed facilities. The agreement must include language requiring county APS agencies to assist the licensee in obtaining the necessary information for completion of the required documentation within the seven-day period. (See "Licensee Responsibility" below.)

INTERIM PROCEDURES FOR ADULT EMERGENCY PLACEMENTS (Continued)

Services provided in a CDSS licensed facility are based on the staff's experience, education, training, and licensee preference. To ensure placements that can best meet the client's needs, it is important that county APS staff have sufficient information about the CDSS licensed facility's program. Information that county APS staff should obtain about the CDSS licensed facility and its program prior to placement include:

- Plan of Operation

All facilities must develop a Plan of Operation. This document is submitted to the licensing agency prior to initial licensure. The Plan of Operation identifies the types of clients and behaviors that the facility will serve, and may also include licensee preferences such as gender and age group. A licensee's decision to provide emergency placement care may be a change to the original Plan of Operation. If so, the licensee must submit and receive approval of an addendum to their Plan of Operation before providing services to county APS agencies.

- Nonambulatory Fire Clearance

Not all facilities have the appropriate fire clearance necessary to accept nonambulatory individuals. It is therefore necessary to know whether the facility can accept nonambulatory clients, and if at the time of placement, the facility has a vacant room with the appropriate nonambulatory fire clearance if needed.

For licensing purposes, "nonambulatory" is defined as:

"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 an oral instruction relating to fire danger and, unassisted, take appropriate action relating to such danger."

- Facility Population

Facilities licensed as Adult Residential Facilities (ARFs) serve clients aged 18 through 59 who need care and supervision, as defined in California Code of Regulations, Title 22, section 80001(c)(2). ARFs may care for clients with specific health-related conditions if the required staff training and medical

INTERIM PROCEDURES FOR ADULT EMERGENCY PLACEMENTS (Continued)

oversight are provided. However, there are health-related conditions that are not appropriate for placement in ARFs due to the need for nursing care or 24-hour medical monitoring.

Facilities licensed as Residential Care Facilities for the Elderly (RCFEs) serve clients aged 60 and over. These facilities are also allowed to care for clients with specific health-related conditions. As with ARFs, certain health-related conditions are prohibited because of the need for nursing care or 24-hour medical monitoring.

ARFs and RCFEs have different regulations regarding allowable health-related conditions and who can and/or must provide the care. ARFs and RCFEs also have different regulations regarding client assessments and time frames for completing the required assessments. Due to the emergency nature of a county APS placement, the required assessments will not be completed at the time of placement. To ensure client safety, cross-placement of an elderly client in an ARF or a dependent adult client in an RCFE is not appropriate until assessments are completed.

Placement Responsibility

- To facilitate a smooth transition for the client, county APS staff must be present at the time of admission and must stay with the client until he/she is familiar with his/her new surroundings or until facility staff have cleared the individual for the emergency placement. It is not necessary for the county APS staff to actually transport the individual to the licensed facility. If the licensee identifies conditions that would be inappropriate in the CDSS licensed facility, the county APS staff must make other arrangements at that time, and ensure transportation to a more appropriate setting.
- The licensee may later identify a client need that the facility cannot meet within the parameters of the license. In these situations the licensee must contact the county APS agency to immediately make alternative arrangements for the APS client.

INTERIM PROCEDURES FOR ADULT EMERGENCY PLACEMENTS (Continued)

Licensee Responsibility

- Plan of Operation

The licensee of an ARF or an RCFE that would like to participate in the county APS emergency shelter program must submit an addendum to his/her current Plan of Operation to the licensing district office. The addendum must specify how the facility will meet the unique needs of county APS clients on an emergency basis, such as on-call staff, additional staff and training.

- Notification

The licensee must notify the local licensing district office by telephone on the morning of the first working day following an emergency APS placement. Within seven days of termination of an emergency APS placement, the licensee must complete an unusual incident report and forward the report to the respective licensing analyst. The report must include; the time and date of placement, the client's health-related needs, length of stay, gender and age, and special services provided.

- Documentation

CDSS licensees will be allowed up to seven days from the date of placement to complete all admissions documentation required by existing regulations. There are three exceptions to this extension.

In ARFs that provide services for residents who have mental illness, a Mental Health Intake Assessment is required prior to placement of a client. [See Health and Safety Code section 1562.6(a)]. This requirement cannot be waived.

To ensure that prescription medications and dosages are current, verification of medications must be obtained from the prescribing physician within 24 hours of placement.

The client must have a TB test by the seventh day of placement even though the test results may not be available by the seventh day of placement.

INTERIM PROCEDURES FOR ADULT EMERGENCY PLACEMENTS (Continued)

- Client Safeguard

Licensees must provide a private room for the emergency placement client until the licensee has determined their ability to meet the needs of the client by completing the pre-admission appraisal. This is required because possible behavioral problems may disrupt or result in harm to the APS client or other clients in residence. CDSS licensees wishing to participate in this program, who are unable to provide a private room, must describe in their addendum to the Plan of Operation, alternative methods for ensuring the safety of all clients under their care.

Licensing Responsibility

- Notification to County APS

The licensing district office will notify County APS agencies of any substantive or relevant change in status of the CDSS licensed facility that may affect the licensee's ability to accept clients into care.

- Approval of Plan of Operation Addendum

Due to the urgent need by county APS workers to have facilities designated to accept emergency placements, licensing district offices will review Plan of Operation addendums and notify the licensee of the approval within 15 working days of receipt of the addendum.

A copy of the approval will be sent to the county APS. If further clarification and/or information are needed in order to approve the addendum, the district office will notify the licensee in writing.

- Flexibility

There may be situations where the county APS agency has contracted with a licensed facility and made an emergency placement before the licensee received the required approval of the Plan of Operation. In these situations, the licensing office will work with the licensee and the county APS agency to facilitate the approval process.

INTERIM PROCEDURES FOR ADULT EMERGENCY PLACEMENTS (Continued)

- Notification to Policy Development Bureau

To assist CDSS in the development of regulations for emergency placements, the Policy Development Bureau is requesting that the local licensing district office forward a copy of the unusual incident report to Kelly Kramer, CDSS, Policy Development Bureau, Mail Station 19-50. If you have any questions you may contact Kelly at (916) 324-4286 or by e-mail at Kelly.Kramer@dss.ca.gov.