

ACTION REQUIRED

ASSEMBLY BILL 2171 (Wieckowski) Chapter 702, Statutes of 2014

This law becomes effective January 1, 2015.

Affects: Residential Care Facilities for the Elderly

Subject: Residential care facilities for the elderly: Residents' personal rights

Summary: [Assembly Bill 2171](#) added Article 2.5 (commencing with [Section 1569.261](#) and including [Sections 1569.265](#), [1569.267](#), and [1569.269](#)) to Chapter 3.2 of Division 2 of the Health and Safety Code.

OVERVIEW

AB 2171 enacts a “bill of rights” for residents of Residential Care Facilities for the Elderly (RCFE) and consists of 30 rights. Many of the concepts in these rights currently exist in the [California Code of Regulations \(CCR\), Title 22, Division 6, Chapter 8, RCFE, Section 87468, Personal Rights](#). It requires licensees to advise residents of and provide residents with a copy of these rights. It also requires licensees to post a copy of resident rights in a facility and post these rights in any other language when five percent or more of the residents in a facility can only read that other language. In addition, AB 2171 requires licensees to observe a policy of not discriminating against prospective or current residents. It requires licensees to provide initial and ongoing training to facility staff on personal rights.

The resident personal rights in the bill apply only to privately operated RCFEs. They do not apply to publicly operated RCFEs, such as RCFEs licensed to the California Department of Veteran’s Affairs. Licensees of publicly operated RCFEs must continue to meet the requirements of CCR, Title 22, Section 87468 regarding Personal Rights.

IMPLEMENTATION

Licensees of privately operated RCFEs must ensure that they comply with the requirements of the new law and continue to comply with the requirements of the CCR, Title 22, RCFE.

At the end of this document is a table titled “Existing Personal Rights Requirements in the California Code of Regulations (CCR), Title 22 and New Personal Rights Requirements in AB 2171.” The purpose of this table is to provide a reference to provisions of the new law and existing requirements in the CCR, Title 22, RCFE, as well as assist Licensing Program Analysts determine appropriate sections to cite should noncompliance with personal rights statute and regulations be identified as having occurred prior to January 1, 2015.

LICENSEES

The section below specifies the following requirements: plans of operation; nondiscrimination; resident personal rights, resident notification, and posting of resident personal rights; admission agreements; staff training; and civil penalties.

Plans of Operation

To meet the requirements of the new Health and Safety Code sections, the CCLD is requiring new applicants for licensure of privately operated RCFEs to include in their plans of operation the following information by January 1, 2015:

- A nondiscrimination statement that applies to all residents of the facility as specified below. [In accordance with Health and Safety Code Section 1569.269(b) and CCR, Title 22, Section 87208(a)(3)]
- Attached admission agreements as specified below. [In accordance with Health and Safety Code Section 1569.267(a) and CCR, Title 22, Section 87208(a)(2)]
- Initial and ongoing training to be received by all facility staff on all resident personal rights as specified below. [In accordance with Health and Safety Code Section 1569.267(d) and CCR, Title 22, Section 87208(a)(6)]

Current licensees should ensure that their plan of operation is consistent with all new laws and regulations. As required by CCR, Title 22, Section 87208, licensees shall maintain a current plan of operation on file at the facility. Any revisions to this plan of operation must be maintained at the facility and submitted to their Licensing Program Analyst.

Nondiscrimination

Per Section 1569.269(b) of the Health and Safety Code, licensees of privately operated facilities are not permitted to discriminate against a person seeking admission to a facility or a resident of a facility based on his or her sex, race, color, religion, national origin, marital status, registered domestic partner status, ancestry, actual or perceived sexual orientation, or actual or perceived gender identity. Licensees are required to comply with this new law, as well as continue to comply with all of the nondiscrimination protections specified in CCR, Title 22, Section 87118.

Resident Personal Rights, Resident Notification, and Posting of Resident Personal Rights

Licensees of privately operated facilities must:

- At the time of admission, advise a resident and the resident's representative of, and give a complete written copy of, the personal rights in Section 1569.269 of

the Health and Safety Code and the personal rights in CCR, Title 22, Section 87468.

- The licensee must also have each new resident and new resident's representative, if applicable, sign and date a copy of the resident's rights and include the signed and dated copy in the resident's record.
 - Until the [Personal Rights – Residential Care Facilities for the Elderly \(LIC 613C\)](#) form is revised, the licensee may print out a copy of Section 1569.269 of the Health and Safety Code and the LIC 613C for signature by the resident and resident's representative (or resident's responsible person, to be defined by the department at a later date), if applicable, to meet the requirements of Section 1569.267(a) of the Health and Safety Code.
- Post all of the resident rights specified in Section 1569.269 of the Health and Safety Code and CCR, Title 22, Section 87468 and post information that residents may use to report complaints about a licensed facility in a prominent location in the facility. (For posting of information about how residents can report complaints, please also refer to the Implementation Plan for Senate Bill 895 (Chapter 704, Statutes of 2014) specific to the complaint poster.)

This resident's rights information must be posted in English and, if five percent or more of the residents in the facility primarily read in another language, personal rights information must also be posted in that language. Licensing Program Analysts shall ask the licensee how the determination was made that the five percent threshold was met or unmet. Licensees are encouraged to list the primary language read by residents on their register of residents for this purpose.

- Licensees may post a printed copy of the personal rights in Section 1569.269 of the Health and Safety Code and in CCR, Title 22, Section 87468 to meet the requirement specified above. Licensees are required to post the complaint poster required by Senate Bill 895 (Chapter 704, Statutes of 2014) to inform residents how to report complaints about a licensed facility.

Admission Agreements

This bill requires licensees of privately operated facilities who do not already comply with all of the provisions of the new law to revise their admission agreements and/or include an addendum to existing agreements, required by the CCR, Title 22, Section 87507, as necessary to comply with the new law by January 1, 2015.

- Admission agreements may not limit the resident's personal rights, as specified in the new law in Section 1569.269 of the Health and Safety Code and all of the personal rights specified in the CCR, Title 22, Section 87468.

- Admission agreements must include a comprehensive description of the method for evaluating residents' service needs and the fee schedule for the items and services provided.

Admission agreements that are executed on or after January 1, 2015 must comply with the new law and continue to comply with the CCR, Title 22, Section 87507.

No provision of an admission agreement, including all documents that a resident or the resident's representative, if any, is required to sign as part of the admission agreement, or as a condition of, admission to a residential care facility for the elderly, shall require that a resident waive benefits or rights to which he or she is entitled under this chapter or provided by federal or other state law or regulation, as specified in the new law in Section 1569.269(c) of the Health and Safety Code. Some examples of such provisions include the requirement to waive Supplemental Security Income benefits.

If a licensee must amend the admission agreement in order to be compliant with this new law, the licensees must send copies of any revised admission agreements and/or addendum to existing agreements to their local Regional Offices. Licensees must incorporate any revised admission agreements and/or addendum to existing agreements into their plans of operation in accordance with this new law. Licensing Program Analysts may review the revised plan of operation and admission agreement upon inspection.

Staff Training

Licensees of privately operated facilities must provide initial and ongoing training for all facility staff to ensure that resident rights are fully respected and implemented, as specified in the new law in Section 1569.267(d) of the Health and Safety Code. This training must be on all of the resident rights specified in the new law in Section 1569.269 of the Health and Safety Code. Licensees must also continue to provide initial and ongoing training for all facility staff on all of the personal rights specified in the CCR, Title 22, Section 87468 as required by the CCR, Title 22, Section 87411. In addition, licensees must update personnel records to include documentation of this training and have personnel records available for inspection by their Licensing Program Analyst.

Civil Penalties

All licensees, both public-sector and private, are subject to civil penalties for noncompliance with the requirement to assist residents in having a resident council at the facility as specified in Section 1569.157 of the Health and Safety Code or the requirement to permit the formation of a family council as specified in Section 1569.158 of the Health and Safety Code. Both violations are subject to a daily civil penalty of \$250 until the violation is corrected as specified in Sections 1569.157(i) or 1569.158(j) of the Health and Safety Code. (For more information, please also refer to the Implementation Plan for AB 1572 (Chapter 177, Statutes of 2014).)

Licensees of privately operated facilities are subject to civil penalties as specified in CCR, Title 22, Section 87761 for noncompliance with nondiscrimination requirements and resident personal rights specified in the new law in Section 1569.269 of the Health and Safety Code and for violations of nondiscrimination requirements and personal rights specified in CCR, Title 22, Sections 87118 and 87468 to the extent not otherwise superseded by the new statutes.

RESIDENTS

The new law includes provisions for resident choice and flexibility in program options and in exercising their personal rights. It also permits residents to have choices in programs that may restrict personal rights. Residents may voluntarily choose program options based on the new law as specified below. Residents have the right to:

- To make choices concerning their daily life in the facility. [Health and Safety Code Section 1569.269(a)(8)]
- To fully participate in planning their care, including the right to attend and participate in meetings or communications regarding the care and services to be provided in accordance with Section 1569.80, and to involve persons of their choice in the planning process. The licensee shall provide necessary information and support to ensure that residents direct the process to the maximum extent possible, and are enabled to make informed decisions and choices. [Health and Safety Code Section 1569.269(a)(9)]
- To reasonable accommodation of individual needs and preferences in all aspects of life in the facility, except when the health or safety of the individual or other residents would be endangered. [Health and Safety Code Section 1569.269(a)(16)]

It is essential for licensees to balance the health, safety and personal rights of all residents in a facility. Should residents' choices impair their own health and safety or that of other residents in a facility, licensees are not required to comply with the request of the resident.

Any violation of these and any other personal rights may result in a licensee being cited under the new law.

LICENSING PROGRAM ANALYSTS

Although the requirement to comply with AB 2171 only applies to licensees of privately operated facilities, Licensing Program Analysts must monitor all licensees for compliance with resident personal rights. Licensing Program Analysts shall use the protocols for implementation below.

For noncompliance with personal rights occurring prior to January 1, 2015, Licensing Program Analysts shall continue to cite personal rights regulations in the Title 22, CCR, RCFE. For noncompliance occurring after January 1, 2015, Licensing Program Analysts shall cite privately-owned licensees from the new statutes when the identified noncompliance applies to the new statute or continue to cite from other applicable regulations in the Title 22, CCR, RCFE that apply and are not superseded by the new statutes in question. For public-sector licensees, Licensing Program Analysts shall only cite for noncompliance with personal rights found in the other applicable regulations in the Title 22, CCR, RCFE that apply. For further guidance, please also see the table titled “Existing Personal Rights Requirements in the California Code of Regulations (CCR), Title 22 and New Personal Rights Requirements in AB 2171” at the end of this document.

Plans of Operation

Applications: When reviewing applications submitted on or after January 1, 2015, Licensing Program Analysts and Staff Services Analysts shall carefully review plans of operation to determine whether applicants for licensure as privately operated facilities comply with the requirements specified above.

No application for licensure that includes a plan of operation that does not comply with the new law may be approved.

Inspections and Complaints: According to inspection protocols, Licensing Program Analysts shall carefully review plans of operation approved prior to January 1, 2015 to determine whether licensees of privately operated facilities have plans of operation that comply with the new law.

Licensing Program Analysts shall review plans of operation according to inspection protocols during inspections or when investigating complaints. If the licensee is noncompliant in regard to plans of operation on or after January 1, 2015, Licensing Program Analysts shall cite from the new law in Sections 1569.267 or 1569.269 of the Health and Safety Code and continue to cite from applicable regulations in the CCR, Title 22, Section 87208. The following scenarios based on the new law are provided as examples to assist Licensing Program Analysts.

Nondiscrimination

Inspections and Complaints: According to inspection protocols, Licensing Program Analysts shall carefully consider and determine whether licensees of privately operated facilities comply with the nondiscrimination requirements specified for those licensees above. When investigating complaints, Licensing Program Analysts shall use the date the alleged noncompliance occurred to determine whether the new law or existing regulations apply.

If noncompliance occurred in regard to nondiscrimination after January 1, 2015, Licensing Program Analysts shall cite from the new law in Section 1569.269 of the Health and Safety Code, if applicable, or applicable regulations in the CCR, Title 22, Section 87118 that are not otherwise superseded by the new statutes. Licensing Program Analysts shall also cite from any other regulations in the CCR, Title 22, RCFE that apply. The following scenarios are provided only as examples to assist Licensing Program Analysts.

Scenario	Cite
Before January 1, 2015:	
A prospective resident was not allowed into a facility in November of 2014 because of his or her actual or perceived sexual orientation.	CCR, Title 22, Section 87118(a).
After January 1, 2015:	
A resident is not allowed to participate in an activity at the facility in February of 2015 because of his or her registered domestic partner status.	Health and Safety Code Section 1569.269(b).

For plans of correction, licensees are to agree that licensee policies, procedures, or practices will be revised to address deficiencies or substantiated allegations in regard to nondiscrimination.

If the licensee is noncompliant with the nondiscrimination requirements, licensees are subject to civil penalties as specified in the CCR, Title 22, Section 87761.

Resident Personal Rights, Resident Notification, and Posting of Resident Personal Rights

Inspections and Complaints: According to inspection protocols, Licensing Program Analysts shall carefully consider and determine whether licensees of privately operated facilities comply with the resident personal rights, resident notification, and posting of resident personal rights requirements specified for those licensees above. When investigating complaints, Licensing Program Analysts shall use the date the alleged noncompliance occurred to determine whether the new law or existing regulations applies.

If noncompliance occurred in regard to resident personal rights, resident notification, and posting of resident personal rights after January 1, 2015, Licensing Program Analysts shall cite from the new Section 1569.269 of the Health and Safety Code, if applicable, or applicable regulations in the CCR, Title 22, Section 87468 that have not been superseded by the new code sections. Licensing Program Analysts shall also cite

from any other regulations in the CCR, Title 22, RCFE that apply. The following scenarios are provided only as examples to assist Licensing Program Analysts.

Scenario	Cite <u>Before January 1, 2015</u>	Cite <u>After January 1, 2015</u>
A resident was subject to a hurtful remark by facility staff.	CCR, Title 22, Section 87468(a)(1).	Health and Safety Code Section 1569.269(a)(1).
A resident was not allowed to spend his or her own money on a treat that is not harmful to his or her well-being.	CCR, Title 22, Section 87468(a)(12).	Health and Safety Code Section 1569.269(a)(30)
A resident and his or her friends in the facility who want to start a resident council are told they cannot when they talk with the administrator about forming the councils.	CCR, Title 22, Section 87221, relating to resident councils.	Health and Safety Code Section 1569.157(a), relating to resident councils.
There are no resident personal rights posted in Spanish to accommodate residents in a facility who primarily read in Spanish.	CCR, Title 22, Section 87468(c), requiring that personal rights be posted in facilities licensed for 7 or more residents and (d), requiring that personal rights be posted in other languages that can be read by residents when a significant number of residents in a facility primarily read in other languages.	Health and Safety Code Section 1569.267(c), requiring that personal rights be posted in all facilities and that personal rights be posted in other languages that can be read by residents when 5% or more of residents in a facility primarily read in other languages.

For plans of correction, licensees are to agree that licensee policies, procedures, or practices will be revised to address noncompliance in regard to resident personal rights, resident notification, and posting of resident personal rights.

If noncompliance of resident and family council requirements occur, licensees are subject to civil penalties specified in Sections 1569.157(i) or 1569.158(j) of the Health and Safety Code. If noncompliance of resident personal rights, resident notification, and posting of resident personal rights requirements of the new statutes occur, licensees are subject to civil penalties as specified in the CCR, Title 22, Section 87761.

Admission Agreements

Applications: When reviewing applications submitted on or after January 1, 2015, Licensing Program Analysts and Staff Services Analysts shall carefully review admission agreements to determine whether applicants for licensure at privately operated facilities have agreements that comply with the requirements specified above.

No application for licensure that includes an admission agreement that does not comply with the new law may be approved.

Inspections and Complaints: According to inspection protocols, Licensing Program Analysts shall carefully review admission agreements to determine whether licensees of privately operated facilities have existing or new admission agreements that include the information required for those licensees above.

For noncompliance occurring after January 1, 2015, Licensing Program Analysts shall cite from the new Section 1569.269 of the Health and Safety Code, if applicable, and continue to cite from applicable regulations in the CCR, Title 22, Section 87507 if not otherwise superseded by the new statutes. The following scenarios based on the new law are provided as examples to assist Licensing Program Analysts.

Scenario	Cite
Admission agreement does not include a comprehensive description of the method for evaluating residents' service needs.	Health and Safety Code Section 1569.269(a)(14).
Admission agreement includes a clause that requires a resident to waive the right to Supplemental Security Income benefits in order to remain in the facility.	Health and Safety Code Section 1569.269(c).

For plans of correction, licensees are to agree to comply with the new law by revising the admission agreement and/or using an addendum.

Staff Training

Inspections and Complaints: According to inspection protocols, Licensing Program Analysts shall carefully review personnel records to determine whether licensees of privately operated facilities comply with the staff training requirements specified for those licensees above.

If noncompliance occurred in regard to staff training requirements on or after January 1, 2015, Licensing Program Analysts shall cite from the new Section 1569.267 of the Health and Safety Code, if applicable, and continue to cite from applicable regulations in the CCR, Title 22, Section 87411. The following scenario based on the new law is provided as an example to assist Licensing Program Analysts.

Scenario	Cite
Licensee does not provide staff training that includes all of the resident personal rights in the new law and all of the personal rights in CCR, Title 22, Section 87468.	Health and Safety Code Section 1569.267(a) and (d).

Licensees shall develop plans of correction to comply with staff training requirements.

Regulations, including, but not limited to, revisions to CCR, Title 22, Sections 87468 and 87508, revisions to forms (Personal Rights – Residential Care Facilities for the Elderly (LIC 613C), and revisions to Evaluator Manual sections will be developed.

For legislative information related to this law, see: [Bill Text - AB-2171 Residential care facilities for the elderly](#).

The following table on page 30 provides a review of provisions for nondiscrimination, personal rights, and admission agreements in existing regulations and AB 2171.

[ADDITIONAL INFORMATION CONTAINED ON PAGE 30]

EXISTING PERSONAL RIGHTS REQUIREMENTS IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 22 and NEW PERSONAL RIGHTS REQUIREMENTS IN AB 2171

Key: *Italicized* text indicates how the new law changes requirements specified in regulations.

NONDISCRIMINATION		
Existing Nondiscrimination Requirements CCR, Title 22, Section 87118	New Nondiscrimination Requirements Added in Section 1569.269 of the Health and Safety Code by AB 2171	Other Regulations in CCR, Title 22, Applicable to Nondiscrimination
<i>Cited if noncompliance occurred <u>before</u> January 1, 2015.</i>	<i>Cited for privately-operated facilities if noncompliance occurred <u>after</u> January 1, 2015.</i>	<i>May also be cited, if applicable to citations based on existing nondiscrimination requirements <u>before</u> January 1, 2015 or if applicable to citations based on new nondiscrimination requirements <u>after</u> January 1, 2015.</i>
All licensed facilities shall receive persons on a nondiscriminatory basis according equal treatment and services without regard to race, color, religion, national origin, actual or perceived sexual orientation or ancestry. [CCR, Title 22, Section 87118(b)]	A licensed residential care facility for the elderly shall not discriminate against a person seeking admission or a resident based on sex, race, color, religion, national origin, <i>marital status, registered domestic partner status</i>, ancestry, actual or perceived sexual orientation, or <i>actual or perceived gender identity</i>. [Health and Safety Code Section 1569.269(b)]	- An exception shall be made in the case of any bona fide nonprofit religious, fraternal or charitable organization which can demonstrate to the satisfaction of the Department or the licensing agency that its primary or substantial purpose is not to evade this section. - It may establish reception policies limiting or giving preference to its own members or adherents, provided, however, such membership is nondiscriminatory and such policies shall not be construed as a violation of this section. - Any reception of nonmembers or

		nonadherents shall be subject to the requirements of this section. [CCR, Title 22, Section 87118(c)]
--	--	--

Resident Personal Rights		
Existing Personal Rights in CCR, Title 22, Section 87468	New Personal Rights Added in Section 1569.269 of the Health and Safety Code by AB 2171	Other Regulations in CCR, Title 22, Applicable to Personal Rights
<i>Cited if noncompliance occurred <u>before</u> January 1, 2015</i>	<i>Cited for privately-operated facilities if noncompliance occurred <u>after</u> January 1, 2015.</i>	<i>May also be cited, if applicable to citation based on existing personal rights <u>before</u> January 1, 2015 or if applicable to citation based on new personal rights <u>after</u> January 1, 2015 if not otherwise superseded by statute.</i>
To be accorded dignity in his/her personal relationships with staff, residents, and other persons. [CCR, Title 22, Section 87468(a)(1)]	To be accorded dignity in their personal relationships with staff, residents, and other persons. [Health and Safety Code Section 1569.269(a)(1)]	- Care and supervision of residents shall be provided without physical or verbal abuse, exploitation or prejudice. Licensee must provide for and encourage all personnel to report observations or evidence of abuse, exploitation, or prejudice. [CCR, Title 22, Section 87413(a)(2) and (3)] - Licensees with facilities that specialize in dementia care must ensure that staff receive regularly scheduled training in promoting resident dignity, independence, individuality, privacy and choice. [CCR, Title 22, Section 87707(a)(2)(A)(5)]
To have access to individual storage space for private use. [CCR,	To be granted a reasonable level of personal privacy in	To permit a free exchange of ideas at resident council meetings, at least

Title 22, Section 87468(a)(13)] • To have reasonable access to telephones, to both make and receive confidential calls. The licensee may require reimbursement for long distance calls. [CCR, Title 22, Section 87468(a)(14)] • To mail and receive unopened correspondence in a prompt manner. [CCR, Title 22, Section 87468(a)(15)]	accommodations, <i>medical treatment, personal care and assistance</i>, visits, <i>communications</i>, telephone conversations, <i>use of the Internet</i>, and <i>meetings of resident and family groups</i>. [Health and Safety Code Section 1569.269(a)(2)]	part of each meeting must be conducted without the presence of any facility personnel. (CCR, Title 22, Section 87221) • The facility shall provide comfortable living accommodations and privacy for residents. Individual privacy shall be provided in all toilet, bath and shower areas. [CCR, Title 22, Section 87307(a) and (c)] • There shall be adequate privacy for first aid treatment of minor injuries and for examination by a physician if required. [CCR, Title 22, Section 87465(a)(8)] • Privacy shall be afforded when specified care is being provided. [CCR, Title 22, Sections 87621(b); 87622(b)(2); 87623(b)(4); and 87625(b)(8)]
• Not addressed by existing personal rights regulations.	• To confidential treatment of their records and personal information and to approve their release, except as authorized by law. [Health and Safety Code Section 1569.269(a)(3)]	• All information and records obtained from or regarding residents must be kept confidential. Licensees are responsible for storing active and inactive records and for safeguarding the confidentiality of their contents. Licensee and all employees shall only disclose confidential information upon the resident's written consent or consent of the resident's designated representative. [CCR, Title 22, Section 87506(c)(1)] • The register of residents in a facility shall be treated as confidential

		information. [CCR, Title 22, Section 87508(c)(1)]
To be free from corporal or unusual punishment, humiliation, intimidation, mental abuse, or other actions of a punitive nature, such as withholding of monetary allowances or interfering with daily living functions such as eating or sleeping patterns or elimination. [CCR, Title 22, Section 87468(a)(3)]	To be encouraged and assisted in exercising their rights as citizens and as residents of the facility. Residents shall be free from <i>interference, coercion, discrimination, and retaliation in exercising their rights.</i> [Health and Safety Code Section 1569.269(a)(4)]	- Licensees shall encourage residents to maintain and develop their fullest potential for independent living through participation in planned activities. [CCR, Title 22, Section 87219(a)] - Licensees shall permit the formation of a resident council, provide space and post notice for meetings, and provide assistance in attending meetings for residents upon request. In order to permit a free exchange of ideas, at least part of each meeting shall be allowed to be conducted without the presence of any facility personnel. Residents shall be encouraged, but not compelled, to attend. (CCR, Title 22, Section 87221) <i>Note: Please also see requirements in Section 1569.157 regarding resident councils (AB 1572, Statutes of 2014).</i>
To be accorded safe, healthful and comfortable accommodations, furnishings and equipment. [CCR, Title 22, Section 87468(a)(2)]	To be accorded safe, healthful, and comfortable accommodations, furnishings, and equipment. [Health and Safety Code Section 1569.269(a)(5)]	Fire Clearance (CCR, Title 22, Section 87202); Fire Safety (CCR, Title 22, Section 87203); Limitations on Capacity and Ambulatory Status (CCR, Title 22, Section 87204); Maintenance and Operation (CCR, Title 22, Section 87303 and Personal Accommodations and

		Services (CCR, Title 22, Section 87307) also apply.
Not addressed by existing personal rights regulations.	To care, supervision, and services that meet their individual needs and are delivered by staff that are sufficient in numbers, qualifications, and competency to meet their needs. [Health and Safety Code Section 1569.269(a)(6)]	The use of alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the conduct of experimental or demonstration projects are not prohibited provided specified conditions are met. [CCR, Title 22, Section 87209(a)]
Not addressed by existing personal rights regulations.	To be served food of the quality and in the quantity necessary to meet their nutritional needs. [Health and Safety Code Section 1569.269(a)(7)]	Residents' daily diet must be of the quality and in the quantity necessary to meet their needs and meet specified nutritional standards. All food must be selected, stored, prepared and served in a safe and healthful manner. [CCR, Title 22, Section 87555(a)]
- To have the freedom of attending religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, either in or outside the facility, shall be on a completely voluntary basis. [CCR, Title 22, Section 87468(a)(5)] - To leave or depart the facility at any time and to not be locked into any room, building, or on facility premises by day or night. [CCR, Title 22, Section 87468(a)(6)] - To wear his/her own clothes; to keep and use	To make choices concerning their daily life in the facility. [Health and Safety Code Section 1569.269(a)(8)]	Planned Activities (CCR, Title 22, Section 87219) and Resident Councils (CCR, Title 22, Section 87221), also apply.

his/her own personal possessions, including his/her toilet articles; and to keep and be allowed to spend his/her own money. [CCR, Title 22, Section 87468(a)(12)] To receive assistance in exercising the right to vote. [CCR, Title 22, Section 87468(a)(17)]		
- To have his/her family or responsible persons regularly informed by the facility of activities related to his care or services including ongoing evaluations, as appropriate to the resident's needs. [CCR, Title 22, Section 87468(a)(8)] - To have communications to the facility from his/her family and responsible persons answered promptly and appropriately. [CCR, Title 22, Section 87468(a)(9)] - To receive or reject medical care, or other services. [CCR, Title 22, Section 87468(a)(16)]	<i>To fully participate in planning their care, including the right to attend and participate in meetings or communications regarding the care and services to be provided in accordance with Section 1569.80, and to involve persons of their choice in the planning process. The licensee shall provide necessary information and support to ensure that residents direct the process to the maximum extent possible, and are enabled to make informed decisions and choices.</i> [Health and Safety Code Section 1569.269(a)(9)]	- Licensees must meet with and involve a resident and others as specified in preparing, reviewing, and revising a written record of the care the resident will receive at the facility. [CCR, Title 22, Sections 87463(c) and 87467(a)] - Upon admission, licensees must provide residents, and representatives or responsible persons of residents, with written information about the right to make decisions concerning medical care. Information must include, but is not limited to, the Department brochure "Your Right To Make Decisions About Medical Treatment." [CCR, Title 22, Section 87469(a)]
To be free from corporal or unusual punishment, humiliation, intimidation, mental abuse, or other actions of a punitive nature, such as withholding of monetary allowances or interfering with daily living functions such as eating or sleeping patterns or elimination. [CCR, Title 22, Section 87468(a)(3)]	To be free from <i>neglect, financial exploitation, involuntary seclusion, punishment, humiliation, intimidation, and verbal, mental, physical, or sexual abuse.</i> [Health and Safety Code Section 1569.269(a)(10)]	Bonding (CCR, Title 22, Section 87216); Safeguards for Resident Cash, Personal Property, and Valuables (CCR, Title 22, Section 87217); Theft and Loss (CCR, Title 22, Section 87218); and Personnel Operations (CCR, Title 22, Section 87413), also apply.

To leave or depart the facility at any time and to not be locked into any room, building, or on facility premises by day or night. [Title 22, CCR, Section 87468(a)(6)]		
- To be informed by the licensee of the provisions of law regarding complaints and of procedures to confidentially register complaints, including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency. [CCR, Title 22, Section 87468(a)(4)] - Personal right regarding freedom from punishment. [CCR, Title 22, Section 87468(a)(3)] also applies.	<i>To present grievances and recommend changes in policies, procedures, and services to the staff of the facility, the facility's management and governing authority, and to any other person without restraint, coercion, discrimination, reprisal, or other retaliatory actions. The licensee shall take prompt actions to respond to residents' grievances.</i> [Health and Safety Code Section 1569.269(a)(11)]	Licensees are required to have procedures for addressing complaints. [CCR, Title 22, Section 87155) Note: Please see Health and Safety Code Sections 1569.157 and 1569.158 regarding resident councils and family councils.
- To be informed by the licensee of the provisions of law regarding complaints and of procedures to confidentially register complaints, including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency. [CCR, Title 22, Section 87468(a)(4)] - Facilities licensed for 7 or more shall prominently post personal rights and procedures for filing confidential complaints in areas accessible to the residents and their relatives. [CCR, Title 22, Section 87468(c)] - Information on personal rights and procedures for filing confidential complaints shall be	- To <i>contact the State Department of Social Services, the long-term care ombudsman, or both</i>, regarding grievances against the licensee. The licensee shall post <i>the telephone numbers and addresses for the local offices of the State Department of Social Services and ombudsman program, in accordance with Section 9718 of the Welfare and Institutions Code</i>, conspicuously in the facility foyer, lobby, residents' activity room, or other location easily accessible to residents. [Health and Safety Code Section 1569.269(a)(12)] <i>Licensees shall prominently post</i>, in areas accessible to the residents and their <i>representatives</i>, a	Notice to leave the facility must include a statement informing residents of their right to file a complaint with the licensing agency. [CCR, Title 22, Section 87224(d)(1)(C)]

posted in English, and in facilities where a significant portion of the residents cannot read English, in the language they can read. [CCR, Title 22, Section 87468(d)]	copy of the residents' rights. [Health and Safety Code Section 1569.267(b)] The rights posted pursuant to subdivision (b) shall be posted both in English and <i>in any other language</i> in a facility in which <i>5 percent or more</i> of the residents can only read that other language. [Health and Safety Code Section 1569.267(c)]	
- To be informed of the facility's policy concerning family visits and other communications with residents, as specified in Health and Safety Code Section 1569.313. [CCR, Title 22, Section 87468(a)(10)] - At admission, a resident and the resident's responsible person or conservator shall be personally advised of and given a list of these rights. The licensee shall have each resident and the resident's responsible person or conservator sign a copy of these rights, and the signed copy shall be included in the resident's record. [CCR, Title 22, Section 87468(b).]	- To be fully informed, as <i>evidenced by the resident's written acknowledgement, prior to or at the time of admission, of all rules governing residents' conduct and responsibilities. In accordance with Section 1569.885, all rules established by a licensee shall be reasonable and shall not violate any rights set forth in this chapter or in other applicable laws or regulations.</i> [Health and Safety Code Section 1569.269(a)(13)] - At admission, a <i>facility staff person</i> shall personally advise a resident and the resident's <i>representative</i> of, and give a <i>complete written copy of, the rights in this article and the personal rights in Section 87468 of Title 22 of the California Code of Regulations.</i> The licensee shall have each resident and the resident's <i>representative</i> sign and <i>date</i> a copy of the resident's rights, and the licensee shall include the signed and dated copy in the resident's record.	Admission agreements must include general policies for the purpose of making it possible for residents to live together. [CCR, Title 22, Sections 87224(a)(3) and 87507(c)(7)]

	[Health and Safety Code Section 1569.267(a)]	
Not addressed by existing personal rights regulations.	<i>To receive in the admission agreement a comprehensive description of the method for evaluating residents' service needs and the fee schedule for the items and services provided, and to receive written notice of any rate increases pursuant to Sections 1569.655 and 1569.884. [Health and Safety Code Section 1569.269(a)(14)]</i>	Admission agreements must specify basic and optional services, basic and optional services rates, and modification conditions. [CCR, Title 22, Section 87507(c)]
Not addressed by existing personal rights regulations.	<i>To be informed in writing at or before the time of admission of any resident retention limitations set by the state or licensee, including any limitations or restrictions on the licensee's ability to meet residents' needs. [Health and Safety Code Section 1569.269(a)(15)]</i>	Admission agreements must specify actions, circumstances, or conditions specified in regulations which may result in the resident's eviction from the facility. [CCR, Title 22, Section 87507(c)(8)]
Not addressed by existing personal rights regulations.	To reasonable accommodation of individual needs and preferences in all aspects of life in the facility, except when the health or safety of the individual or other residents would be endangered. [Health and Safety Code Section 1569.269 (a)(16)]	Planned Activities (Title 22, CCR, Section 87219); Resident Councils (Title 22, CCR, Section 87221); and Resident Participation in Decision-making (CCR, Title 22, Section 87467), also apply.
Not addressed by existing personal rights regulations.	To reasonable accommodation of resident preferences concerning room and roommate choices. [Health and Safety Code Section 1569.269 (a)(17)]	- Admission agreements must include general policies for the purpose of making it possible for residents to live together. [CCR, Title 22, Sections 87224(a)(3) and 87507(c)(7)] - Married couples may be provided with one appropriate sized bed. [CCR, Title 22, Section

		87307(a)(3)(A)] If a roommate of a resident receiving hospice care withdraws his or her agreement to accommodate hospice care verbally or in writing, a licensee must make alternative arrangements that fully meet the needs of the resident receiving hospice care. [CCR, Title 22, Section 87633 (h)(5)(A)]
Not addressed by existing personal rights regulations.	To written notice of any room changes at least 30 days in advance unless the request for a change is agreed to by the resident, required to fill a vacant bed, or necessary due to an emergency. [Health and Safety Code Section 1569.269(a)(18)]	If a resident must be evicted by a licensee or is subject to a health relocation order issued by the department, a licensee must follow procedures to reduce transfer trauma to the resident. [CCR, Title 22, Sections 87224(i)(1) and 87637(b)(2)]
Not addressed by existing personal rights regulations.	To share a room with the resident's spouse, domestic partner, or a person of resident's choice when both spouses, partners, or residents live in the same facility and consent to the arrangement. [Health and Safety Code Section 1569.269(a)(19)]	Married couples may be provided with one appropriate sized bed. [CCR, Title 22, Section 87307(a)(3)(A)]
To receive or reject medical care or other services. [CCR, Title 22, Section 87468(a)(16)]	To <i>select their own physicians, pharmacies, privately paid personal assistants, hospice agency, and health care providers, in a manner that is consistent with the resident's contract of admission or other rules of the facility, and in accordance with this act.</i> [Health and Safety Code Section 1569.269(a)(20)]	- Licensees must meet with and involve a resident and others as specified in preparing, reviewing, and revising a written record of the care the resident will receive at the facility and the resident's preferences regarding the services provided at the facility. [CCR, Title 22, Sections 87463(c) and 87467(a)] - Upon admission,

		licensees must provide residents, and representatives or responsible persons of residents, with written information about the right to make decisions concerning medical care. Information must include, but is not limited to, the Department brochure "Your Right To Make Decisions About Medical Treatment." [CCR, Title 22, Section 87469(a)]
Not addressed by existing personal rights regulations.	To have prompt access to review all of their records and to purchase photocopies. Photocopied records shall be promptly provided, not to exceed two business days, at a cost not to exceed the community standard for photocopies. [Health and Safety Code Section 1569.269(a)(21)]	All information and records obtained from or regarding residents must be kept confidential. Licensees are responsible for storing active and inactive records and for safeguarding the confidentiality of their contents. Licensee and all employees shall only disclose confidential information upon the resident's written consent or consent of the resident's designated representative. [CCR, Title 22, Section 87506(c)(1)]
Not addressed by existing personal rights regulations.	To be protected from involuntary transfers, discharges, and evictions in violation of state laws and regulations. Facilities shall not involuntarily transfer or evict residents for grounds other than those specifically enumerated under state law or regulations, and shall comply with enumerated eviction and relocation protections for residents. For purposes of this paragraph,	- Licensees may, upon 30 days' written notice to the resident, evict the resident for one or more specified reasons. [CCR, Title 22, Section 87224(a)] - Licensees may, upon obtaining prior written approval from the licensing agency, evict a resident upon 3 days written notice to quit. Licensing agency may grant approval for the eviction upon finding of good cause. Good cause

	“involuntary” means a transfer, discharge, or eviction that is initiated by the licensee, not by the resident. [Health and Safety Code Section 1569.269(a)(22)]	exists if the resident is engaging in behavior which is a threat to the mental and/or physical health or safety of him/herself or to the mental and/or physical health or safety of others in the facility. [CCR, Title 22, Section 87224(b)]
To move from the facility. [Title 22, CCR, Section 87468(a)(18)]	To move from a facility. [Health and Safety Code Section 1569.269(a)(23)]	Not addressed by other applicable regulations.
- To be informed of the facility's policy concerning family visits and other communications with residents, as specified in Health and Safety Code Section 1569.313. [CCR, Title 22, Section 87468(a)(10)] - To have his/her visitors, including ombudspersons and advocacy representatives permitted to visit privately during reasonable hours and without prior notice, provided that the rights of other residents are not infringed upon. [Title 22, CCR, Section 87468(a)(11)]	To <i>consent to have relatives and other individuals of the resident's choosing</i> visit during reasonable hours, privately and without prior notice. [Health and Safety Code Section 1569.269(a)(24)]	Plan of operation and admission agreement must include a statement of the facility's policy concerning family visits and other communication with residents. [CCR, Title 22, Sections 87208(a)(10) and 87507(c)(9)]
Not addressed by existing personal rights regulations.	To receive written information on the right to establish an advanced health care directive and, pursuant to Section 1569.156, the licensee's written policies on honoring those directives. [Health and Safety Code Section 1569.269(a)(25)]	Upon admission, licensees must provide residents, and representatives or responsible persons of residents, with written information about the right to make decisions concerning medical care. Information must include, but is not limited to, the Department brochure "Your Right To Make Decisions About Medical Treatment," and a copy of specified regulations

		describing what licensees must do to honor residents' Request to Forego Resuscitative Measures, Advance Health Care Directive and/or a Do-Not-Resuscitate (DNR) form. [CCR, Title 22, Section 87469(a)]
Not addressed by existing personal rights regulations.	To be encouraged to maintain and develop their fullest potential for independent living through participation in activities that are designed and implemented for this purpose, in accordance with Section 87219 of Title 22 of the California Code of Regulations. [Health and Safety Code Section 1569.269(a)(26)]	Licensees shall encourage residents to maintain and develop their fullest potential for independent living through participation in planned activities. [CCR, Title 22, Section 87219(a)]
Not addressed by existing personal rights regulations.	To organize and participate in a resident council that is established pursuant to Section 1569.157. [Health and Safety Code Section 1569.269(a)(27)]	
Not addressed by existing personal rights regulations.	To protection of their property from theft or loss in accordance with Sections 1569.152, 1569.153, and 1569.154. [Health and Safety Code Section 1569.269(a)(28)]	Licensees must safeguard residents' cash resources, personal property and valuables entrusted to the licensee or facility staff. [CCR, Title 22, Section 87217(b)]
To wear his/her own clothes; to keep and use his/her own personal possessions, including his/her toilet articles; and to keep and be allowed to spend his/her own money. [CCR, Title 22, Section 87468(a)(12)]	- To <i>manage their financial affairs. A licensee shall not require residents to deposit their personal funds with the licensee. Except as provided in approved continuing care agreements, a licensee, or a spouse, domestic partner, relative, or employee of a licensee, shall not do any of the following:</i> - Accept appointment as	If residents are incapable of handling their own cash resources, as documented by initial or subsequent appraisals, licensees must safeguard their cash resources in accordance with regulations. [CCR, Title 22, Section 87217(a)]

	<i>a guardian or conservator of the person or estate of a resident.</i> ○ <i>Become or act as a representative payee for any payments made to a resident, without the written and documented consent of the resident or the resident's representative.</i> ○ <i>Serve as an agent for a resident under any general or special power of attorney.</i> ○ <i>Become or act as a joint tenant on any account with a resident.</i> ○ <i>Enter into a loan or promissory agreement or otherwise borrow money from a resident without a notarized written agreement outlining the terms of the repayment being given to the resident.</i> [Health and Safety Code Section 1569.269(a)(29)]	
• To wear his/her own clothes; to keep and use his/her own personal possessions, including his/her toilet articles; and to keep and be allowed to spend his/her own money. [CCR, Title 22, Section 87468(a)(12)]	• To keep, have access to, and use their own personal possessions, including toilet articles, and to keep and be allowed to spend their own money, <i>unless limited by statute or regulation.</i> [Health and Safety Code Section 1569.269(a)(30)]	• If residents are incapable of handling their own cash resources, as documented by initial or subsequent appraisals, licensees must safeguard their cash resources in accordance with regulations. [CCR, Title 22, Section 87217(a)]
• Not addressed by existing personal rights regulations.	• Residents' family members, friends, and representatives have the right to organize and participate in a family council that is established pursuant to Section	• Not addressed by other applicable regulations.

	1569.158. [Health and Safety Code Section 1569.269(d)]	
--	--	--

Admission Agreements		
Existing Admission Agreements Requirements in CCR, Title 22, Section 87507	New Admission Agreements Requirements Added in Section 1569.269 of the Health and Safety Code by AB 2171	Other Regulations in CCR, Title 22, Applicable to Admission Agreements
<i>Cited if noncompliance occurred <u>before</u> or <u>after</u> January 1, 2015.</i>	<i>Cited for privately-operated facilities if noncompliance occurred <u>after</u> January 1, 2015.</i>	<i>Cited if noncompliance occurred <u>before</u> or <u>after</u> January 1, 2015.</i>
- Not addressed by existing admission agreements regulations. - Existing admission agreements regulations continue to apply.	No provision of a contract of admission, including all documents that a resident or his or her representative is required to sign as part of the contract for, or as a condition of, admission to a residential care facility for the elderly, shall require that a resident waive benefits or rights to which he or she is entitled under this chapter or provided by federal or other state law or regulation. [Health and Safety Code Section 1569.269(c)]	Not addressed by other applicable regulations.