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PIN 22-32-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

FROM: *Original signed by Kevin Gaines*  
KEVIN GAINES  
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Community Care Licensing Division

SUBJECT: **2022 CHAPTERED LEGISLATION AFFECTING ADULT AND SENIOR CARE FACILITIES: SUMMARY AND IMPLEMENTATION**

**Provider Information Notice (PIN) Summary**

PIN 22-32-ASC provides a summary of and implementation information for legislation chaptered in 2022 affecting licensed Adult and Senior Care facilities. The changes to the statutes referenced in this PIN become operative January 1, 2023, unless otherwise specified.

**Important!** A summary of and implementation information for legislation chaptered in 2022 affecting criminal record clearances/exemptions and exclusive to Continuing Care Retirement Communities, will be released in forthcoming PINs.

***Please distribute this PIN to persons in care and/or, if applicable, their authorized representatives.***

**Action Required**

The following implementation information requires action by a facility licensee. Licensees should be aware that beginning January 1, 2023, Community Care Licensing Division (CCLD) may use any of the oversight and compliance activities currently available to ensure compliance with the statutes below.

**Assembly Bill (AB) 895 (Holden), Chapter 577, Statutes of 2022**

***Note: Applies to Residential Care Facilities for the Elderly (RCFE)***

**Skilled nursing facilities, intermediate care facilities, and residential care facilities for the elderly: notice to prospective residents.**

AB 895 amends Section 1569.885 of the Health and Safety Code, relating to RCFEs. This requires licensees of RCFEs to provide:

- a written notice that is included in, or as an attachment to, all admission agreements. This written notice includes the:
  - current telephone number, internet website address, and email address for the local long-term care ombudsman;
  - internet website address for the Community Care Licensing Division of the State Department of Social Services.
- the written notice shall also state that the ombudsman is intended as a resource for both the following purposes:
  - accessing additional information regarding resident care at the facility.
  - reporting resident care complaints.

The written notice specified above is in addition to any other notice a licensee is required by law to provide to residents.

**Senate Bill (SB) 1165 (Bates), Chapter 172, Statutes of 2022**

***Note: Applies to Social Rehabilitation Facilities***

**Substance abuse and mental health services: advertisement and marketing.**

SB 1165 amends Section 11831.9 of the Health and Safety Code and Section 4097 of the Welfare and Institutions Code.

This bill prohibits a licensee of a Social Rehabilitation Facility (SRF) from making a false or misleading statement or providing false or misleading information about medical treatments or medical services offered. Specifically, the amendments to Section 4097 of the Welfare and Institutions Code prohibit a licensee of an SRF from:

- (1) Making a false or misleading statement or providing false or misleading information about the entity's products, goods, services, or geographical locations in its marketing, advertising materials, or media, or on its internet website or on a third-party internet website.
- (2) Making a false or misleading statement or providing false or misleading information about medical treatments or medical services offered in its marketing, advertising materials, or media, or on its internet website, on a third-party internet website, or in its social media presence.
- (3) Including on its internet website a picture, description, staff information, or the location of an entity, along with false contact information that surreptitiously directs the reader to a business that does not have a contract with the entity.

(4) Including on its internet website false information or an electronic link that provides false information or surreptitiously directs the reader to another internet website.

### **Information Only**

The following summaries are provided for informational purposes only. Licensees are advised there may also be other legislation and requirements outside of those included in this section which may apply to their facilities. It is important to continue to be aware of and follow all requirements that may apply.

#### **AB 1855 (Nazarian), Chapter 583, Statutes of 2022**

**Note:** *Applies to Adult Residential Facilities, Community Crisis Homes, Enhanced Behavioral Supports Homes, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly, and Social Rehabilitation Facilities*

#### **Long-Term Care Ombudsman Program: facility access.**

AB 1855 adds Section 9718.5 to [Welfare and Institutions Code provisions that govern the State Long-Term Care Ombudsman](#) to reaffirm that a residential care facility shall not, under any circumstances, deny entry to a representative of the office acting in their official capacity. During a state of emergency declared by the Governor, a health emergency declared by the State Public Health Officer, or a local health emergency declared by a local health officer, a residential care facility may require a representative of the Office of the State Long-Term Care Ombudsman entering the facility to adhere to infection control protocols for the duration of their visit that are no more stringent than those required for facility staff.

#### **AB 2119 (Flora), Chapter 381, Statutes of 2022**

**Note:** *Creates a new licensing category within CCLD.*

#### **Veterans: Medical Foster Home Program**

AB 2119 adds Chapter 3.15 (commencing with Section 1568.21) of Division 2 of the Health and Safety Code, relating to veterans. It authorizes the Department to establish a program, no sooner than July 1, 2024, to issue licenses to medical foster homes for veterans. This bill requires the Department to adopt regulations to implement this chapter and authorizes the Department, until regulations are adopted, to implement and administer the program through written directives.

This bill requires the Department to periodically inspect and evaluate licensees and investigate complaints as specified. The Department will work collaboratively with the United States Department of Veteran Affairs (USDVA) in overseeing medical foster homes for veterans in California.

**Important!** CCLD will provide more information and updates on this new licensing category as they become available.

**[AB 2693 \(Reyes\), Chapter 799, Statutes of 2022](#)**

**Note:** *Applies to Adult Residential Facilities, Community Crisis Homes, Enhanced Behavioral Supports Homes, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly, and Social Rehabilitation Facilities*

**COVID-19: exposure.**

AB 2693 amends Sections 6325 and 6409.6 of the Labor Code, relating to occupational safety. This bill updates specified laws related to COVID-19, including:

- Requiring licensees (as employers) to:
  - notify employees of potential exposure to COVID-19 within one business day,
  - prominently display a notice, or send the notification of exposure (e.g., via personal device, email, or text message),
  - provide the dates and location of person with confirmed case of COVID-19,
  - provide contact information for employees to receive information regarding COVID-19 related benefits,
  - provide contact information for employees to receive cleaning and disinfection plan employer is implementing,
  - post the notification for a minimum of 15 calendar days,
  - keep a log of all the dates the notice was posted, and
  - allow the Labor Commissioner to access those records.
- Repealing section that exempted certain facility types from requirements in Labor Code section 6409.6, as specified. As a result, facility types that are no longer exempt include, but are not limited to, a community care facility, a residential care facility for the persons with chronic health conditions, a residential care facility for the elderly, and child day care facility.

Requirements in these sections remain in effect until January 1, 2024.

This bill does not exempt or waive the licensee from their reporting responsibilities under the applicable reporting requirements listed in the California Code of Regulations, Title 22, sections [80061](#), [81061](#), [82061](#), [87211](#), [87861](#), or any other related reporting requirement in statute or regulation.

**[SB 1346 \(Becker\), Chapter 886, Statutes of 2022](#)**

**Note:** *Applies to Adult Residential Facilities, Community Crisis Homes, Enhanced Behavioral Supports Homes, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly, and Social Rehabilitation Facilities*

**Surplus medication collection and distribution.**

SB 1346 amends Section 150202 of the Health and Safety Code to permanently expand the definition of a donor organization to include facilities that legally possess centrally stored, unused medication under the existing surplus medication collection and distribution program.

Prior to the enactment of this bill, a licensed Residential Care Facility for the Elderly was the only CDSS licensed facility defined as a donor organization. With the enactment of this bill, the definition of a donor organization now includes any facility that is licensed by CDSS.

Medication eligible for donation by facilities shall meet existing requirements specified in [subdivision \(c\) of Section 150202](#) and [subdivisions \(c\) and \(d\) of Section 150204](#) of the of the Health and Safety Code.

If you have questions regarding this PIN, please contact your local [Adult and Senior Care Regional Office](#).