

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



June 13, 2007

CCL INFORMATION RELEASE NO. 2007-04**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Initiated by CCL

TO: ALL SENIOR CARE PROGRAM STAFF**SUBJECT:** **BEDRIDDEN RESIDENTS**

Recently, there has been a significant amount of interest by both provider associations and advocate groups relating to the statutes, regulations, and procedures surrounding bedridden residents being admitted to, or residing in, Residential Care Facilities for the Elderly (RCFEs). This release, in conjunction with the attachments clarifies the requirements for accepting and retaining bedridden residents in RCFEs. Additionally, the release also clarifies the procedure for extending a resident's temporary bedridden status beyond the 14 days, as specified in Health and Safety (H&S) Code Section 1569.72(d). This release shall immediately supersede the 2001 SB1896 Implementation Plan, Fire Safety Requirements for Facilities with Bedridden Clients. *Licensees will no longer be required to request an exception to admit or retain a permanently bedridden person.*

BEDRIDDEN RESIDENTS IN RCFEs

Health and Safety (H&S) Code Section 1569.72(c) authorizes bedridden persons to be admitted to and retained in RCFEs that secure and maintain an appropriate fire clearance. Bedridden means either requiring assistance in turning and repositioning in bed, or being unable to independently transfer to and from bed, (this includes residents who do not have the mental capacity to respond to directions to transfer from bed in emergency situations), except in facilities with appropriate and sufficient care staff, mechanical devices, if necessary, and safety precautions, as determined by the director in regulations.

The Department has not promulgated regulations that would allow a person who cannot independently turn, reposition, or transfer from bed to be considered non-bedridden. Therefore, all individuals who meet this definition are considered bedridden. Please exercise caution when making the determination that a resident is bedridden as residents must "require assistance" in repositioning, or be "unable" to independently transfer to and from bed to be determined bedridden. If a resident receives assistance from facility staff to perform these movements, but in an emergency situation is able to reposition and transfer independently with or without the use of assistive devices, then the resident is not considered to be bedridden.

Licensees who intend to accept or retain bedridden residents on a regular basis must reflect this service in their plan of operation as referenced in Title 22 California Code of Regulations (CCR) Section 87222. "Each facility shall have and maintain a current, written definitive plan of operation.... Any significant changes in the plan of operation which would affect the services to residents shall be submitted to the licensing agency for approval." In addition, the facility sketch must be updated to designate rooms with a bedridden fire clearance, pursuant to Section 87222(a)(7).

Obtain Appropriate Fire Clearance:

In order for bedridden persons to be admitted to and retained in an RCFE, the licensee must secure and maintain a fire clearance that will allow bedridden person(s). H&S Code Section 1569.72(c) requires a fire clearance to be issued to a facility in which a bedridden person resides under either of the following conditions: 1) the fire safety requirements are met, OR 2) alternate methods of protection are approved.

When the local fire authority determines a facility's fire safety requirements have been met, or achieved through alternative methods of protection, the local fire authority will also specify the number of bedridden residents that can safely reside at the facility. The local fire authority may consider its ability to safely evacuate bedridden residents in the event of a fire. This could result in a fire clearance being issued that authorizes only a specified number of bedridden residents or that limits the location within the facility in which bedridden residents may reside. Also, licensees may be restricted by the local fire authority to housing bedridden residents on the first floor only. However, a recent California State Fire Marshal (SFM) Information Bulletin dated April 10, 2007, states that bedridden residents may be allowed on or above the first floor if alternative means of protection are acceptable to the enforcing agencies. Alternative means of protection are further defined in the attached SFM Information Bulletin.

CCLD Procedures:

If a licensee's bedridden fire clearance request is approved, the licensing program analyst, (LPA) shall ensure that a new license, including any of the special conditions identified by the local fire jurisdiction, is issued to the licensee. The LPA shall include the attached Requirements for Care of Bedridden Persons in RCFEs with the mailing of the license.

Citations

If, during a facility visit, an LPA determines that the licensee is caring for a permanently bedridden resident and does not have a bedridden fire clearance, the LPA shall cite the facility using CCR Section 87689 FIRE SAFETY, "All facilities shall be maintained in conformity with the regulations adopted by the State Fire Marshal for the protection of life and property against fire and panic."

Plans of Corrections

As a plan of correction, the licensee may choose to request a bedridden fire clearance or evict the bedridden resident. The plan of correction must always take into consideration the health and safety needs of the resident. As resident conditions and needs vary, the LPA shall determine the appropriate plan of correction on a case by case basis.

- If the licensee chooses to request a bedridden fire clearance, the LPA shall ensure that the plan of correction specifies that the licensee shall immediately request a bedridden fire clearance. The plan of correction shall also specify that the Requirements for Care of Bedridden Persons in RCFEs has been provided to the licensee. If the bedridden fire clearance is denied, the licensee shall immediately issue a 30-day eviction notice pursuant to CCR Section 87589(a)(4).
- If the licensee chooses to evict the resident, the licensee must issue a 30-day notice to relocate to the resident pursuant to CCR Section 87589(a)(4), Eviction Procedures. The licensee shall be required to work with the resident, family, and community resources to appropriately relocate the resident in a manner that is not only timely, but also minimizes any transfer trauma to the resident, pursuant to CCR Section 87589(i)(7).
- If a resident's health condition appears at risk, the LPA may request the resident be immediately assessed by a physician pursuant to CCR Section 87569(c), Medical Assessment. "If an LPA determines that a resident has a health condition which cannot be cared for within the limits of the license, ...or has a health condition prohibited by Section 87582(c) [Acceptance and Retention Limitations], or Section 87701 [Prohibited Health Conditions], the [LPA] shall order the licensee to relocate the resident," pursuant to CCR Section 87701.3, Health Condition Relocation Order, unless an exception is requested and granted.

TEMPORARILY BEDRIDDEN

Persons who are bedridden because of a temporary illness or for recovery from surgery are allowed to be admitted to and retained in RCFEs. These temporary types of conditions may include a bedridden resident receiving hospice care. The RCFE is not required to request an exception from the licensing agency to accept or retain a temporarily bedridden resident, or to request a bedridden fire clearance. However, every facility admitting or retaining a bedridden resident, within 48 hours of the resident's admission or retention to the facility, must notify the local fire authority with jurisdiction of the estimated length of time that the resident will retain his or her bedridden status in the facility.

Temporary illness is defined under H & S Code Section 1569.72(d)(1) as any illness which persists for 14 days or less. A terminally ill resident, (as defined in the CCR Section 87101(t)(1) means that the resident has a prognosis by his/her attending physician that the resident's life expectancy is six months or less if his/her illness or condition runs its normal course), receiving hospice care who is bedridden for the same time frame (14 days or less) is also considered temporarily bedridden if the resident's bedridden status is expected to last 14 days or less. Extensions of temporarily bedridden status are allowed for terminally ill hospice residents, the same as for residents with a temporary illness or recovering from surgery, under the legislative requirements listed below.

Extension of Temporary Bedridden Status:

H & S Code Section 1569.72(e) and CCR Section 87582(f) authorize a bedridden resident to be retained in an RCFE in excess of 14 days if the following requirements are met to the Department's satisfaction:

1. The licensee notifies the department in writing regarding the resident's temporary bedridden status that is expected to last more than 14 days.
2. The licensee submits to the department, with the notification, a physician or surgeon's written statement to the effect that the resident's illness or recovery is of a temporary nature. The statement must contain an estimated date upon which the illness or recovery will end or upon which the resident will no longer be confined to bed.
3. The Department determines that the health and safety of the resident is adequately protected in the facility and that transfer to a higher level of care is not necessary.

Procedure for Extension:

A resident's temporary bedridden status may be extended beyond the date of the first request under the following conditions:

1. The licensee notifies the department in writing regarding the temporary illness, recovery from surgery, or bedridden status while in hospice care that is expected to last more than the date first estimated beyond the initial 14-day period and provides the following information:
 - A physician or surgeon's written statement to the effect that the resident's illness or recovery *remains* temporary in nature. The statement must contain a *revised* estimated date upon which the bedridden status will end.

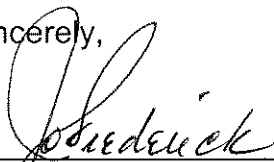
- A statement that the licensee has notified the local fire jurisdiction of the requested extension.
2. The Department must determine that the health and safety of the resident is adequately protected in the facility and that transfer to a higher level of care is not necessary. Factors that the Department will consider include, but are not limited to:
 - the resident's plan of care;
 - the compliance history of the facility;
 - the adequacy of the care; and
 - the facility's disaster plan and other safety precautions.
 3. All extensions of temporary bedridden status beyond 60 days must be approved by the Regional Manager.

The Regulation Interpretations and Procedures will be modified accordingly.

Nothing in this CCL Information Release should be interpreted to allow residents requiring 24-hour, skilled nursing or intermediate health care to be admitted to or retained in an RCFE. Also, this release should not be interpreted to relieve a licensee who agrees to admit or retain a terminally ill resident from the requirement to obtain a hospice care waiver.

If you have any questions regarding the policies or procedures for admitting or retaining bedridden residents, please call Thomas Stahl, Chief of the Policy Development Bureau at (916) 322-5528.

Sincerely,



JO FREDERICK, Deputy Director
Community Care Licensing Division



California State Fire Marshal Information Bulletin

BEDRIDDEN PERSONS IN RESIDENTIAL CARE FACILITIES FOR THE ELDERLY (RCFE'S) HOUSING 7 or MORE NON-AMBULATORY CLIENTS

The Office of the State Fire Marshal has received numerous questions concerning the admission and retention of "bedridden" persons in a 7 or more Licensed Residential Care Facility for the Elderly (RCFE). The purpose of this "Information Bulletin" is to clarify this issue and prevent the unnecessary relocation of bedridden persons.

Health and Safety Code Section 1569.72(a) indicates that **no bedridden persons** as determined by the Department of Social Services (other than for a temporary illness or one who is recovering from surgery) shall be admitted or retained in a residential care facility for the elderly (RCFE).

However, Section 1569.72(c), a newer statute resulting from SB 1896, allows bedridden persons to be admitted to and remain in residential care facilities for the elderly that secure and maintain a fire clearance. It states that a fire clearance shall be issued to a facility in which a bedridden person as determined by the Department of Social Services (DSS) resides if **either** of the following conditions are met:

- (1) The fire safety requirements are met.
- (2) Alternative methods of protection are approved.

(1) The fire safety requirements are met. If Item 1 is used to obtain the fire clearance, all other fire safety requirements for the specific R-2.1 occupancy (7 or more non-ambulatory) for the elderly as prescribed in the current 2001 edition of the California Building Code shall apply. It should be noted that the current code prohibits "bedridden" client sleeping rooms other than those used for "temporary bedridden" be located above or below the first floor.

(2) Alternative methods of protection are approved. If Item 2 is used to obtain the fire clearance for bedridden residents above the first floor, the facility can request the enforcing agency to grant approval for an alternate material, design or method of construction that shall be approved where the enforcing agency finds that the proposed design is satisfactory and complies with the intent of the provisions of the code. This request is subject to final approval by the enforcing agency on a case by case basis. Example: utilization of the recently adopted 2007 California Building Code which does not prohibit bedridden persons from being placed and/or retained on or above the first floor or any other alternate means of protection that is acceptable to the enforcing agencies that provides for an equal or better degree of protection. The recently adopted code can be found at <http://osfm.fire.ca.gov/pdf/codeadoption/part2expresstermsfinal.pdf>.

For questions and information regarding this Information Bulletin, please contact Chief Ernie Paez at (626) 305-1908 or ernie.paez@fire.ca.gov

Information Release No.: 2007-05
Attachment A: RCFE BEDRIDDEN GUIDELINES

DETERMINING BEDRIDDEN STATUS		LICENSEE RESPONSIBILITIES			CCLD RESPONSIBILITIES
Bedridden	Local Fire Jurisdiction Notification	Fire Clearance Requirements	CCLD Notification		
<p>Bedridden means either requiring assistance in turning and repositioning in bed, or being unable to independently transfer to and from bed. (H&S Code Section 1569.72(c))</p>	<p>Within 48 hours of the bedridden resident's admission or retention, the licensee must notify the local fire authority of the estimated length of time the resident will retain his or her bedridden status in the facility.</p>	<p>The licensee must have or request a fire clearance that will allow for the bedridden resident to be admitted to or retained in the facility.</p>	<p>CCLD is notified via the licensee's request for a bedridden fire clearance.</p>		<p>Ensure that a bedridden fire clearance is secured and maintained.</p>
<p>Not Transfer Dependent A resident who receives assistance in repositioning or transferring from bed, but who in an emergency situation is able to independently transfer, is not considered to be bedridden. A resident who relies on assistive devices to transfer is not considered to be bedridden.</p>	<p>No notification required.</p>	<p>The licensee must have or request a non-ambulatory fire clearance if assistive devices are used per Regulation Section 87101(n). A bedridden fire clearance is not required.</p>	<p>No notification is required.</p>		<p>None.</p>
<p>Temporarily Bedridden Temporarily bedridden means bedridden for a temporary illness or recovery from surgery that lasts for 14 days or less. A resident receiving hospice care who is bedridden for 14 days or less is also considered temporarily bedridden.</p>	<p>Within 48 hours of the resident's admission or retention, the licensee must notify the local fire authority of the estimated length of time the resident will retain his or her bedridden status in the facility.</p>	<p>An appropriate clearance is required, but no bedridden clearance is necessary.</p>	<p>No notification is required.</p>		<p>Per observation in the event of a facility visit, verify that the resident's bedridden condition is temporary. A bedridden fire clearance is not required for a temporarily bedridden resident.</p>

LICENSEE RESPONSIBILITIES				CCLD RESPONSIBILITIES
DETERMINING BEDRIDDEN STATUS	Local Fire Jurisdiction Notification	Fire Clearance Requirements	CCLD Notification	
<p>Temporarily Bedridden Beyond 14 days</p> <p>A bedridden resident, including a resident receiving hospice care, may be retained in excess of 14 days if the Department's requirements are satisfactorily met.</p>	<p>Within 48 hours of determining that the resident will retain his or her bedridden status beyond 14 days, the licensee must notify the local fire authority of the estimated length of time the resident will retain his or her bedridden status in the facility.</p>	<p>No bedridden fire clearance is required if notification requirements are met and the Department determines the health and safety of the resident is protected.</p>	<p>The licensee must notify the Department in writing regarding the temporary bedridden status that is expected to last more than the 14-day period and provide:</p> <ul style="list-style-type: none"> A physician or surgeon's written statement to the effect that the resident's bedridden status is or <i>remains</i> temporary in nature. The statement must contain the estimated date upon which the bedridden status will end. A statement that the licensee has notified the local fire jurisdiction of the estimated length of time that the resident is expected to be bedridden. 	<p>The Department must determine whether the health and safety of the resident is adequately protected and that transfer to a higher level of care is unnecessary. A bedridden fire clearance is not required when the Department has approved a temporarily bedridden extension.</p> <p>Factors that the Department will consider include, but are not limited to:</p> <ul style="list-style-type: none"> The resident's plan of care. The compliance history of the facility. The adequacy of the care. The facility's disaster plan and other safety precautions. <p>All extensions of temporary bedridden status beyond 60 days must be approved by the Regional Manager.</p>

REQUIREMENTS FOR CARE OF BEDRIDDEN RESIDENTS IN RCFES

This information is intended to assist in the identification of basic care requirements that impact the health and safety of bedridden residents. It is not a complete list, as each resident will have unique care needs. Questions regarding additional regulatory requirements related to the care of bedridden residents should be directed to your Licensing Program Analyst.

To appropriately care for a bedridden resident, at a minimum, the licensee must:

- Notify the local fire jurisdiction within 48 hours of receiving or retaining a bedridden resident. *H&S Code Section 1569.72(f).*
 - Notify the local fire jurisdiction if it is determined that the resident will be temporarily bedridden beyond 14 days. *H&S Code Section 1569.72(f).*
 - Contact the local licensing office and request an extension if a resident will be temporarily bedridden past 14 days. *H&S Code Section 1569.72(e).*
 - Contact the local licensing office and request a bedridden fire clearance for residents who are permanently bedridden. *H&S Code Section 1569.72(c)(1).*
 - Ensure that a care plan to meet the bedridden resident's needs is developed, followed, and updated as the resident's condition changes. This documentation must be accurate and complete. Facility staff must have a working knowledge of and ability to meet the needs identified in a bedridden resident's care plan. *H&S Code Section 1569.80(a); CCR Sections 87575(a), 87582(f)(3), 87583(c), 87583.1(a), 87584(a)(4), 87587(a), 87588, and 87591.*
 - Ensure that staff providing care and supervision to bedridden residents are adequately trained on the appropriate care of bedridden residents, including proper procedures for repositioning residents when necessary, evaluation of skin integrity, appropriate nutritional and fluid intake, and use of assistive devices and equipment. *H&S Code Sections 1569.62(a), 1569.625(a), 1569.72(e)(3); CCR Sections 87565(c), 87565(d), 87575(f), 87578(a), and 87701.2(b).*
 - Ensure the presence of awake night staff capable of meeting the repositioning needs of bedridden residents, when necessary. *CCR Section 87581(a).*
 - Ensure that access to medical professionals for consultation on bedridden resident care issues is available, when necessary. *CCR Sections 87575(a)(1), 87583(c)(2), and 87587(b).*
 - Ensure appropriate equipment or devices are used to make certain that the unique needs of bedridden residents are met. Some examples of supportive equipment or devices include, but are not limited to:
 - Egg-crate mattresses
 - Privacy curtains, if necessary
 - Urinals
 - Heel and Elbow Protectors
 - Over-bed tables
 - Bed pans
 - Partial bed rails
 - Beside commodes
 - Wheelchairs
 - Vertical Support Bar
 - Trapeze
- H&S Code Section 1569.72(b); CCR Sections 87572(a)(2), 87577(a)(2)(A), 87577(c), 87578(a)(5)(A), and 87691(f)(5).*