

CCRC Statute Overview for Board Members

Heritage on the Marina Board of Directors

Eric Dowdy, Chief Government Affairs Officer

Agenda

1. Refresher on key elements of CCRC oversight in California
2. Key recent important changes
3. What's on the horizon?
4. Q&A

Unique Features of CA CCRC Regulatory Oversight

CCRC Oversight – Responsible Agencies

- Multiple Agency Oversight
 - **Skilled Nursing** - California Department of Public Health
 - Health & Safety Code §1250 et seq
 - Title 22, Division 5, Chapter 3
 - **Residential Care Facility of the Elderly (RCFE) includes Continuing Care Retirement Communities** - California Department of Social Services
 - Health & Safety Code §1569 et seq (CCLD Adult & Senior Care)
 - Health & Safety Code §1770 et seq. (CCLD Continuing Care Contracts)
 - Title 22, Division 6, Chapter 8 (CCLD Adult & Senior Care)

CCRC Oversight – Unique Features

- Entire campus (except SNF) is licensed as a Residential Care Facility for the Elderly (including independent living)
 - “Evaluator Manual” used by DSS has special instructions for LPAs to provide ILU residents more autonomy
 - Pros:
 - Can maintain distinct levels of care by compelling transfers
 - Can offer RCFE services in independent living easily
 - Cons:
 - “Prohibited Conditions” cannot be cared for and residents must move to a higher level of care
 - Some unlicensed independent living residents can obtain higher acuity services through Home Health Agency

Key Features of CCRC Oversight

Key Features

Resident Rights & Engagement

- Resident Rights in both CCRC & RCFE statutes – must comply with both
- Formation of Resident Association must be encouraged
- Board (or designee) must hold semi-annual meetings with Residents or Resident Association to discuss:
 - recommendations to management regarding resident issues that impact the residents' quality of life, quality of care, exercise of rights, safety and quality of the physical environment, concerns about the contract, fiscal matters, or other issues of concern to residents
- Biennial Resident satisfaction survey

Key Features

Resident Rights & Engagement

- Must hold meeting with residents 30 Days in advance prior to implementing any fee increase to discuss:
 - The reasons for the increase
 - The basis for determining the amount of the increase
 - The data used for calculating the increase
- May coincide with semi-annual meetings already required
- 14 days prior, must make comparative data available (post):
 - Budget for the upcoming year
 - Current year's budget
 - Actual and projected expenses for the current year

Key Features

Board of Directors

- Voting Resident Director
 - 1-2 resident board members depending on size (21+)
 - Has fiduciary responsibility to the organization
 - Election process through resident association
- Non-Voting Resident Representative
 - Not a board member (CA nonprofit corp cannot have non-voting board members)
 - Can be excluded from executive sessions

Recent Changes

Recent Changes

Repayment of Lump Sum Entrance Fees

- Repayment based on resale of the unit:
 - Provider must make a good faith effort to resell the unit
 - Must state the average and longest amount of time to resell a unit in the last five years
 - If lump sum is not returned within 180 days, interest accrues at 4%
 - If not paid within 240 days at 6%

Recent Changes

Closures and Temporary Relocations

- Permanent Closures
 - 120 day notice of closure
 - 90 written closure plan and relocation plan for residents
- Temporary Relocations
 - 60 day notice prior to relocation
 - 30 days in advance meeting with resident/family

What is on the horizon?

What happening now?

CCRC Task Force

- Formed by DSS this year, will review the CCRC statute for potential:
 - Statutory changes through the Legislature
 - Regulation (New) through the APA
 - Guidance to providers via PINs
- Looking at Monthly Care Fee Increase process now, will release “Best Practices” PIN later this year.
- Participants include, residents, advocates, and providers

Q&A

Resources

Eric Dowdy, MPPA

Chief Government Affairs Officer

LeadingAge California

Links

- [Health and Safety Code](#)
- [Title 22 Regulations](#)
- [Provider Information Notices](#)