

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 22. SOCIAL SECURITY
DIVISION 5. LICENSING AND CERTIFICATION OF HEALTH FACILITIES, HOME
HEALTH
AGENCIES, CLINICS, AND REFERRAL AGENCIES
CHAPTER 3. SKILLED NURSING FACILITIES
ARTICLE 1. DEFINITIONS

s 72001. Meaning of Words.

Words shall have their usual meaning unless the context or a definition clearly indicates a different meaning. Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. Shall means mandatory. May means permissive. Should means suggested and recommended.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

HISTORY

Repealer of Chapter 3 (Articles 1-6, Sections 72001-272, not consecutive) and new Chapter 3 (Articles 1-7, Sections 72001-72713, not consecutive) filed 2-19-82; effective thirtieth day thereafter (Register 82, No. 8). For prior history, see Registers 81, No. 43; 80, No. 5; 79, No. 49; 79, No. 30; 79, No. 18; 79, No. 15; 79, No. 5; 79, No. 3; 78, No. 51; 78, No. 45; 78, No. 44; 78, No. 26; 77, No. 52; 77, No. 44; 77, No. 27; 77, No. 22; 77, No. 11; 77, No. 6; 77, No. 2; 76, No. 51; 76, No. 46; 76, No. 41; and 76, No. 34.

s 72003. Accredited Record Technician.

Accredited record technician means a person who is accredited as such by the American Medical Record Association.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72005. Activity Leader.

Activity leader means a person qualified by training and/or experience to develop and implement an activity program.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72007. Administrator.

Administrator means a person licensed as a nursing home administrator by the California Board of Examiners of Nursing Home Administrators or a person who has a state civil service classification or a state career executive appointment to perform that function in a state facility.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72009. Alteration.

Alteration means any construction work other than maintenance in an existing building which does not increase the floor area or roof area or the volume of enclosed space.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72011. Art Therapist.

Art therapist means a person who has a master's degree in art therapy or in art education or psychology with major course work in art, art therapy, including an approved clinical internship in art therapy from an accredited college or university, and a person who is registered or eligible for registration as such with the American Art Therapy Association.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72013. Audiologist.

Audiologist means a person licensed as such by the California Board of Medical Quality Assurance or a person who has a master's degree in the field and is authorized to practice under the supervision of a licensed audiologist as outlined in Section 2530.5(f), Chapter 5.3, of the Business and Professions Code.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72015. Authorized Representative.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

HISTORY

Repealer filed 5-27-92; operative 5-27-92 (Register 92, No. 22).

s 72017. Biological.

Biological means a product, virus, serum, toxin, antitoxin or analogous product derived from living matter applicable to the prevention, treatment or cure of disease or injuries in humans.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72018. Chemical Restraint.

Chemical restraint means a drug used to control behavior and used in a manner not required to treat the patient's medical symptoms.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

HISTORY

New section filed 5-27-92; operative 5-27-92 (Register 92, No. 22).

s 72018.1. Consent.

Consent means the voluntary agreement by a patient or a representative of an incapacitated patient to receive an identified treatment or procedure.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

HISTORY

New section filed 5-27-92; operative 5-27-92 (Register 92, No. 22).

s 72019. Conservator.

Conservator means a person appointed by a court to take care of the person, the property or both of the conservatee under Section 5350 et seq., of the Welfare and Institutions Code or under Section 1800 et seq., of the Probate Code.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72021. Consultant.

Consultant means a qualified person who gives professional advice or service, with or without remuneration.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72023. Controlled Drugs.

Controlled drugs means those drugs covered under the Federal Comprehensive Drug Abuse Prevention Control Act of 1970, as amended, or the California Uniform Controlled Substances Act.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72025. Dance Therapist.

Dance therapist means a person who has a master's degree in dance therapy, including an approved clinical internship from an accredited college or university, or a person who is registered or eligible for registration as such by the American Dance Therapy Association.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72027. Decubitus Ulcer.

Decubitus ulcer means an ulceration of skin and underlying tissue caused by pressure.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72029. Defined.

Defined means explained in writing.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72031. Dentist.

Dentist means a person licensed as such by the California Board of Dental Examiners.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72033. Department.

Department means the California Department of Health Services or its designee.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1257 and 1276, Health and Safety Code.

s 72035. Dietetic Service Supervisor.

Dietetic service supervisor means a person who meets one of the following requirements:

(a) Is a qualified dietitian.

(b) Has a bachelor's degree with major studies in food and nutrition, dietetics, or food management and has one year of experience in the dietetic service of a health care institution.

(c) Is a graduate of a dietetic technician or dietetic assistant training program approved by the American Dietetic Association.

(d) Is a graduate of a state-approved program that provides 90 or more hours of classroom instruction in food service supervision.

(e) Has training experience in food service supervision and management in a military service equivalent in content to (c) or (d) of the above.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72037. Dietitian.

Dietitian means a person who is registered or eligible for registration as such by the American Dietetic Association.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276 and 1276.1, Health and Safety Code.

s 72039. Director.

Director means the director of the California Department of Health Services.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 101, Health and Safety Code.

s 72041. Distinct Part.

Distinct part means an identifiable unit accommodating beds including but not limited to contiguous rooms, a wing, floor or building that is approved by the Department for a specific purpose.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1250.1 and 1276, Health and Safety Code.

s 72043. Drug.

(a) Drug means a medication.

(b) Legend drug means any of the following:

(1) Any drug labeled with the statement "Caution: Federal Law prohibits dispensing without prescription" or words of similar import

(2) Any dangerous drug under Section 4211 of the Business and Professions Code.

(c) Psychotropic drug means a medication used to modify behavior.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72045. Drug Administration.

Drug administration means the act in which a single dose of a prescribed drug or biological is given to a patient. The complete act of administration entails removing an individual dose from a container (including a unit dose container), verifying the dose with the prescriber's orders, giving the individual dose to the patient and promptly recording the time and dose given.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72047. Drug Dispensing.

Drug dispensing means the act entailing the interpretation of a prescription order for a drug or biological and the proper selection, measuring, packaging, labeling and issuance of the drug or biological for a patient.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72049. Fomites.

Fomites means an object, or an article of clothing or material that is not in itself contaminated but is able to harbor pathogenic microorganisms which may by that means be transmitted to others.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1275 and 1276, Health and Safety Code.

s 72051. Guardian.

Guardian means a person appointed by the court to take care of the persons or the property, or both, of a ward under Section 1500 et seq., of the Probate Code.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72052. Informed Consent.

Informed consent means the voluntary agreement of a patient or a representative of an incapacitated patient to accept a treatment or procedure after receiving information in accordance with Sections 72527(a)(5) and 72528.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code; and *Cobbs v. Grant* (1972) 8 Cal.3d 229.

HISTORY

New section filed 5-27-92; operative 5-27-92 (Register 92, No. 22).

s 72053. Intermediate Care Bed Classification.

Intermediate care bed classification means beds designated for patients requiring skilled nursing and supported care on less than a continuous basis.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1250, 1250.1 and 1276, Health and Safety Code.

s 72055. Licensed Nurse.

Licensed nurse means a registered nurse or licensed vocational nurse as defined.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72057. Licensed Psychiatric Technician.

Licensed Psychiatric Technician means a person licensed as such by the California Board of Vocational Nurse and Psychiatric Technician Examiners.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72059. Licensed Vocational Nurse.

Licensed Vocational Nurse means a person licensed as such by the California Board of Vocational Nurse and Psychiatric Technician Examiners.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72061. Licensee.

Licensee means the person, persons, firm, partnership, association, organization, company, corporation, business trust, political subdivision of the state, or other governmental agency to whom a license has been issued.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1251, Health and Safety Code.

s 72063. Local Bank.

Local bank means the bank or branch of that bank which is in the vicinity of the facility.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1318, Health and Safety Code.

s 72065. Mechanically Altered Diet.

Mechanically altered diet means a diet altered in texture.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72067. Medication.

Medication means any chemical compound, remedy or noninfectious biological substance, the action of which is not solely mechanical, which may be administered to patients by any route as an aid in the diagnosis, treatment, or prevention of disease or other abnormal condition, for relief of pain or suffering, or to control or improve any psychological or pathological condition. Products which contain medications but which are primarily used for cosmetic or other nonmedication purposes are not medications as defined above.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72069. Music Therapist.

Music therapist means a person who has a bachelor's degree in music therapy and who is registered or eligible for registration as such with the National Association for Music Therapy.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72071. Narrative Notes.

Narrative notes means a written record which relates, reports or reviews facts about a patient and which includes but is not limited to observations, patients' reactions to care and response to treatment.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276 of the Health and Safety Code.

s 72073. Nursing Unit.

Nursing unit means a designated patient care area of a facility which is planned, organized, operated and maintained to function as a unit. It includes patients' rooms with adequate support accommodations, services and personnel providing nursing care and necessary management of patients.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72075. Occupational Therapist.

(a) Occupational therapist means a person who is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association, and who is registered or who is eligible for registration by the American Occupational Therapy Association.

(b) Occupational therapy assistant means a person who is certified or eligible for certification as such by the American Occupational Therapy Association.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72077. Patient.

(a) Patient means a person admitted to a skilled nursing facility for observation, diagnosis or treatment.

(b) Ambulatory patient means a patient who is able to leave a building unassisted under emergency conditions.

(c) Nonambulatory patient means a patient who is unable to leave a building unassisted under emergency conditions.

(1) The term nonambulatory patient includes, but is not limited to, persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs, and shall include profoundly or severely mentally retarded persons.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 13131, Health and Safety Code.

s 72081. Pharmacist.

Pharmacist means a person licensed as such by the California Board of Pharmacy.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72082. Physical Restraint.

For the purposes of informed consent, physical restraint means any physical or mechanical device or material attached or adjacent to a patient's body that the patient cannot remove easily, which has the effect of restricting the patient's freedom of movement. Physical restraint does not include the use of the least restrictive immobilization reasonably necessary to administer necessary treatment of a therapeutic, non-continuous nature, such as a single injection of antibiotics, and where the immobilization is removed upon the administration of such treatment. This exception shall not include immobilizations for continuously administered treatments such as intravenous therapy.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

HISTORY

New section filed 5-27-92; operative 5-27-92 (Register 92, No. 22).

s 72083. Physical Therapist.

(a) Physical therapist means a person licensed as such by the California Board of Medical Quality Assurance.

(b) Physical therapist assistant means a person who is approved as such by the Physical Therapy Examining Committee of the California Board of Medical Quality Assurance.

(c) Physical therapist aide means a person who, under the direct supervision of the registered physical therapist, assists with physical therapy care.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72085. Physician.

(a) Physician means a person licensed as a physician and surgeon by the California Board of Medical Quality Assurance or by the Board of Osteopathic Examiners.

(b) Attending physician means the physician chosen by the patient or the patient's representative to be responsible for the medical treatment of the patient in the facility.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

HISTORY

Editorial correction of subsection (b) (Register 95, No. 44).

s 72087. Physician's Assistant.

Physician's assistant means a person who is certified as such by the Physician's Assistant Examining Committee of the California Board of Medical Quality Assurance.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72089. Podiatrist.

Podiatrist means a person licensed as such by the California Board of Medical Quality Assurance.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72091. Psychologist.

(a) Psychologist means a person licensed as such by the California Board of Medical Quality Assurance.

(b) Clinical psychologist means a psychologist licensed by the Board of Medical Quality Assurance who (1) possesses an earned doctorate degree in psychology from an educational institution meeting the criteria of Subdivision (b) of Section 2914 of the Business and Professions Code and (2) has at least two years of clinical experience in a multidisciplinary facility licensed or operated by this or another state or by the United States to provide health care, or, is listed in the latest edition of the National Register of Health Services Providers in Psychology, as adopted by the Council for the National Register of Health Service Providers in Psychology.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276, 1276.1, and 1316.5, Health and Safety Code.

s 72092. Psychotherapeutic Drug.

Psychotherapeutic drug means a medication to control behavior or to treat thought disorder processes.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

HISTORY

New section filed 5-27-92; operative 5-27-92 (Register 92, No. 22).

s 72093. Recreation Therapist.

Recreation therapist means a person with specialization in therapeutic recreation and who is registered or eligible for registration as such by the California Board of Park and Recreation Personnel or the National Therapeutic Recreation Society.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72095. Registered Nurse.

Registered Nurse means a person licensed as such by the California Board of Registered Nursing.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72097. Registered Record Administrator.

Registered record administrator means a person who is registered as such by the American Medical Record Association.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72099. Registry Staff.

Registry staff means staff personnel provided by a placement service on a temporary or on a day-to-day basis, in a facility.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72101. Skilled Nursing Care Bed Classification.

Skilled nursing care bed classification means beds designated for patients requiring skilled nursing care on a continuous and extended basis.

Note: Authority cited: Sections 208 and 1250.1, Health and Safety Code. Reference: Sections 1250 and 1250.1, Health and Safety Code.

s 72103. Skilled Nursing Facility.

Skilled nursing facility means a health facility or a distinct part of a hospital which provides continuous skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. It provides 24-hour

inpatient care and, as a minimum, includes physician, skilled nursing, dietary, pharmaceutical services and an activity program.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1250 and 1276, Health and Safety Code.

s 72105. Social Worker.

(a) Clinical social worker means a person who is licensed as such by the California Board of Behavioral Science Examiners.

(b) Social work assistant means a person with a baccalaureate degree in the social sciences or related fields and who receives supervision, consultation and in-service training from a social worker.

(c) Social work aide means a staff person with orientation, on-the-job training, and who receives supervision from a social worker or social work assistant.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72107. Speech Pathologist.

Speech pathologist means a person licensed as such by the California Board of Medical Quality Assurance or a person who has a master's degree in the field and is authorized to practice under the supervision of a licensed speech pathologist as outlined in Section 2530.5(f), Chapter 5.3, of the Business and Professions Code.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

s 72109. Standing Orders.

Standing orders means those written orders which are used or intended to be used in the absence of a prescriber's specific order for a specific patient.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72111. Substantial Compliance.

Substantial compliance means conformity to regulations by a licensee to such an extent that patient safety, welfare and quality of care are assured.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1268.5, 1276 and 1437, Health and Safety Code.

s 72113. Supervision.

(a) Supervision means to instruct an employee or subordinate in their duties and to oversee or direct work, but does not necessarily require the immediate presence of the supervisor.

(b) Direct supervision means that the supervisor shall be present in the same building as the person being supervised, and available for consultation and assistance.

(c) Immediate supervision means that the supervisor shall be physically present while a task is being performed by the person being supervised.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

s 72115. Therapeutic Diet.

Therapeutic diet means any diet modified from a regular diet in a manner essential to the treatment or control of a particular disease or illness.

Note: Authority cited: Section 208(a) and 1275, Health and Safety Code. Reference: Section 1276 of the Health and Safety Code.

s 72117. Unit Dose Medication System.

Unit dose medication system means a system in which single dosage units of drugs are prepackaged and prelabeled in accordance with all applicable laws and regulations governing these practices and are made available separated as to patient and by dosage time. The system shall also comprise, but not be limited to, all equipment and appropriate records deemed necessary to make the dose available to the patient in an accurate and safe manner. A pharmacist shall be in charge of and responsible for the system.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1275 and 1276, Health and Safety Code.

s 72119. Unit Patient Health Record.

Unit patient health record means a record that organizes all information on the care and treatment rendered to a patient in a facility.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.