

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 5. Administration

Amend Chapter 3, Article 5 as follows:

22 C.C.R. § 72517 Staff Development.

(a) Each facility shall have an ongoing educational program planned and conducted for the development and improvement of necessary skills and knowledge for all facility personnel. Each program shall include, but not be limited to:

- (1) Problems and needs of the aged, chronically ill, acutely ill and disabled patients.
- (2) Prevention and control of infections.
- (3) Interpersonal relationship and communication skills.
- (4) Fire prevention and safety.
- (5) Accident prevention and safety measures.
- (6) Confidentiality of patient information.
- (7) Preservation of patient dignity, including provision for privacy.
- (8) Patient rights and civil rights.

(9) Signs and symptoms of cardiopulmonary distress.

(10) Choking prevention and intervention.

(b) In addition to (a) above, all licensed nurses shall have training in cardiopulmonary resuscitation.

(c) At least once every two years, a facility shall ensure that each registered nurse, licensed vocational nurse, certified nurse assistant, and ~~physician and surgeon~~ medical director, directly employed by a facility receives training designed to eliminate and prevent discrimination based on actual or perceived sexual orientation, gender identity and ~~or~~ gender expression. A person required to receive training under this subsection shall receive the training within 6 months of hire unless the person provides proof of having received training within the prior 2 years that the facility determines complies with this subsection. If the facility accepts the person's proof of prior training, a record of the content of the prior training sufficient to determine its compliance with this subsection must be kept on site at the facility.

(1) Definitions. For purposes of this subsection, the following apply:

(A) "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(B) "LGBT" means lesbian, gay, bisexual, and transgender.

(C) "Sexual orientation" is heterosexual, homosexual, or bisexual.

(D) "Transgender" describes a person whose gender expression is different from that typically associated with ~~his or her~~ the person's assigned sex at birth.

(E) "Gender Identity" has the same meaning as defined in the California Civil Code Section 51. A person's gender identity shall be determined based on the individual's stated gender identity, without regard to whether the self-identified gender accords with the individual's physical appearance, surgical history, genitalia, legal sex, sex assigned at birth, or name and sex as it appears in medical records, and without regard to any contrary statement by any other

person, including a family member, conservator, or legal representative. An individual who lacks the present ability to communicate regarding gender identity shall retain the gender identity used that individual prior to losing expressive capacity.

(2) At a minimum, the training required under section (c) shall address the following:

(A) Definitions of common terms, including but not limited to those in subsection (c)(1), associated with sexual orientation, gender identity, and gender expression and explanations and examples of sexual orientation, gender identity, and gender expression.

(B) ~~Methods~~ Ways of communicating with or about LGBT individuals. The training shall address the importance of using LGBT individuals' preferred terminology when addressing or speaking about them and shall include a segment on the use of suitable pronouns when addressing or speaking about ~~transgender persons~~ transgender persons. vocabulary regarding gender identity, including respecting residents' pronouns.

(C) The health and social challenges historically faced by older LGBT persons, including discrimination in the healthcare setting. The training shall include information on the history of discrimination and hostility directed toward LGBT persons and shall include information about LGBT persons' reluctance to seek medical treatment because of a fear of discrimination. The training shall also address the ~~health risks faced by transgender persons from long-term hormone use and reconstructive surgery~~ discrimination faced by transgender people and the importance of providing and facilitating medical care and treatment that is sensitive and responsive to a resident's gender identity and gender expression.

(D) The importance of professionalism in the medical setting and the ways caretaker attitudes affect healthcare access and participation and overall physical and mental health outcomes.

(E) Ways to create a safe and affirming environment, ~~with emphasis on the importance of leaving personal feelings outside medical encounters and behaving in a nondiscriminatory way.~~ the legal and professional obligation to treat all patients in a nondiscriminatory manner, and the penalties for failing to meet legal and professional standards.

(F) Legal issues relating to LGBT persons, including but not limited to the following:

(i) Patients' rights enumerated in 22 C.C.R. section 72527;

(ii) The Unruh Civil Rights Act at section 51 of the Civil Code; ~~and~~

(iii) ~~California~~ marriage and domestic partnership laws for residents of California; ~~and~~

(iv) Nursing Home Reform Act.

(3) The training shall be taught by an entity with expertise in identifying and addressing the legal and social challenges faced by LGBT persons as they age and those faced by LGBT persons who reside in long-term-care facilities.

(4) Training must be in-person training or internet-based training.

(A) The use of in-person training requires proof of participant attendance in the form of a certificate signed by the participant and the participant's supervisor.

(B) The use of internet-based training requires the following:

(i) Controls to ensure that the full training is completed;

(ii) The use of a personal identification number or personal identification information that confirms the identity of the participant; ~~and~~

(iii) A final screen displaying a printable statement, to be signed by the participant and the participant's supervisor, certifying that the identified participant completed the identified training.

(5) A facility shall be in compliance with this subsection prior to or on August 1, 2018.

~~(c)~~(d) Records of each staff development program shall be maintained. The records shall include name and title of presenter, date of presentation, title of subject presented, description of content and the signatures of those attending.

~~(d)~~(e) Each facility shall have a written orientation program for all newly hired employees. Each employee shall receive orientation to the facility, the employee's job description and duties, the patient population, the pertinent policies and procedures and the facility staff.

~~(e)~~(f) Consultants employed by the facility shall participate in the staff development program.

Note: Authority cited: Sections ~~208(a)~~, and 1275, 1257.5, 131050, 131051, 131052, and 131200, Health and Safety Code. Reference: Sections 1257.5, 1276, and 1276.1, Health and Safety Code.