The California Regulatory Law Reporter Vol. 7, No. 2 (Spring 1987)
and regulations, which appear in Title 16 of the California Administrative Code. Proposed changes to section 3116 regarding qualifications of applicants would increase education and administrator-in-training requirements for license applicants and possibly eliminate experience as a substitute for education.

Changes to section 3162 concerning program requirements would add an additional requirement that an approved administrator-in-training program shall include a minimum of twenty hours per week of supervised training and work experience in a nursing home.

As required by Penal Code section 11166, the Board has proposed to change section 3715.5 to include failure to report an incident of known or suspected child abuse as grounds for disciplinary action.

Changes in section 3180 regarding fees would provide implementation and phase-in dates for the fee increases approved last year. (See SB 1566 (Deddeh) in CRLR Vol. 7, No. 1 (Winter 1987) p. 54.)

The Board is currently in the process of drafting the language of these proposed regulations.

LEGISLATION:

SB 183 (Mello). Under the Long-Term Care, Health, Safety and Security Act of 1973, a long-term health care facility is required to notify the state Department of Health Services of any changes in a facility's nursing home administrator or director of nursing services. The Department is authorized to conduct an abbreviated inspection of the facility within 90 days of receipt of such notification. SB 183 would require the Department to conduct this inspection within 90 days of the notification by the facility.

RECENT MEETINGS:

The Board met on February 17 in San Francisco. An analysis of the Board's financial condition was projected using the current fee levels authorized by section 3180 of Title 16, California Administrative Code. Unless the fee increases authorized by SB 1566 (which was signed by the Governor in September 1986) are implemented by September 1986) are implemented by the fee increases authorized by SB 1566 (Deddeh) in CRLR Vol. 7, No. 1 (Winter 1987) p. 54.)

The Board is currently in the process of drafting the language of these proposed regulations.

The Board denied the request, outlining the administrative procedures that are followed by the Board. Complaints made to the Board are handled in two ways. If the complaint specifically concerns a nursing home administrator and not the nursing home facility, BENHA will hire an investigator to get the facts and report to the Board. Most of these complaints can be resolved by the BENHA staff unless disciplinary action is warranted. If the Board decides to initiate a disciplinary action, the matter is turned over to the Attorney General's office.

If the complaint speaks mainly to the facility rather than to the nursing home administrator individually, the complaint is referred to the Department of Health Services, which determines whether or not to investigate the complaint. All reports made by the Department of Health Services are forwarded to the Attorney General's office and to BENHA. The Board then determines whether to initiate a disciplinary action against the nursing home administrator of the facility. A disciplinary action is initiated in the majority of cases reported to the Board from the Department of Health Services.

The deputy attorney general assigned to the Board prepares the formal complaint. Prior to a hearing on the complaint before an administrative law judge (ALJ), the accused nursing home administrator may present a proposed stipulation to the deputy attorney general, which is in turn presented to BENHA. The Board may accept the stipulation, reject it, or offer a counterproposal. If the Board rejects the proposed stipulation, or if the nursing home administrator rejects the Board's counterproposal, the next step is an administrative hearing.

At this hearing, the nursing home administrator has a chance to present his/her case and call witnesses. The Board has prepared guidelines for the ALJ to use in determining whether disciplinary action is appropriate and what penalties should be imposed (prohibition, suspension, or revocation of license). The recommendation of the ALJ is then presented to the Board. The Board may accept the recommendation and/or impose a lighter penalty. However, if the Board is of the opinion that the penalty recommended by the ALJ is not severe enough, it must review a copy of the transcript from the hearing before imposing a stricter penalty.

FUTURE MEETINGS:

To be announced.