

## Unlicensed Facility Fact Sheet for Placement Agencies

This tool has been developed to assist placement agencies with pertinent laws and regulations regarding unlicensed facilities and their responsibilities in reporting identified unlicensed operations.

### Placement Agency Defined: (Health & Safety Code 1569.47)

Any acute care hospital discharge planner or coordinator, county social service department, mental health department, public guardian, state-funded program or private agency providing placement or referral services, conservator and regional center.

### Unlicensed Facility Defined: (Health & Safety Code 1569.44 (Elderly) & 1503.5 (Adult))

A facility shall be deemed to be an “unlicensed facility” and “maintained and operated to provide residential [non-medical] care” if it is unlicensed and not exempt from licensure, and any one of the following conditions exist:

- The facility is providing care and supervision.
- The facility is held out as, or represented as, providing care and supervision.
- The facility accepts or retains residents who demonstrate the need for care and supervision.
- The facility represents itself as a licensed adult or elderly facility.

### Defining Elements of Care and Supervision:

The following are key assessment areas to assist placement agencies in determining if facility is possibly an unlicensed operation:

- Residents receiving care with activities of daily living, such as bathing, toileting, and dressing.
- Residents receiving assistance with medication administration and/or facility centrally stores medications.
- Facility is representative payee for resident.
- Facility arranges and/or provides transportation to doctor’s appointments.

### Placement Agency Responsibility: (Health & Safety Code 1569.47)

- A placement agency shall place individuals only in licensed residential care facilities or facilities which are exempt from licensure.
- No employee of a placement agency shall place, refer, or recommend placement of a person in a facility operating without a license.
- Any employee of a placement agency who knows, or reasonably suspects that a facility, which is not exempt from licensure, is operating without a license shall report the name and address of the facility to Community Care Licensing.
- A placement agency shall notify Community Care Licensing of any known or suspected incidents which would jeopardize the health or safety of residents in a residential care facility.
- **Failure to report unlicensed care and/or placement of patients in unlicensed facilities is a misdemeanor.**

Reports of known or suspected unlicensed facility operations are the investigative responsibility of Community Care Licensing and the Long-Term Care Ombudsman Program:

### **Department of Social Services, Community Care Licensing Division**

Intake phone: 844-538-8766 Intake email: [LetUsNo@dss.ca.gov](mailto:LetUsNo@dss.ca.gov)

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**WISE & Healthy Aging Long-Term Care Ombudsman Program of Los Angeles County**

800-334-9473 [ombudsman2@wiseandhealthyaging.org](mailto:ombudsman2@wiseandhealthyaging.org)

## Unlicensed Facility Screening Tool

If you answer yes to any of the following questions, you have identified an unlicensed facility that requires licensure and must be reported to Community Care Licensing, and additionally may be reported to the Long-Term Care Ombudsman Program. Placing patients who require any of the services described below in an identified unlicensed facility is prohibited under the law.

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 1. Does the unlicensed facility offer to store and administer medications?       | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the unlicensed facility offer to assist with activities of daily living? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Does the unlicensed facility offer representative payee service?              | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does the unlicensed facility offer to arrange medical appointments?           | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Does the unlicensed facility offer to transport to medical appointments?      | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does the unlicensed facility offer and provide skilled nursing care?          | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Does the unlicensed facility offer and provide care to bed bound patients?    | <input type="checkbox"/> | <input type="checkbox"/> |

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