

How California's Assisted Living System Falls Short in Addressing Residents' Health Care Needs

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The Problem: Can You Spot the Legal Violations in this California Assisted Living Job Announcement?

Answers

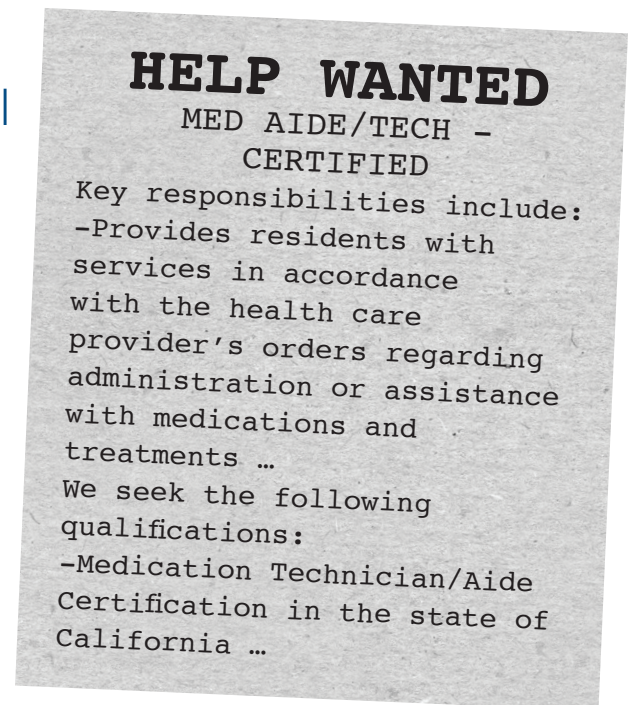
1. There is no such thing in California as a "certified med aide."
2. Medication administration in California must be performed by licensed health professionals such as nurses.

Then why does a California assisted living facility issue a job announcement like this? The answer likely lies in the behind-the-times state of California's assisted living policy.

In California, assisted living facilities are licensed as residential care facilities for the elderly (RCFEs). The RCFE system was created in 1985 for residents without significant health needs, but the 2015 reality is much different. RCFE residents today are much sicker than they used to be – many RCFE residents have care needs that just five or ten years ago would have required nursing facility admission.

It is good to create alternatives to nursing facility placements, but those alternatives should have solid quality of care standards. One troubling issue in RCFEs is administration of medication. Current law allows RCFE staff only to "assist" with a resident's "self-administration of medication." But what if a facility resident can no longer self-administer? In those cases, the law requires the facility to either hire a licensed person to administer the medication or evict the resident. But RCFEs are not required to have nurses on staff, and few do. And eviction is certainly not a desirable outcome in most circumstances.

Then who are "med techs" or "med aides"? In some states, these terms mean something. These states have set education and testing standards for persons who are certified to administer medication in assisted living facilities or comparable community care facilities. In California,



however, these terms are not defined in the law. Some people use the terms, improperly, to describe RCFE staff members who have been trained within the facility to assist residents with self-administration of medication. Also, various for-profit educational entities have popped up to offer courses that purport to offer California med aide/tech certification. (See an upcoming issue brief for a look at an online med aide course offered by a California vocational school.)

Many states have addressed this situation by creating real certification for medication aides and allowing such aides to administer medication only after training and demonstration of competence. There are yet other states who have chosen other ways of enabling competent administration of medication in assisted living settings. Determining which option makes sense for California will require careful thought, but one thing is clear: change is necessary to protect California's vulnerable aging population and maintain RCFEs as an appropriate residence for persons with greater care needs.

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This issue brief is the third in a series. The series explores how California's RCFE system addresses residents' health care needs, and how the system could be modified to better serve residents.

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