

§ 54327. Requirements for Special Incident Reporting by Vendors and Long-Term Health Care Facil...

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Title 17. Public Health

Division 2. Health and Welfare Agency--Department of Developmental Services
Regulations

Chapter 3. Community Services

Subchapter 2. Vendorization

Article 2. Vendorization Process

17 CCR § 54327

§ 54327. Requirements for Special Incident Reporting by Vendors and Long-Term Health Care Facilities.

Currentness

(a) Definitions: The following definitions apply to sections 54327 through 54327.2:

(1) "Abandonment" means when a person having care or custody of an individual served fails to be present or leaves the individual without necessary supports and services required for the individual under circumstances in which a reasonable person would continue to provide care and custody.

(2) "Aggravated Assault" means a willful, intentional attempt to violently injure another person using a firearm, a deadly weapon, or by means of force likely to produce great bodily injury, or that places an individual served in imminent fear of bodily injury, coupled with a present ability to commit the act. Aggravated assault does not necessarily involve any actual contact or injury. Aggravated assault includes assault on a particularly vulnerable victim or an assault that causes serious injury.

(3) "Battery" means as defined in Penal Code section 242.

(4) "Burglary" means as defined in Penal Code section 459.

(5) "Chemical Restraint" means an involuntary use of medication to sedate or otherwise control the behavior of an individual served and is not a standing medication, regularly prescribed, for the individual's medical or psychiatric condition.

(6) "Emotional or mental abuse" means intimidating behavior, threats, harassment, deceptive acts, or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress.

(7) "Exploitation" means forcing, compelling, or exerting undue influence over an individual to engage in, or assist others to engage in, prostitution, a live performance involving obscene sexual conduct, or to pose or model for a film, photograph, drawing, painting, or other depiction involving obscene sexual conduct.

(8) "Financial Abuse" means:

(A) When a person or entity takes, obtains, or retains the assets, money, or property of the individual served:

1. For a wrongful use, not for the individual's benefit, or with intent to defraud the individual; or

2. By undue influence or excessive persuasion that causes the individual served to act, or refrain from acting, against their free will and results in inequity; or

(B) Mismanagement of income, including Social Security Assistance or other government benefits or Personal and Incidental (P&I) funds, by the individual's representative payee.

(9) "Fraud" means intentional deception or misrepresentation made by an individual with the knowledge that the deception could result in some unauthorized benefit to themselves or some other person.

(10) "Hate Crime" means as defined in Penal Code section 422.55.

(11) "Hospitalization" means when an individual has been admitted to a hospital for an inpatient stay, regardless of the duration.

(12) "Human Trafficking" means as defined in Penal Code section 236.1.

(13) "Identity Theft" means as defined in Penal Code section 530.5

(14) "Individual Served" means an individual who has been determined by a regional center to meet the eligibility criteria of the Welfare and Institutions Code section 4512, and of title 17, sections 54000, 54001 and 54010, and for whom the regional center has accepted responsibility.

(15) "Internal Bleeding" means hemorrhage from an internal organ or site, but does not include bruising, contusions, or hematomas.

(16) "Isolation" means:

(A) Intentionally preventing an individual served from receiving personal mail or telephone calls;

(B) Telling a caller or prospective visitor that an individual served is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the individual served, whether the individual is competent or not, and is made for the purpose of preventing the individual from having contact with family, friends, or concerned persons; or

(C) False imprisonment.

(17) "Larceny" means as defined in Penal Code section 484.

(18) "Mechanical Restraint" means the use of a mechanical device, material, or equipment attached or adjacent to the person's body that they cannot easily remove and that restricts the freedom of movement of all or part of a person's body or restricts normal access to the person's body.

(19) "Medical Attention" means when an individual served is assessed and/or under the observation of a trained medical professional.

(20) "Medical Treatment Beyond First Aid" means when an individual served receives treatment by a trained medical professional beyond the one-time, short-term treatment administered immediately after the injury occurs and at the location where it occurred.

(21) "Neglect" means:

(A) When a person responsible for the care or custody an individual served negligently fails to exercise the care that a reasonable person in a like position would exercise.

(B) When the individual served fails to exercise the degree of self-care that a reasonable person in a like position would exercise.

(22) "Physical Abuse" means any intentional act of bodily contact that causes injury or trauma.

(23) "Physical Restraint" means use of a manual hold to restrict freedom of movement of all or part of the body of an individual served, or to restrict normal access to the individual's body, and that is used as a behavioral restraint.

(24) "Rape" means as defined in Penal Code section 261.

(25) "Robbery" means as defined in Penal Code section 211.

(26) "Sexual Abuse" means:

(A) Touching an intimate part of an individual if the touching is against the will of the person, the person is unlawfully restrained, or the person lacks capacity to give consent to the touching, and the touching is for the purpose of sexual arousal, sexual gratification or to cause injury or trauma; or

(B) Manipulating, threatening, or coercing an individual into engaging in sexual acts.

(27) "Simple Assault" means a willful, intentional attempt to injure another person or place them in imminent fear of bodily harm, coupled with a present ability to commit the act and that does not involve the use of a firearm, a deadly weapon, or by means of force likely to produce great bodily harm. Simple assault does not necessarily involve any actual contact or injury.

(28) "Stalking" means as defined in Penal Code section 646.9.

(29) "Verbal Abuse" means the use of words, gestures, or other communicative means to purposefully threaten, coerce, intimidate, harass, or humiliate an individual.

(b) Parent vendors, and individuals served who are vendored to provide services to themselves, are exempt from the special incident reporting requirements set forth in this Article.

(c) All vendors and long-term health care facilities shall report to the regional center the following special incidents regardless of when or where they occurred:

(1) The death of an individual served, regardless of cause.

(2) The individual served is the victim of any crime including, but not limited to, the following:

(A) Robbery;

(B) Aggravated assault;

(C) Larceny;

(D) Burglary;

(E) Rape, including attempts to commit rape;

(F) Simple assault;

- (G) Battery;
- (H) Fraud;
- (I) Identity or credit theft;
- (J) Attempted or actual homicide or manslaughter;
- (K) Human Trafficking;
- (L) Stalking; or
- (M) Hate Crime.

(d) All vendors and long-term health care facilities shall report to the regional center the following special incidents if they occurred during the time the individual was receiving services and supports from any vendor or long-term health care facility:

(1) The individual served is missing and the vendor or long-term health care facility has filed a missing persons' report with a law enforcement agency;

(2) Reasonably suspected abuse or exploitation including, but not limited to, the following:

(A) Physical;

(B) Sexual;

(C) Financial;

(D) Emotional or mental;

(E) Exploitation;

(F) Verbal;

(G) Isolation;

(H) Use of physical, mechanical, or chemical restraint, when:

1. The restraint technique is inconsistent with the program's approved program plan, restraint training curriculum, or restraint policy;

2. Used in response to behavior of the individual and the individual's behavior does not pose an imminent risk of harm;

3. Restraint is a part of an individual's plan and the used restraint is not an approved intervention in the individual's plan; or

4. The chemical or mechanical restraint is inconsistent with the physician's order; or

(I) Any incident of alleged abuse reported pursuant to the Elder and Dependent Adult Abuse Reporting Act commencing with Welfare and Institutions Code section 15600 or the Child Abuse and Neglect Reporting Act commencing with Penal Code section 11164.

(3) Reasonably suspected neglect including, but not limited to, the negligent failure to:

(A) Provide medical care for physical and mental health needs, including failing to administer required health care interventions;

(B) Prevent malnutrition or dehydration;

(C) Protect from health and safety hazards, including failing to prevent two or more falls in a thirty (30) day period;

(D) Assist in personal hygiene, including failure to assist with toileting or incontinency needs, or the provision of food, fluids, clothing, or shelter;

(E) Exercise the degree of care that a reasonable person in a like position of having the care or custody of an individual served would exercise;

(F) Abandonment; or

(G) Any incident of alleged neglect reported pursuant to the Elder and Dependent Adult Abuse Reporting Act commencing with Welfare and Institutions Code section 15600 or the Child Abuse and Neglect Reporting Act commencing with Penal Code section 11164.

(4) Any serious injury/accident including:

(A) Lacerations requiring sutures, staples, wound adhesive, or other wound closure beyond first aid;

(B) Puncture wounds requiring medical treatment beyond first aid;

(C) Fractures;

(D) Dislocations;

(E) Bites that break the skin and require medical treatment beyond first aid;

(F) Internal bleeding requiring medical treatment beyond first aid;

(G) Any medication errors;

(H) Medication reactions that require medical treatment beyond first aid;

(I) Burns that require medical treatment beyond first aid;

(J) Injury resulting from a seizure requiring medical treatment beyond first aid;

(K) Bruising, contusions, or hematomas, regardless of size, to:

1. The head, eyes, or neck; or
2. The breasts, genitals, rectal or anal area;

(L) Bruising, contusions, or hematomas 2 inches or greater;

(M) Injury resulting from aggressive contact from another individual requiring medical treatment beyond first aid;

(N) Pressure injuries stage 2 or greater or unstageable; or

(O) Any head injury, including concussion, requiring medical attention;

(5) Any unplanned or unscheduled hospitalization due to the following conditions:

(A) Respiratory illness, including but not limited to, asthma, tuberculosis, and chronic obstructive pulmonary disease;

(B) Seizure-related;

(C) Cardiac-related, including but not limited to, congestive heart failure, hypertension, and angina;

(D) Internal Infections, including but not limited to, ear, nose and throat, gastrointestinal, kidney, dental, pelvic, or urinary tract;

(E) Diabetes, including diabetes-related complications;

(F) Wound/skin care, including but not limited to, cellulitis and decubitus;

(G) Nutritional deficiencies, including but not limited to, anemia and dehydration;

(H) Bowel obstruction; or

(I) Involuntary psychiatric admission.

(6) Any stay in a hospital emergency room lasting five days or more.

(e) The report pursuant to subsections (c) and (d) shall be submitted to the regional center having case management responsibility for the individual served.

(f) When the regional center with case management responsibility is not the vendoring regional center, the vendor or long-term health care facility shall submit the report pursuant to subsections (c), (d) and (g) to both the regional center having case management responsibility and the vendoring regional center.

(g) The vendor's or long-term health care facility's special incident report to the regional center pursuant to subsections (e) and (f), shall include, but not be limited to:

(1) The vendor or long-term health care facility's name, address and telephone number;

(2) The date, time, and location of the special incident;

(3) The name and date of birth of the individual served for whom the special incident report is submitted;

(4) The name(s) of any other individual(s) served who were involved in the special incident;

(5) A description of the special incident;

(6) A description (e.g., age, height, weight, occupation, relationship to individual served) of the alleged perpetrator(s) of the special incident, if applicable;

(7) The treatment provided to the individual served, if any;

(8) The name(s) and address(es) of any witness(es) to the special incident;

(9) The action(s) taken by the vendor, the individual served, or any other agency(ies) or individual(s) in response to the special incident;

(10) The law enforcement, licensing, protective services, and/or other agencies or individuals notified of the special incident or involved in the special incident; and

(11) The family member(s), if applicable, and/or the authorized representative of the individual served, if applicable, who have been contacted and informed of the special incident.

(h) The report pursuant to subsections (c) and (d) shall be submitted to the regional center by telephone, electronic submission or FAX immediately, but not more than 24 hours after learning of the occurrence of the special incident.

(i) The vendor or long-term health care facility shall submit a written report of the special incident to the regional center within 48 hours after learning of the occurrence of the special incident, unless a written report was otherwise provided pursuant to subsection (g). The report pursuant to this subsection may be made by FAX, or electronic submission.

(j) When a vendor makes a report of an event to the Department of Social Services' Community Care Licensing Division pursuant to title 22, California Code of Regulations, section 80061(b) the vendor shall simultaneously report the event to the regional center by telephone, FAX, or electronic submission.

(1) The vendor shall concurrently submit to the regional center a copy of any subsequent written report regarding the event that is submitted to the Department of Social Services' Community Care Licensing Division.

(k) When a long-term health care facility reports an unusual occurrence to the Department of Public Health's Licensing and Certification Division pursuant to title 22, California Code of Regulations, sections 72541, 75339, 76551 or 76923, the long-term health care facility shall simultaneously report the unusual occurrence to the regional center immediately by telephone, FAX or electronic submission.

(1) The long-term health care facility shall concurrently submit to the regional center a copy of any subsequent report, or any written confirmation of the unusual occurrence, that is submitted to the Department of Public Health's Licensing and Certification Division.

(l) The vendor or long-term health care facility may submit to the regional center a copy of the report submitted to a licensing agency when the report to the licensing agency contains all the information specified in subsection (g)(1) through (11).

(m) These regulations shall not remove or change any reporting obligations under the Elder and Dependent Adult Abuse Reporting Act commencing with Welfare and Institutions Code section 15600 or the Child Abuse and Neglect Reporting Act commencing with Penal Code section 11164.

Credits

Note: Authority cited: Section 4405, Welfare and Institutions Code; and Section 11152, Government Code. Reference: Sections 4502, 4427.5, 4436.5, 4648, 4648.1, 4659.2, 4742 and 15600, Welfare and Institutions Code; and Section 11164, Penal Code.

History

1. New section filed 6-29-98 as an emergency; operative 6-29-98 (Register 98, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-27-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 10-20-98 as an emergency; operative 10-27-98 (Register 98, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-24-99 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 10-20-98 order, including further amendment of section, transmitted to OAL 12-31-98 and filed 2-17-99 (Register 99, No. 8).

4. Amendment filed 6-27-2001 as an emergency; operative 7-1-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-29-2001 or emergency language will be repealed by operation of law on the following day.
5. Reinstatement of section as it existed prior to 6-27-2001 emergency amendment by operation of Government Code section 11346.1(f) (Register 2001, No. 43).
6. Amendment filed 10-25-2001 as an emergency; operative 10-31-2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-28-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10-25-2001 order, including further amendment of section, transmitted to OAL 2-28-2002 and filed 4-10-2002 (Register 2002, No. 15).
8. Change without regulatory effect amending subsection (b)(2)(B)5. filed 5-27-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 22).
9. Amendment of section and Note filed 6-11-2025; operative 5-1-2026 pursuant to Government Code section 11343.4(b)(3) (Register 2025, No. 24).

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