

AMENDED IN ASSEMBLY AUGUST 13, 2002

AMENDED IN ASSEMBLY JUNE 20, 2002

AMENDED IN SENATE APRIL 17, 2002

SENATE BILL

No. 1982

Introduced by Senator Perata

(Coauthors: Assembly Members Alquist and Havice)

February 22, 2002

An act to ~~amend Section 15432 of the Government Code~~, to amend Sections 1502, 1523.1, and 1531.2 of, *to add Section 1530.1*, and to repeal Section 1502.2 of, the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1982, as amended, Perata. Community care facilities: definition.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, as defined, by the State Department of Social Services.

Existing law defines a community care facility to include an adult day care facility as a facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Under existing law, a community care facility also includes an adult day support center, which is a community-based group program designed to meet specified needs of functionally impaired adults, in a protective setting on less than a 24-hour basis.

This bill would delete the definition of an adult day care facility for purposes of the act, and would revise the definition of an adult day support center to mean any community-based facility *or program* that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis. The bill would also redesignate adult day support centers as adult day programs.

This bill would require the department to adopt regulations to combine the existing categories of adult day care centers and adult day support centers into the new adult day program category. The bill would make additional conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares as
2 follows:
- 3 (1) Over the past 20 years, new models of service have emerged
4 for persons with developmental disabilities, elders with functional
5 or cognitive impairments, and other adults needing daytime
6 assistance outside of the home.
- 7 (2) Day programs provide a wide variety of services, ranging
8 from respite for caregivers to independent living skill training for
9 persons with developmental disabilities.
- 10 (3) This diversity of programs is a major strength of
11 California's community-based services, which are designed to
12 meet the individual needs of persons using these services.
- 13 (4) Licensing rules and regulations have not kept pace with
14 changing community practices and service models.
- 15 (5) There is a need to modernize the rules governing the
16 licensure of adult day programs in keeping with the state's policy
17 to offer consumers choices and to provide services in the least
18 restrictive setting.
- 19 (6) The current separate community care licensing categories
20 for adult day care and adult day support programs create
21 unnecessary complexity and confusion for consumers, providers,
22 and regulators.



1 (b) Therefore, it is the intent of the Legislature in enacting this
2 act to improve consumer access to community care licensed
3 programs by consolidating the licensure categories of adult day
4 care and adult day support and associated regulations.

5 ~~(e) (1) The department shall adopt regulations, in consultation
6 with providers, consumers, and other interested parties, to
7 combine adult day care and adult day support centers licensing
8 categories into one category, which shall be designated adult day
9 programs.~~

10 ~~(2) The consolidated regulations shall take into account the
11 diversity of consumers and their caregivers, and the role of
12 licensing in promoting consumer choice, health and safety,
13 independence, and inclusion in the community.~~

14 ~~(3) The department shall also take into account the diversity of
15 existing programs designed to meet unique consumer needs,
16 including, but not limited to, programs serving elders with
17 cognitive or physical impairments, non-facility-based programs
18 serving persons with developmental disabilities, respite-only
19 programs, and other programs serving a unique population.~~

20 ~~SEC. 2. Section 15432 of the Government Code is amended
21 to read:~~

22 ~~15432. As used in this part, the following words and terms
23 shall have the following meanings, unless the context clearly
24 indicates or requires another or different meaning or intent:~~

25 ~~(a) "Act" means the California Health Facilities Financing
26 Authority Act.~~

27 ~~(b) "Authority" means the California Health Facilities
28 Financing Authority created by this part or any board, body,
29 commission, department, or officer succeeding to the principal
30 functions thereof or to which the powers conferred upon the
31 authority by this part shall be given by law.~~

32 ~~(c) "Cost," as applied to a project or portion of a project
33 financed under this part, means and includes all or any part of the
34 cost of construction and acquisition of all lands, structures, real or
35 personal property, rights, rights of way, franchises, easements,
36 and interests acquired or used for a project, the cost of demolishing
37 or removing any buildings or structures on land so acquired,
38 including the cost of acquiring any lands to which those buildings
39 or structures may be moved, the cost of all machinery and
40 equipment, financing charges, interest prior to, during, and for a~~



1 period not to exceed the later of one year or one year following
2 completion of construction, as determined by the authority, the
3 cost of funding or financing noncapital expenses, reserves for
4 principal and interest and for extensions, enlargements, additions,
5 replacements, renovations and improvements, the cost of
6 engineering, reasonable financial and legal services, plans,
7 specifications, studies, surveys, estimates, administrative
8 expenses, and other expenses of funding or financing or necessary
9 or incident to determining the feasibility of constructing, any
10 project or incident to the construction or acquisition or financing
11 of any project.

12 (d) “Health facility” means any facility, place, or building
13 which is organized, maintained, and operated for the diagnosis,
14 care, prevention, and treatment of human illness, physical or
15 mental, or developmental disability, including convalescence and
16 rehabilitation and including care during and after pregnancy, or for
17 any one or more of these purposes, for one or more persons, to
18 which the persons are admitted for a 24-hour stay or longer, except
19 in the cases of county outpatient facilities, adult day programs, as
20 defined under paragraph (2) of subdivision (a) of Section 1502 of
21 the Health and Safety Code, which provide services to
22 developmentally disabled or mentally impaired persons,
23 community clinics, as defined in paragraph (6), and child day care
24 facilities, as defined in paragraph (10), and includes all of the
25 following types:

26 (1) A general acute care hospital which is a health facility
27 having a duly constituted governing body with overall
28 administrative and professional responsibility and an organized
29 medical staff which provides 24-hour inpatient care, including the
30 following basic services: medical, nursing, surgical, anesthesia,
31 laboratory, radiology, pharmacy, and dietary services.

32 (2) An acute psychiatric hospital which is a health facility
33 having a duly constituted governing body with overall
34 administrative and professional responsibility and an organized
35 medical staff which provides 24-hour inpatient care for mentally
36 disordered, incompetent, or other patients referred to in Division
37 5 (commencing with Section 5000) or Division 6 (commencing
38 with Section 6000) of the Welfare and Institutions Code, including
39 the following basic services: medical, nursing, rehabilitative,
40 pharmacy, and dietary services.



1 ~~(3) A skilled nursing facility which is a health facility which~~
2 ~~provides the following basic services: skilled nursing care and~~
3 ~~supportive care to patients whose primary need is for availability~~
4 ~~of skilled nursing care on an extended basis.~~

5 ~~(4) An intermediate care facility which is a health facility~~
6 ~~which provides the following basic services: inpatient care to~~
7 ~~ambulatory or semiambulatory patients who have recurring need~~
8 ~~for skilled nursing supervision and need supportive care, but who~~
9 ~~do not require availability of continuous skilled nursing care.~~

10 ~~(5) A special health care facility which is a health facility~~
11 ~~having a duly constituted governing body with overall~~
12 ~~administrative and professional responsibility and an organized~~
13 ~~medical or dental staff which provides inpatient or outpatient,~~
14 ~~acute or nonacute care, including, but not limited to, medical,~~
15 ~~nursing, rehabilitation, dental, or maternity.~~

16 ~~(6) A community clinic which is a clinic operated by a~~
17 ~~tax-exempt nonprofit corporation which is supported and~~
18 ~~maintained in whole or in part by donations, bequests, gifts, grants,~~
19 ~~government funds or contributions, which may be in the form of~~
20 ~~money, goods, or services. In a community clinic, any charges to~~
21 ~~the patient shall be based on the patient's ability to pay, utilizing~~
22 ~~a sliding fee scale. No corporation other than a nonprofit~~
23 ~~corporation, exempt from federal income taxation under~~
24 ~~paragraph (3) of subsection (e) of Section 501 of the Internal~~
25 ~~Revenue Code of 1954 as amended, or a statutory successor~~
26 ~~thereof, shall operate a community clinic. However, the licensee~~
27 ~~of any community clinic so licensed on September 26, 1978, shall~~
28 ~~not be required to obtain tax exempt status under either federal or~~
29 ~~state law. No natural person or persons shall operate a community~~
30 ~~clinic.~~

31 ~~(7) An adult day health center which is a facility, as defined~~
32 ~~under subdivision (b) of Section 1570.7 of the Health and Safety~~
33 ~~Code, which provides adult day health care, as defined under~~
34 ~~subdivision (a) of Section 1570.7 of the Health and Safety Code.~~

35 ~~(8) Any other type of facility for the provision of inpatient or~~
36 ~~outpatient care which is a county health facility, as defined in~~
37 ~~subdivision (a) of Section 16715 of the Welfare and Institutions~~
38 ~~Code, (without regard to whether funding is provided for the~~
39 ~~facility under that section).~~



1 ~~(9) A multilevel facility is an institutional arrangement where~~
2 ~~a residential facility for the elderly is operated as a part of, or in~~
3 ~~conjunction with, an intermediate care facility, a skilled nursing~~
4 ~~facility, or a general acute care hospital. “Elderly,” for the~~
5 ~~purposes of this paragraph, means a person 62 years of age or older.~~

6 ~~(10) A child day care facility operated in conjunction with a~~
7 ~~health facility. A child day care facility is a facility, as defined in~~
8 ~~Section 1596.750 of the Health and Safety Code. For purposes of~~
9 ~~this paragraph, “child” means a minor from birth to 18 years of~~
10 ~~age.~~

11 ~~(11) An intermediate care facility/developmentally disabled~~
12 ~~habilitative which is a health facility, as defined under subdivision~~
13 ~~(e) of Section 1250 of the Health and Safety Code.~~

14 ~~(12) An intermediate care facility/developmentally~~
15 ~~disabled nursing which is a health facility, as defined under~~
16 ~~subdivision (h) of Section 1250 of the Health and Safety Code.~~

17 ~~(13) A community care facility which is a facility, as defined~~
18 ~~under subdivision (a) of Section 1502 of the Health and Safety~~
19 ~~Code, which provides care, habilitation, rehabilitation, or~~
20 ~~treatment services to developmentally disabled or mentally~~
21 ~~impaired persons.~~

22 ~~(14) A nonprofit community care facility, as defined in~~
23 ~~subdivision (a) of Section 1502 of the Health and Safety Code,~~
24 ~~other than a facility which, as defined in that subdivision, is a~~
25 ~~residential facility for the elderly, a foster family agency, a foster~~
26 ~~family home, a full service adoption agency, or a noncustodial~~
27 ~~adoption agency.~~

28 ~~(15) A nonprofit accredited community work activity~~
29 ~~program, as specified in subdivision (e) of Section 19352 and~~
30 ~~Section 19355 of the Welfare and Institutions Code.~~

31 ~~(16) A community mental health center, as defined in~~
32 ~~paragraph (3) of subdivision (b) of Section 5667 of the Welfare and~~
33 ~~Institutions Code.~~

34 ~~“Health facility” includes a clinic which is described in~~
35 ~~subdivision (l) of Section 1206 of the Health and Safety Code.~~

36 ~~“Health facility” includes the following facilities, if operated~~
37 ~~in conjunction with one or more of the above types of facilities: a~~
38 ~~laboratory, laundry, nurses or interns residence, housing for staff~~
39 ~~or employees and their families, patients or relatives of patients,~~
40 ~~physicians’ facility, administration building, research facility,~~



1 maintenance, storage, or utility facility and all structures or
2 facilities related to any of the foregoing or required or useful for
3 the operation of a health facility, and the necessary and usual
4 attendant and related facilities and equipment and including
5 parking and supportive service facilities or structures required or
6 useful for the orderly conduct of the health facility.

7 “Health facility” does not include any institution, place, or
8 building used or to be used primarily for sectarian instruction or
9 study or as a place for devotional activities or religious worship.

10 (e) “Participating health institution” means a city, city and
11 county, county, a district hospital, or a private nonprofit
12 corporation or association authorized by the laws of this state to
13 provide or operate a health facility and which, pursuant to the
14 provisions of this part, undertakes the financing or refinancing of
15 the construction or acquisition of a project or of working capital
16 as provided in this part. “Participating health institution” also
17 includes, for purposes of the California Health Facilities Revenue
18 Bonds (UCSF-Stanford Health Care) 1998 Series A, the Regents
19 of the University of California.

20 (f) “Project” means construction, expansion, remodeling,
21 renovation, furnishing, or equipping, or funding or financing of a
22 health facility or acquisition of a health facility to be financed or
23 refinanced with funds provided in whole or in part pursuant to this
24 part. “Project” may include any combination of one or more of the
25 foregoing undertaken jointly by any participating health
26 institution with one or more other participating health institutions.

27 (g) “Revenue bond” means any bond, warrant, note, lease, or
28 installment sale obligation that is evidenced by a certificate of
29 participation or other evidence of indebtedness issued by the
30 authority.

31 (h) “Working capital” means moneys to be used by, or on
32 behalf of, a participating health institution to pay or prepay
33 maintenance or operation expenses or any other costs that would
34 be treated as an expense item, under generally accepted accounting
35 principles, in connection with the ownership or operation of a
36 health facility, including, but not limited to, reserves for
37 maintenance or operation expenses, interest for not to exceed one
38 year on any loan for working capital made pursuant to this part, and
39 reserves for debt service with respect to, and any costs necessary
40 or incidental to, that financing.



1 ~~SEC. 3.—~~

2 SEC. 2. Section 1502 of the Health and Safety Code is
3 amended to read:

4 1502. As used in this chapter:

5 (a) “Community care facility” means any facility, place, or
6 building that is maintained and operated to provide nonmedical
7 residential care, day treatment, adult day care, or foster family
8 agency services for children, adults, or children and adults,
9 including, but not limited to, the physically handicapped, mentally
10 impaired, incompetent persons, and abused or neglected children,
11 and includes the following:

12 (1) “Residential facility” means any family home, group care
13 facility, or similar facility determined by the director, for 24-hour
14 nonmedical care of persons in need of personal services,
15 supervision, or assistance essential for sustaining the activities of
16 daily living or for the protection of the individual.

17 (2) “Adult day program” means any community-based facility
18 or program that provides care to persons 18 years of age or older
19 in need of personal services, supervision, or assistance essential
20 for sustaining the activities of daily living or for the protection of
21 these individuals on less than a 24-hour basis.

22 (3) “Therapeutic day services facility” means any facility that
23 provides nonmedical care, counseling, educational or vocational
24 support, or social rehabilitation services on less than a 24-hour
25 basis to persons under 18 years of age who would otherwise be
26 placed in foster care or who are returning to families from foster
27 care. Program standards for these facilities shall be developed by
28 the department, pursuant to Section 1530, in consultation with
29 therapeutic day services and foster care providers.

30 (4) “Foster family agency” means any organization engaged
31 in the recruiting, certifying, and training of, and providing
32 professional support to, foster parents, or in finding homes or other
33 places for placement of children for temporary or permanent care
34 who require that level of care as an alternative to a group home.
35 Private foster family agencies shall be organized and operated on
36 a nonprofit basis.

37 (5) “Foster family home” means any residential facility
38 providing 24-hour care for six or fewer foster children that is
39 owned, leased, or rented and is the residence of the foster parent
40 or parents, including their family, in whose care the foster children



1 have been placed. The placement may be by a public or private
2 child placement agency or by a court order, or by voluntary
3 placement by a parent, parents, or guardian. It also means a foster
4 family home described in Section 1505.2.

5 (6) “Small family home” means any residential facility, in the
6 licensee’s family residence, that provides 24-hour care for six or
7 fewer foster children who have mental disorders or developmental
8 or physical disabilities and who require special care and
9 supervision as a result of their disabilities. A small family home
10 may accept children with special health care needs, pursuant to
11 subdivision (a) of Section 17710 of the Welfare and Institutions
12 Code. In addition to placing children with special health care
13 needs, the department may approve placement of children without
14 special health care needs, up to the licensed capacity.

15 (7) “Social rehabilitation facility” means any residential
16 facility that provides social rehabilitation services for no longer
17 than 18 months in a group setting to adults recovering from mental
18 illness who temporarily need assistance, guidance, or counseling.
19 Program components shall be subject to program standards
20 pursuant to Article 1 (commencing with Section 5670) of Chapter
21 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

22 (8) “Community treatment facility” means any residential
23 facility that provides mental health treatment services to children
24 in a group setting and that has the capacity to provide secure
25 containment. Program components shall be subject to program
26 standards developed and enforced by the State Department of
27 Mental Health pursuant to Section 4094 of the Welfare and
28 Institutions Code.

29 Nothing in this section shall be construed to prohibit or
30 discourage placement of persons who have mental or physical
31 disabilities into any category of community care facility that meets
32 the needs of the individual placed, if the placement is consistent
33 with the licensing regulations of the department.

34 (9) “Full-service adoption agency” means any licensed entity
35 engaged in the business of providing adoption services, that does
36 all of the following:

37 (A) Assumes care, custody, and control of a child through
38 relinquishment of the child to the agency or involuntary
39 termination of parental rights to the child.



1 (B) Assesses the birth parents, prospective adoptive parents, or
2 child.

3 (C) Places children for adoption.

4 (D) Supervises adoptive placements.

5 Private full-service adoption agencies shall be organized and
6 operated on a nonprofit basis.

7 (10) “Noncustodial adoption agency” means any licensed
8 entity engaged in the business of providing adoption services, that
9 does all of the following:

10 (A) Assesses the prospective adoptive parents.

11 (B) Cooperatively matches children freed for adoption, who
12 are under the care, custody, and control of a licensed adoption
13 agency, for adoption, with assessed and approved adoptive
14 applicants.

15 (C) Cooperatively supervises adoptive placements with a
16 full-service adoptive agency, but does not disrupt a placement or
17 remove a child from a placement.

18 Private noncustodial adoption agencies shall be organized and
19 operated on a nonprofit basis.

20 (11) “Transitional shelter care facility” means any group care
21 facility that provides for 24-hour nonmedical care of persons in
22 need of personal services, supervision, or assistance essential for
23 sustaining the activities of daily living or for the protection of the
24 individual. Program components shall be subject to program
25 standards developed by the State Department of Social Services
26 pursuant to Section 1502.3.

27 (12) “Transitional housing placement facility” means a
28 community care facility licensed by the department pursuant to
29 Section 1559.110 to provide transitional housing opportunities to
30 persons at least 17 years of age, and not more than 18 years of age
31 unless the requirements of Section 11403 of the Welfare and
32 Institutions Code are met, who are in out-of-home placement
33 under the supervision of the county department of social services
34 or the county probation department, and who are participating in
35 an independent living program.

36 (b) “Department” or “state department” means the State
37 Department of Social Services.

38 (c) “Director” means the Director of Social Services.

39 ~~SEC. 4.—~~



1 SEC. 3. Section 1502.2 of the Health and Safety Code is
2 repealed.

3 ~~SEC. 5.—~~

4 SEC. 4. Section 1523.1 of the Health and Safety Code is
5 amended to read:

6 1523.1. (a) (1) A fee adjusted by facility and capacity shall
7 be charged by the department for the issuance of an original license
8 or special permit or for processing any application therefor. After
9 initial licensure, the fee shall be charged by the department
10 annually on each anniversary of the effective date of the license or
11 special permit. The fee is for the purpose of financing a portion of
12 the application and annual processing costs and the activities
13 specified in subdivision (b). The fee shall be assessed as follows:
14

15 Fee Schedule				
		16 Original		
17 Facility Type	Capacity	Application	Annual	
18 Foster Family and Adop- 19 tion Agencies		\$1,000	\$1,000	
20 Other Community	1-6	\$300	\$300	
21 Care Facilities,	7-15	\$450	\$450	
22 Except Adult Day Support 23 Centers Programs	16-49	\$600	\$600	
24 Adult Day 25 Programs	50+	\$750	\$750	
	1-15	\$0	\$50	
	16-30	\$100	\$100	
	26 31-60	\$200	\$200	
	27 61-75	\$250	\$250	
28	76-90	\$300	\$300	
	29 91-120	\$400	\$400	
	30 121+	\$500	\$500	

31
32 (2) Certified family homes of foster family agencies and foster
33 family homes shall be exempt from the fees imposed pursuant to
34 this subdivision.

35 (3) No local jurisdiction shall impose any business license, fee,
36 or tax for the privilege of operating a facility licensed under this
37 chapter which serves six or fewer persons.

38 (b) (1) The revenues collected from licensing fees pursuant to
39 this section shall be utilized by the department to fund increased



1 assistance and monitoring of facilities with a history of
2 noncompliance with licensing laws and regulations pursuant to
3 this chapter, and other administrative activities in support of the
4 licensing program, when appropriated for these purposes. The
5 revenues collected shall be used in addition to any other funds
6 appropriated in the Budget Act in support of the licensing
7 program.

8 (2) The department shall not utilize any portion of these
9 revenues sooner than 30 days after notification in writing of the
10 purpose and use of this revenue, as approved by the Director of
11 Finance, to the Chairperson of the Joint Legislative Budget
12 Committee, and the chairpersons of the committee in each house
13 that considers appropriations for each fiscal year. For fiscal year
14 1992–93 and thereafter, the department shall submit a budget
15 change proposal to justify any positions or any other related
16 support costs on an ongoing basis.

17 (c) A facility may use a bona fide business check to pay the
18 license fee required under this section.

19 (d) Failure to pay required license fees, including the finding
20 of insufficient funds to cover bona fide business checks submitted
21 for the purpose shall constitute grounds for denial of a license or
22 special permit or forfeiture of a license or special permit.

23 *SEC. 5. Section 1530.1 is added to the Health and Safety*
24 *Code, to read:*

25 *1530.1. (a) The department shall adopt regulations, in*
26 *consultation with providers, consumers, and other interested*
27 *parties, to combine adult day care and adult day support centers*
28 *licensing categories into one category, which shall be designated*
29 *adult day programs.*

30 *(b) The consolidated regulations shall take into account the*
31 *diversity of consumers and their caregivers, and the role of*
32 *licensing in promoting consumer choice, health and safety,*
33 *independence, and inclusion in the community.*

34 *(c) The department shall also take into account the diversity of*
35 *existing programs designed to meet unique consumer needs,*
36 *including, but not limited to, programs serving elders with*
37 *cognitive or physical impairments, non-facility-based programs*
38 *serving persons with developmental disabilities, respite-only*
39 *programs, and other programs serving a unique population.*



1 SEC. 6. Section 1531.2 of the Health and Safety Code, as
2 added by Chapter 729 of the Statutes of 1998, is amended to read:

3 1531.2. (a) Upon the filing by the department of emergency
4 regulations with the Secretary of State, an adult day ~~support center~~
5 *program*, as defined in Division 6 of Title 22 of the California
6 Code of Regulations, or Section 1502, that provides care and
7 supervision for adults with Alzheimer’s disease and other
8 dementias may install for the safety and security of these persons
9 secured perimeter fences or egress control devices of the
10 time-delay type on exit doors if they meet all of the requirements
11 for additional safeguards required by those regulations. The initial
12 adoption of new emergency regulations on and after January 1,
13 1999, shall be deemed to be an emergency and necessary for the
14 immediate preservation of the public peace, health and safety, or
15 general welfare.

16 (b) As used in this section, “egress control device” means a
17 device that precludes the use of exits for a predetermined period
18 of time. An egress control device shall not delay any client’s
19 departure from the facility for longer than 30 seconds. Facility
20 staff may attempt to redirect a client who attempts to leave the
21 facility.

22 (c) A facility that installs an egress control device pursuant to
23 this section shall meet all of the following requirements:

24 (1) The facility shall be subject to all fire and building codes,
25 regulations, and standards applicable to adult day support centers
26 using egress control devices or secured perimeter fences and
27 before using an egress control device shall receive a fire clearance
28 from the fire authority having jurisdiction for the egress control
29 devices.

30 (2) The facility shall require any client entering the facility to
31 provide documentation of a diagnosis by a physician of
32 Alzheimer’s disease or other dementias, if such a diagnosis has
33 been made. For purposes of this section, Alzheimer’s disease shall
34 include dementia and related disorders that increase the tendency
35 to wander, decrease hazard awareness, and decrease the ability to
36 communicate.

37 (3) The facility shall provide staff training regarding the use
38 and operation of the egress control devices used by the facility, the
39 protection of clients’ personal rights, wandering behavior and



1 acceptable methods of redirection, and emergency evacuation
2 procedures for persons with dementia.

3 (4) All admissions to the facility shall continue to be voluntary
4 on the part of the client or with the lawful consent of the client's
5 conservator or a person who has the authority to act on behalf of
6 the client. Persons who have the authority to act on behalf of a
7 client may include the client's spouse, relative or relatives, or
8 designated care giver or care givers.

9 (5) Any client entering a facility pursuant to this section who
10 does not have a conservator or does not have a person with the
11 authority to act on his or her behalf shall sign a statement of
12 voluntary entry. The facility shall retain the original statement in
13 the client's file at the facility.

14 (6) The use of egress control devices or secured perimeter
15 fences shall not substitute for adequate staff. Staffing ratios shall
16 at all times meet the requirements of applicable regulations.

17 (7) Emergency fire and earthquake drills shall be conducted at
18 least once every three months, or more frequently as required by
19 a county or city fire department or local fire prevention district.
20 The drills shall include all facility staff and volunteers providing
21 client care and supervision.

22 (8) The facility shall develop a plan of operation approved by
23 the department that includes a description of how the facility is to
24 be equipped with egress control devices that are consistent with
25 regulations adopted by the State Fire Marshal pursuant to Section
26 13143. The plan shall include, but not be limited to, all of the
27 following:

28 (A) A description of how the facility will provide training to
29 staff regarding the use and operation of the egress control device
30 utilized by the facility.

31 (B) A description of how the facility will ensure the protection
32 of the residents' personal rights consistent with Sections 4502,
33 4503, and 4504 of the Welfare and Institutions Code.

34 (C) A description of the facility's emergency evacuation
35 procedures for persons with Alzheimer's disease and other
36 dementias.

37 (d) This section does not require an adult day care facility or an
38 adult day support center to use secured perimeters or egress control
39 devices in providing care for persons with Alzheimer's disease or
40 other dementias.



1 (e) The department shall adopt regulations to implement this
2 section in accordance with those provisions of the Administrative
3 Procedure Act contained in Chapter 3.5 (commencing with
4 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
5 Code.

6 (f) The State Fire Marshal may also adopt regulations to
7 implement this section.

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