

Introduced by Senator Soto

February 20, 2003

An act to add Section 1569.682 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 540, as introduced, Soto. Residential care facilities for the elderly: special services.

Existing law provides for the regulation and licensure of residential care facilities for the elderly by the State Department of Social Services. A violation of these provisions is a misdemeanor.

This bill would require a licensee of a residential care facility for the elderly that represents, advertises, or promotes special services for persons with dementia or any other specific health condition to disclose to each prospective resident prior to admission specified information regarding the nature of the special services provided. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 1569.682 is added to the Health and
2 Safety Code, to read:

3 1569.682. A licensee of a residential care facility for the
4 elderly that represents, advertises, or promotes special care,
5 programming, or environments for persons with dementia or any
6 other specific health condition, shall disclose to each prospective
7 resident prior to admission how its program and services differ
8 from the basic services provided. At a minimum, the licensee shall
9 disclose the following information to each prospective resident
10 prior to admission:

11 (a) The licensee’s philosophy regarding the special care
12 program.

13 (b) The process and criteria for placement in, and transfer and
14 discharge from, the facility and any specialized unit.

15 (c) The process for assessing residents and establishing
16 individualized care plans.

17 (d) The number of specialized direct care staff, staff
18 qualifications, specialized staff training, and continuing education
19 practices relevant to the special care program.

20 (e) The physical plant and design features appropriate to
21 support the functioning and safety of residents with specific
22 conditions.

23 (f) The frequency and types of activities offered to residents.

24 (g) Options for family involvement and availability of family
25 support programs.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

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