

AMENDED IN SENATE APRIL 1, 2003

**SENATE BILL**

**No. 540**

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**Introduced by Senator Soto**

February 20, 2003

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An act to add Section ~~1569.682~~ 1569.628 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 540, as amended, 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, *in writing*, 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~~ 1569.628 is added to the  
2 Health and Safety Code, to read:

3 ~~1569.682.—A~~

4 1569.628. *In addition to the information required by Section*  
5 *1569.627, a licensee of a residential care facility for the elderly*  
6 *that represents, advertises, or promotes special care,*  
7 *programming, or environments for persons with dementia or any*  
8 *other specific health condition, shall disclose, in writing, to each*  
9 *prospective resident prior to admission how its program and*  
10 *services differ from the basic services provided. At a minimum,*  
11 *the licensee shall disclose the following information to each*  
12 *prospective resident prior to admission:*

13 ~~(a) The licensee’s philosophy regarding the special care~~  
14 ~~program.~~

15 ~~(b)—~~

16 (a) The process and criteria for placement in, and transfer and  
17 discharge from, the facility and any specialized unit.

18 ~~(c)—~~

19 (b) The process for assessing residents ~~and establishing~~  
20 ~~individualized care plans.~~

21 ~~(d) The number of specialized direct care staff, staff~~  
22 ~~qualifications, specialized staff training, and continuing education~~  
23 ~~practices relevant to the special care program.~~

24 ~~(e) The physical plant and design features appropriate to~~  
25 ~~support the functioning and safety of residents with specific~~  
26 ~~conditions.~~

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

28 ~~(g) Options for family involvement and availability of family~~  
29 ~~support programs., establishing individualized care plans, and~~  
30 ~~monitoring changes in condition as they occur.~~

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



1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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