

AMENDED IN SENATE APRIL 23, 2003

AMENDED IN SENATE APRIL 1, 2003

SENATE BILL

No. 540

Introduced by Senator Soto

February 20, 2003

An act to add Section 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 *and programs* for persons with ~~dementia~~ or any other specific health condition, *as defined*, to ~~disclose~~ *provide* to each prospective resident prior to admission ~~specified information—a narrative description of these services and programs~~, in writing, ~~regarding the nature of the special services provided~~. *The bill would require all reasonable efforts to be made to communicate this information to a person who is unable to read it himself or herself.* 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 1569.628 is added to the Health and
2 Safety Code, to read:

3 ~~1569.628. In addition to the information required by Section~~
4 ~~1569.627, a~~

5 1569.628. (a) *“Specific health condition” means a health*
6 *condition for which the facility advertises or promotes special care*
7 *or programs to persons with the affected condition. These*
8 *conditions may include, but are not limited to, diabetes, dementia,*
9 *incontinence, and memory loss.*

10 (b) A licensee of a residential care facility for the elderly that
11 ~~represents, advertises, advertises~~ or promotes special care,
12 programming, or environments for persons with dementia or any
13 other specific health condition, shall disclose, in writing, to each
14 prospective resident prior to admission how its program and
15 services differ from the basic services provided. At a minimum,
16 the licensee shall disclose the following information to each
17 prospective resident prior to admission:

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

20 (b) ~~The process for assessing residents, establishing~~
21 ~~individualized care plans, and monitoring changes in condition as~~
22 ~~they occur.~~ any specific health condition, shall provide to each
23 prospective resident a narrative description of these programs and
24 services. The description shall be provided in writing prior to
25 admission. All reasonable efforts shall be made to communicate
26 the information in the narrative description to a person who is
27 unable to read it himself or herself, including, but not limited to,
28 reading the description out loud.

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



1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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