

AMENDED IN ASSEMBLY JANUARY 9, 2008

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 572

Introduced by Assembly Member Berg

February 21, 2007

An act to amend ~~Section 14521.1~~ *Sections 14521, 14550, and 14550.5* of the Welfare and Institutions Code, relating to adult day health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 572, as amended, Berg. Adult day health care services.

The California Adult Day Health Care Act provides for the licensure and regulation of adult day health centers, with administrative responsibility for this program shared between the State Department of *Public Health-Care Services* and the California Department of Aging pursuant to an interagency agreement. The Adult Day Health Medi-Cal Law establishes adult day health care services as a Medi-Cal benefit for Medi-Cal beneficiaries who meet certain criteria. ~~Under existing law, participation in an adult day health care program requires prior authorization by the State Department of Health Care Services. Existing law requires the department to report annually to the relevant policy and fiscal committees of the Legislature, as part of the budget submitted by the Governor to the Legislature each January, on the implementation of proscribed changes to eligibility criteria for the adult day health care program and other related changes, including the impact of those changes on the number of centers and participants, and to issue guidance bulletins concerning that implementation.~~

~~This bill would require the department, in coordination with the California Department of Aging and interested organizations, to adopt new certification and licensing regulations for adult day health care in order to accommodate the changes by January 30, 2009.~~

Existing law requires that adult day health care centers offer specified care services to each participant during each day of the participant's attendance at the center, including at least one meal per day, as prescribed.

This bill would specify that the meal must be provided unless the participant declines the meal or medical contraindications exist that prohibit the ingestion of the meal.

Existing law also requires that an adult day health care center provide transportation services to and from the homes of participants.

This bill would provide that these services may exceed one hour, unless medically contraindicated, in order to ensure regular and planned attendance at the adult day health care center.

The act also requires that adult day health care centers have written procedures for dealing with emergency situations, including specified information.

This bill would require that adult day health care centers have both written policies and procedures for dealing with natural disaster and emergency situations.

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. Section 14521 of the Welfare and Institutions
2 Code is amended to read:
3 14521. It is the intent of the Legislature in enacting this chapter
4 to establish adult day health care as a Medi-Cal benefit and allow
5 persons eligible to receive the benefits under Chapter 7
6 (commencing with Section 14000) of this part, and who have
7 medical or psychiatric impairments, to receive adult day health
8 care services. It is the intent of the Legislature in authorizing this
9 Medi-Cal benefit to establish and continue a community-based
10 system of quality *adult day health care services* ~~which that will~~
11 ~~(1) ensure~~ *accomplish all of the following:*

1 (1) *Ensure that elderly persons and individuals with disabilities*
2 *will not be institutionalized prematurely and inappropriately,*~~(2)~~
3 *provide.*

4 (2) *Provide appropriate health and social services designed to*
5 *maintain elderly persons in their own homes,*~~(3)~~ *establish*
6 *communities.*

7 (3) *Establish adult day health care centers in locations easily*
8 *accessible to the economically disadvantaged elderly person, and*
9 ~~(4)~~ *encourage persons who are economically disadvantaged.*

10 (4) *Encourage the establishment of rural alternative adult day*
11 *health care centers which that are designed to make adult day*
12 *health care accessible to impaired Californians elderly persons*
13 *and individuals with disabilities living in rural areas.*

14 *SEC. 2. Section 14550 of the Welfare and Institutions Code is*
15 *amended to read:*

16 14550. Adult day health care centers shall offer, and shall
17 provide directly on the premises, at least the following services:

18 (a) Rehabilitation services, including the following:

19 (1) Occupational therapy as an adjunct to treatment designed
20 to restore impaired function of patients with physical or mental
21 limitations.

22 (2) Physical therapy appropriate to meet the needs of the patient.

23 (3) Speech therapy for participants with speech or language
24 disorders.

25 (b) Medical services supervised by either the participant's
26 personal physician or a staff physician, or both, which emphasize
27 prevention treatment, rehabilitation, and continuity of care and
28 also provide for maintenance of adequate medical records. To the
29 extent otherwise permitted by law, medical services may be
30 provided by nurse practitioners, as defined in Section 2835 of the
31 Business and Professions Code, operating within the existing scope
32 of practice, or under standardized procedures pursuant to Section
33 2725 of the Business and Professions Code, or by registered nurses
34 practicing under standardized procedures pursuant to Section 2725
35 of the Business and Professions Code.

36 (c) Nursing services, including the following:

37 (1) Nursing services rendered by a professional nursing staff,
38 who periodically evaluate the particular nursing needs of each
39 participant and provide the care and treatment that is indicated.

1 (2) Self-care services oriented toward activities of daily living
2 and personal hygiene, such as toileting, bathing, and grooming.

3 (d) Nutrition services, including the following:

4 (1) The program shall provide a minimum of one meal per day
5 which is of suitable quality and quantity as to supply at least
6 one-third of the daily nutritional requirement, *unless the participant*
7 *declines the meal or medical contraindications exist that prohibit*
8 *the ingestion of the meal at the adult day health care center.*
9 Additionally, special diets and supplemental feedings shall be
10 available if indicated.

11 (2) Dietary counseling and nutrition education for the participant
12 and his or her family shall be a required adjunct of such service.
13 Dietary counseling and nutrition education may be provided by a
14 professional registered nurse, unless the participant is receiving a
15 special diet prescribed by a physician, or a nurse determines that
16 the services of a registered dietician are necessary.

17 (e) Psychiatric or psychological services which include
18 consultation and individual assessment by a psychiatrist, clinical
19 psychologist, or a psychiatric social worker, when indicated, and
20 group or individual treatment for persons with diagnosed mental,
21 emotional, or behavioral problems.

22 (f) Social work services to participants and their families to help
23 with personal, family, and adjustment problems that interfere with
24 the effectiveness of treatment.

25 (g) Planned recreational and social activities suited to the needs
26 of the participants and designed to encourage physical exercise,
27 to prevent deterioration, and to stimulate social interaction.

28 (h) Transportation service for participants, when needed, to and
29 from their homes utilizing specially equipped vehicles to
30 accommodate participants with severe physical disabilities that
31 limit their mobility. *The transportation service may exceed one*
32 *hour, unless medically contraindicated, in order to ensure regular*
33 *and planned attendance at the adult day health care center.*

34 (i) Written *policies and* procedures for dealing with *natural*
35 *disaster and* emergency situations. ~~These written procedures shall~~
36 ~~include either of the following:~~

37 ~~(1) The use of a local 911 emergency response system.~~

38 ~~(2) All of the following elements:~~

39 ~~(A) The name and telephone number of a physician on call.~~

1 ~~(B) Written arrangements with a nearby hospital for inpatient~~
2 ~~and emergency room service.~~

3 ~~(C) Provision for ambulance transportation.~~

4 *SEC. 3. Section 14550.5 of the Welfare and Institutions Code*
5 *is amended to read:*

6 14550.5. Adult day health care centers shall offer, and provide
7 directly on the premises, in accordance with the participant's
8 individual plan of care, and subject to authorization pursuant to
9 Section 14526, the following core services to each participant
10 during each day of the participant's attendance at the center:

11 (a) One or more of the following professional nursing services:

12 (1) Observation, assessment, and monitoring of the participant's
13 general health status and changes in his or her condition, risk
14 factors, and the participant's specific medical, cognitive, or mental
15 health condition or conditions upon which admission to the adult
16 day health care center was based.

17 (2) Monitoring and assessment of the participant's medication
18 regimen, administration and recording of the participant's
19 prescribed medications, and intervention, as needed, based upon
20 the assessment and the participant's reactions to his or her
21 medications.

22 (3) Oral or written communication with the participant's
23 personal health care provider, other qualified health care or social
24 service provider, or the participant's family or other caregiver,
25 regarding changes in the participant's condition, signs, or
26 symptoms.

27 (4) Supervision of the provision of personal care services for
28 the participant, and assistance, as needed.

29 (5) Provision of skilled nursing care and intervention, within
30 scope of practice, to participants, as needed, based upon an
31 assessment of the participant, his or her ability to provide self-care
32 while at the adult day health care center, and any health care
33 provider orders.

34 (b) One or both of the following core personal care services or
35 social services:

36 (1) One or both of the following personal care services:

37 (A) Supervision of, or assistance with, activities of daily living
38 or instrumental activities of daily living.

1 (B) Protective group supervision and interventions to assure
2 participant safety and to minimize the risk of injury, accident,
3 inappropriate behavior, or wandering.

4 (2) One or more of the following social services provided by
5 the adult day health care center social worker or social worker
6 assistant:

7 (A) Observation, assessment, and monitoring of the participant's
8 psychosocial status.

9 (B) Group work to address psychosocial issues.

10 (C) Care coordination.

11 (c) At least one of the following therapeutic activities provided
12 by the adult day health care center activity coordinator or other
13 trained adult day health care center personnel:

14 (1) Group or individual activities to enhance the social, physical,
15 or cognitive functioning of the participant.

16 (2) Facilitated participation in group or individual activities for
17 those participants whose frailty or cognitive functioning level
18 precludes them from active participation in scheduled activities.

19 (d) One meal per day of attendance, in accordance with Section
20 54331 of Title 22 of the California Code of Regulations, *unless*
21 *the participant declines the meal or medical contraindications*
22 *exist that prohibit the ingestion of the meal.*

23 ~~SECTION 1. Section 14521.1 of the Welfare and Institutions~~
24 ~~Code is amended to read:~~

25 ~~14521.1. (a) Effective January 1, 2007, the department shall~~
26 ~~report annually to the relevant policy and fiscal committees of the~~
27 ~~Legislature, as part of the budget submitted by the Governor to~~
28 ~~the Legislature each January, on the implementation of changes~~
29 ~~made to the adult day health care program by the act adding this~~
30 ~~section, including the impact of those changes on the number of~~
31 ~~centers and participants.~~

32 ~~(b) Where a conflict exists between existing regulations and~~
33 ~~adult day health care laws in effect on and after January 1, 2007,~~
34 ~~the department shall, until new regulations are adopted, issue~~
35 ~~guidance to adult day health care providers through provider~~
36 ~~bulletins to clarify the adult day health care laws and regulations~~
37 ~~that are in effect.~~

38 ~~(c) The department, in coordination with the California~~
39 ~~Department of Aging and interested organizations representing~~
40 ~~adult day health care organizations, shall adopt new certification~~

- 1 ~~and licensing regulations for adult day health care in order to~~
- 2 ~~accommodate the guidelines of this section by January 30, 2009.~~

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