

ASSEMBLY BILL

No. 1558

Introduced by Assembly Member Soto

February 23, 2007

An act to amend Sections 1538.2 and 1569.355 of, and to add Section 1596.86 to, the Health and Safety Code, relating to community care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1558, as introduced, Soto. Community care facilities: licences information system.

Existing law, the California Community Care Facilities Act, requires the State Department of Social Services, in part, to license, regulate, and assess fees upon community care facilities, as defined. Existing law authorizes the director to establish an automated licenses information system containing prescribed information about licensees and former licensees.

This bill would require that the director maintain and update the system, and would authorize inclusion of additional information, including, but not limited to, administrative or court actions against any licensees, staffing information, and information regarding client characteristics.

The bill would require that the department make public information contained in the system available to the public by prescribed dates depending on the type of care facility and the format of the data, and would require the department to report to the Legislature annually commencing in July 2008.

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 1538.2 of the Health and Safety Code is
2 amended to read:

3 1538.2. (a) The director shall establish *and maintain* an
4 automated license information system on licensees and former
5 licensees of all licensed facilities. The system shall maintain a
6 record of any information that may be pertinent, as determined by
7 the director, for licensure under this chapter. This information may
8 include, but is not limited to, the licensees' address, telephone
9 numbers, violations of any laws related to the care of clients in an
10 adult residential facility, licenses, revocation of licenses, *waivers*
11 *and special care services, administrative or legal actions against*
12 *any licensees, information on ownership, services, staffing, costs,*
13 *and client characteristics.*

14 (b) *The department shall make public information from the*
15 *automated license information system available in electronic*
16 *format to individuals or organizations by July 1, 2008. The public*
17 *information shall include, but not be limited to, all of the following*
18 *elements:*

19 (1) *Adult residential facility profiles, with data on services*
20 *provided, a history of inspections, all complaints, department*
21 *actions and fines for the last three years, and ownership*
22 *information. The profile for each facility shall include, but not be*
23 *limited to, all of the following:*

24 (A) *The name, address, and telephone number of the licensed*
25 *providers.*

26 (B) *Ownership information including, but not limited to, whether*
27 *the licensee is a for-profit or not-for-profit provider, and the names*
28 *and license numbers of other facilities owned by the same licensee.*

29 (C) *The number of units or beds in the facility, including the*
30 *number of nonambulatory beds.*

31 (D) *Whether the facility has any special care services.*

32 (E) *Whether the facility is permitted to provide hospice care*
33 *services.*

34 (F) *Department actions, including license suspensions,*
35 *revocations, receiverships, probations, settlements, stipulations,*
36 *accusations, audits, compliance conferences and compliance plans*
37 *or other administrative or legal actions, and when the*
38 *administrative or legal action was taken and will be terminated.*

1 (G) Facility reports of any alleged elder or dependent adult
2 abuse and suspicious death, the date of the report, and whether
3 these reports resulted in an investigation, including the date and
4 results of the investigation.

5 (H) Findings of the most recent inspection report, and the date
6 that the inspection was conducted.

7 (I) Any enforcement action resulting in a fine, stating the nature
8 of the regulatory violation, the amount of the fine, and the amount
9 collected.

10 (2) Information regarding complaints shall include the nature
11 of the complaint, results of the complaint investigation, actions
12 taken, and the dates that the complaint was received, investigated,
13 and closed.

14 (3) Information regarding the violations assessed shall include
15 the type of deficiency, status of the violation, including the facility's
16 plan of correction and when the corrections were completed,
17 information as to whether an appeal has been filed, and whether
18 fines were assessed and the amount collected.

19 (4) Any resolution of an appeal pertaining to a violation or
20 complaint shall be updated in a timely manner.

21 (5) Information in this section shall be updated on a regular
22 basis but no less frequently than quarterly.

23 (c) It is the intent of the Legislature that the department, in
24 developing and establishing the system pursuant to subdivision
25 (a), shall work with stakeholder groups including consumer
26 organizations and provider associations.

27 (d) By July 1, 2008, the department shall implement a method
28 whereby information is provided in an electronic format to
29 consumer and other interested organizations on adult residential
30 facilities. The information provided shall include, but not be limited
31 to, information as required in subdivision (b), and any information
32 or data beneficial to the public and consumers.

33 (e) In implementing this section, the department shall ensure
34 the confidentiality of personal and identifying information of
35 residents, complainants, and employees, and shall not disclose
36 this information through the electronic transfers of information
37 pursuant to this section.

38 (f) The department shall make annual reports to the Legislature
39 beginning in 2008 on the implementation of automated licensing
40 information system.

1 SEC. 2. Section 1569.355 of the Health and Safety Code is
2 amended to read:

3 1569.355. (a) The director shall establish *and maintain* an
4 automated license information system on licensees and former
5 licensees of licensed residential care facilities for the elderly. The
6 system shall maintain a record of any information that may be
7 pertinent, as determined by the director, for licensure under this
8 chapter. This information may include, but is not limited to, the
9 licensees' addresses, telephone numbers, violations of any laws
10 related to the care of clients in a residential care facility for the
11 elderly, licenses, revocation of any licenses ~~and, social security~~
12 ~~numbers~~ to the extent permitted by federal law, ~~social security~~
13 ~~numbers~~ *waivers and special care services, administrative or court*
14 *actions against any licensees, information on ownership, services,*
15 *staffing, costs, and client characteristics.*

16 (b) *The department shall make public information from the*
17 *automated license information system available in electronic*
18 *format to individuals or organizations by July 1, 2008. The public*
19 *information shall include, but not be limited to, all of the following*
20 *elements:*

21 (1) *Residential care facility profiles, with data on services*
22 *provided, a history of inspections, all complaints, department*
23 *actions and fines for the last three years, and ownership*
24 *information. The profile for each facility shall include, but not be*
25 *limited to, all of the following:*

26 (A) *The name, address, and telephone number of the licensed*
27 *providers.*

28 (B) *Ownership information including, but not limited to, whether*
29 *the licensee is a for-profit or not-for-profit provider, and the names*
30 *and license numbers of other facilities owned by the same licensee.*

31 (C) *The number of units or beds in the facility, including the*
32 *number of nonambulatory beds.*

33 (D) *Whether the facility has a special care unit or program for*
34 *people with Alzheimer's disease and other dementias or has a*
35 *delayed egress or secured perimeter waiver.*

36 (E) *Whether the facility is permitted to provide hospice care*
37 *services.*

38 (F) *Department actions, including license suspensions,*
39 *revocations, receiverships, probations, settlements, stipulations,*
40 *accusations, audits, compliance conferences and compliance plans*

1 or other administrative or legal actions, and when the
2 administrative or legal action was taken and will be terminated.

3 (G) Facility reports of any alleged elder abuse and suspicious
4 death, the date of the report, and whether these reports resulted
5 in an investigation, including the date and results of the
6 investigation.

7 (H) Findings of the most recent inspection report, and the date
8 that the inspection was conducted.

9 (I) Any enforcement action resulting in a fine, stating the nature
10 of the regulatory violation, the amount of the fine, and the amount
11 collected.

12 (2) Information regarding complaints shall include the nature
13 of the complaint, results of the complaint investigation, actions
14 taken, and the dates that the complaint was received, investigated,
15 and closed.

16 (3) Information regarding the violations assessed shall include
17 the type of deficiency, status of the violation, including the facility's
18 plan of correction and when the corrections were completed,
19 information as to whether an appeal has been filed, and whether
20 fines were assessed and the amount collected.

21 (4) Any resolution of an appeal pertaining to a violation or
22 complaint shall be updated in a timely manner.

23 (5) Information in this section shall be updated on a regular
24 basis but no less frequently than quarterly.

25 (c) It is the intent of the Legislature that the department, in
26 developing and establishing the system pursuant to subdivision
27 (a), shall work with stakeholder groups including consumer
28 organizations.

29 (d) By July 1, 2008, the department shall implement a method
30 whereby information is provided in an electronic format to
31 consumer and other interested organizations on residential care
32 facilities for the elderly. The information provided shall include,
33 but not be limited to, information as required in subdivision (b),
34 and any information or data beneficial to the public and
35 consumers.

36 (e) In implementing this section, the department shall ensure
37 the confidentiality of personal and identifying information of
38 residents, complainants, and employees, and shall not disclose
39 this information through the electronic transfers of information
40 pursuant to this section.

1 (f) *The department shall make annual reports to the Legislature*
2 *beginning in 2008 on the implementation of the automated*
3 *licensing information system.*

4 SEC. 3. Section 1596.86 is added to the Health and Safety
5 Code, to read:

6 1596.86. (a) The director shall establish and maintain an
7 automated license information system on licensees and former
8 licensees of all licensed facilities. The system shall maintain a
9 record of any information that may be pertinent, as determined by
10 the director, for licensure under this chapter. This information may
11 include, but is not limited to, the licensees' address, telephone
12 numbers, violations of any laws related to the care of clients in
13 community care facilities, licenses, revocation of licenses, social
14 security numbers to the extent permitted by federal law, waivers
15 and special care services, administrative or court actions against
16 any licensees, information on ownership, services, staffing, costs,
17 and client characteristics.

18 (b) The department shall make public information from the
19 automated license information system available in electronic format
20 to individuals or organizations by July 1, 2008. The public
21 information shall include, but not be limited to, all of the following
22 elements:

23 (1) Community care facility profiles, with data on services
24 provided, a history of inspections, all complaints, department
25 actions and fines for the last three years, and ownership
26 information. The profile for each facility shall include, but not be
27 limited to, all of the following:

28 (A) The name, address, and telephone number of the licensed
29 providers.

30 (B) Ownership information including, but not limited to, whether
31 the licensee is a for-profit or not-for-profit provider, and the names
32 and license numbers of other facilities owned by the same licensee.

33 (C) The number of units or beds in the facility, including the
34 number of nonambulatory beds.

35 (D) Whether the facility has any special care services.

36 (E) Department actions, including license suspensions,
37 revocations, receiverships, probations, settlements, stipulations,
38 accusations, audits, compliance conferences and compliance plans
39 or other administrative or legal actions, and when the administrative
40 or legal action was taken and will be terminated.

1 (F) Facility reports of any alleged abuse and suspicious death,
2 the date of the report, and whether such reports resulted in an
3 investigation including the date and results of the investigation.

4 (G) Findings of the most recent inspection report, and the date
5 that the inspection was conducted.

6 (H) Any enforcement action resulting in a fine, stating the nature
7 of the regulatory violation, the amount of the fine, and the amount
8 collected.

9 (2) Information regarding complaints shall include the nature
10 of the complaint, results of the complaint investigation, actions
11 taken, and the dates that the complaint was received, investigated,
12 and closed.

13 (3) Information regarding the violations assessed shall include
14 the type of deficiency, status of the violation, including the
15 facility's plan of correction and when the corrections were
16 completed, information as to whether an appeal has been filed,
17 and whether fines were assessed and the amount collected.

18 (4) Any resolution of an appeal pertaining to a violation or
19 complaint shall be updated in a timely manner.

20 (5) Information in this section shall be updated on a regular
21 basis but no less frequently than quarterly.

22 (c) It is the intent of the Legislature that the department, in
23 developing and establishing the system pursuant to subdivision
24 (a), shall work with stakeholder groups including consumer
25 organizations and provider associations.

26 (d) By July 1, 2008, the department shall implement a method
27 whereby information is provided in an electronic format to
28 consumer and other interested organizations on community care
29 facilities. The information provided shall include, but not be limited
30 to, information as required in subdivision (b), and any information
31 or data beneficial to the public and consumers.

32 (e) In implementing this section, the department shall ensure
33 the confidentiality of personal and identifying information of
34 residents, complainants, and employees, and shall not disclose this
35 information through the electronic transfers of information pursuant
36 to this section.

- 1 (f) The department shall make annual reports to the Legislature
- 2 beginning in 2008 on the implementation of an automated licensing
- 3 information system.

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