

ASSEMBLY BILL

No. 2675

Introduced by Assembly Member Chesbro

February 19, 2010

An act to amend Section 1268.6 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2675, as introduced, Chesbro. Health facilities: licensee orientation.

Existing law establishes the State Department of Public Health and which is responsible for the licensing and regulation of health facilities, including intermediate care facilities/developmentally disabled-habilitative and intermediate care facilities/developmentally disabled-nursing. Violation of these provisions is a crime. Existing law establishes the State Department of Developmental Services and sets forth its powers and duties relating to the administration of the state developmental centers and entering into contracts with regional centers for the provision of services to consumers in the community.

Existing law requires that, for initial licensure of an intermediate care facility/developmentally disabled-habilitative or an intermediate care facility/developmentally disabled-nursing, the applicant, or a designee, attend an 8-hour orientation program containing prescribed components approved by the State Department of Developmental Services.

This bill would recast those provisions increasing the course requirement to 16 total hours and requiring that 8 of those hours outline the statutory and regulatory requirements related to business management, would make technical changes, and would delete obsolete

provisions. By changing the definition of an existing 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 1268.6 of the Health and Safety Code is
2 amended to read:
3 1268.6. (a) Commencing ~~July 1, 1997~~, it shall be *January 1,*
4 *2011*, as a requirement of initial licensure of an intermediate care
5 facility/developmentally disabled-habilitative or an intermediate
6 care facility/developmentally disabled-nursing ~~that~~, the applicant
7 or designee of the applicant *shall* attend ~~an eight-hour a~~
8 *sixteen-hour* orientation program approved by the State Department
9 of Developmental Services.

10 ~~(a)~~
11 ~~(b)~~ The ~~eight-hour~~ *sixteen-hour* orientation program shall
12 *contain both of the following:*

13 *(1) Eight hours of the orientation program shall* outline the role,
14 requirements, and regulations of each of the following:

15 ~~(1)~~
16 *(A)* The scope of responsibility for operation including
17 regulatory requirements and statutes governing the facility type.

18 ~~(2) Cost reporting.~~
19 ~~(3)~~

20 *(B)* Local planning.
21 ~~(4)~~

22 *(C)* Regional center and other community support services.
23 ~~(5)~~

24 *(D)* All federal and state agencies responsible for licensing and
25 certification, and data collection.

26 ~~(6)~~
27 *(E)* Government and private agencies responsible for ensuring
28 the rights of the developmentally disabled.

1 (2) *Eight hours of the orientation program shall outline the*
2 *statutory and regulatory requirements related to business*
3 *management. The program shall include, but need not be limited*
4 *to, all of the following:*

5 (A) *Cost reporting.*

6 (B) *General accounting principles.*

7 (C) *The State Department of Health Care Services' audit*
8 *process.*

9 (D) *The regional center vendorization process.*

10 ~~(b)~~

11 (c) The orientation shall be conducted by relevant community
12 services and provider organizations. Organizations conducting the
13 orientation class shall be responsible for keeping a record of all
14 attendees and shall provide the department with the information
15 within 15 working days or upon request. Instructors of the
16 orientation ~~must~~ shall have knowledge or experience in the subject
17 area to be taught, and shall meet any of the following criteria:

18 (1) Possession of a four-year college degree relevant to the
19 course or courses to be taught.

20 (2) Be a health professional with a valid and current license to
21 practice in California.

22 (3) Have at least two years experience in California as an
23 administrator of a long-term health care facility that provides
24 services to persons with developmental disabilities within the last
25 eight years.

26 ~~(e) If the licensee can demonstrate to the satisfaction of the~~
27 ~~department that the licensee or a representative of the licensee has~~
28 ~~taken the orientation program within a two-year period prior to~~
29 ~~opening a new facility, the licensee shall not be required to repeat~~
30 ~~the program to open the facility. This subdivision shall become~~
31 ~~inoperative on July 1, 2001.~~

32 (d) ~~On or after July 1, 2001, if~~ *If* the licensee can demonstrate
33 to the satisfaction of the department that the licensee, or a
34 representative of the licensee, has taken the orientation program
35 any year prior to opening a new facility, the licensee shall not be
36 required to repeat the program to open the facility.

37 SEC. 2. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

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

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