

AMENDED IN SENATE AUGUST 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2675**

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**Introduced by Assembly Member Chesbro**

February 19, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2675, as amended, 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 ~~repeal those provisions increasing on and after October 1, 2011, increase the course requirement to 16 total hours and requiring~~ *require* 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. ~~Commencing July 1, 1997, it shall be~~ As a requirement  
4 of initial licensure of an intermediate care facility/developmentally  
5 disabled-habilitative or an intermediate care  
6 facility/developmentally disabled-nursing ~~that~~, the applicant or  
7 designee of the applicant shall attend an eight-hour orientation  
8 program approved by the State Department of Developmental  
9 Services.

10 (a) The eight-hour orientation program shall outline the role,  
11 requirements, and regulations of each of the following:

12 (1) The scope of responsibility for operation including regulatory  
13 requirements and statutes governing the facility type.

14 (2) Cost reporting.

15 (3) Local planning.

16 (4) Regional center and other community support services.

17 (5) All federal and state agencies responsible for licensing and  
18 certification, and data collection.

19 (6) Government and private agencies responsible for ensuring  
20 the rights of the developmentally disabled.

21 (b) The orientation shall be conducted by relevant community  
22 services and provider organizations. Organizations conducting the  
23 orientation class shall be responsible for keeping a record of all  
24 attendees and shall provide the department with the information  
25 within 15 working days or upon request. Instructors of the  
26 orientation ~~must~~ shall have knowledge or experience in the subject  
27 area to be taught, and shall meet any of the following criteria:

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

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

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

9 ~~(c) If the licensee can demonstrate to the satisfaction of the  
10 department that the licensee or a representative of the licensee has  
11 taken the orientation program within a two-year period prior to  
12 opening a new facility, the licensee shall not be required to repeat  
13 the program to open the facility. This subdivision shall become  
14 inoperative on July 1, 2001.~~

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

20 *(d) This section shall become inoperative on October 1, 2011,  
21 and, as of January 1, 2012, is repealed, unless a later enacted  
22 statute, that becomes operative on or before January 1, 2012,  
23 deletes or extends the dates on which it becomes inoperative and  
24 is repealed.*

25 ~~SECTION 1. Section 1268.6 of the Health and Safety Code is  
26 amended to read:~~

27 ~~1268.6.~~

28 *SEC. 2. Section 1268.6 is added to the Health and Safety Code,  
29 to read:*

30 *1268.6. (a) Commencing ~~January~~ October 1, 2011, as a  
31 requirement of initial licensure of an intermediate care  
32 facility/developmentally disabled-habilitative or an intermediate  
33 care facility/developmentally disabled-nursing, the applicant or  
34 designee of the applicant shall attend a sixteen-hour orientation  
35 program approved by the State Department of Developmental  
36 Services.*

37 (b) The sixteen-hour orientation program shall contain both of  
38 the following:

39 (1) Eight hours of the orientation program shall outline the role,  
40 requirements, and regulations of each of the following:

1 (A) The scope of responsibility for operation including  
2 regulatory requirements and statutes governing the facility type.

3 (B) Local planning.

4 (C) Regional center and other community support services.

5 (D) All federal and state agencies responsible for licensing and  
6 certification, and data collection.

7 (E) Government and private agencies responsible for ensuring  
8 the rights of the developmentally disabled.

9 (2) Eight hours of the orientation program shall outline the  
10 statutory and regulatory requirements related to business  
11 management. The program shall include, but need not be limited  
12 to, all of the following:

13 (A) Cost reporting.

14 (B) General accounting principles.

15 (C) The State Department of Health Care Services' audit  
16 process.

17 (D) The regional center vendorization process.

18 (c) The orientation shall be conducted by relevant community  
19 services and provider organizations. Organizations conducting the  
20 orientation class shall be responsible for keeping a record of all  
21 attendees and shall provide the department with the information  
22 within 15 working days or upon request. Instructors of the  
23 orientation shall have knowledge or experience in the subject area  
24 to be taught, and shall meet any of the following criteria:

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

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

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

33 (d) If the licensee can demonstrate to the satisfaction of the  
34 department that the licensee, or a representative of the licensee,  
35 has taken the orientation program any year prior to opening a new  
36 facility, the licensee shall not be required to repeat the program to  
37 open the facility.

38 (e) *This section shall become operative on October 1, 2011.*

39 SEC. 2. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

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