

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 313

Introduced by Assembly Member Monning

February 9, 2011

An act to add Section 1569.336 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 313, as amended, Monning. Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure of residential care facilities for the elderly by the State Department of Social Services. A violation of the act is a misdemeanor.

Existing law requires the department to notify affected placement agencies and the Office of the State Long-Term Care Ombudsman, as defined, whenever the department substantiates that a violation has occurred which poses a serious threat to the health and safety of any resident when the violation results in the assessment of any penalty or causes an accusation to be filed for the revocation of a license.

This bill would require a licensed residential care facility for the elderly to provide a written notice to a resident, emergency contact person *or legal representative*, and the ~~office~~ *local long-term care ombudsman* under specified conditions. 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 1569.336 is added to the Health and
2 Safety Code, to read:

3 1569.336. (a) A licensed residential care facility for the elderly
4 shall provide written notice to a resident ~~and, any person designated~~
5 ~~as an authorized emergency contact for the resident, as well as the~~
6 ~~Office of the State Long-Term Care Ombudsman, as defined in~~
7 ~~subdivision (c) of Section 9701 of the Welfare and Institutions~~
8 ~~Code, or, if applicable, legal representative of the resident, and~~
9 ~~the local long-term care ombudsman, within 10 days from when~~
10 ~~the department substantiates the occurrence of any of the following~~
11 ~~events:~~

12 (1) *The department informs a facility that a violation has*
13 *occurred which poses a serious threat to the health, including*
14 *mental health, and safety of any resident, as defined in regulations*
15 *adopted pursuant to Section 1569.31, when the violation results*
16 *in the commencement of 1569.31.*

17 (2) *The department commences proceedings to suspend or*
18 *revoke the license of the facility pursuant to Section 1569.50, or*
19 *when a 1569.50.*

20 (3) *A civil or criminal action that relates to the health or safety*
21 *of the residents is brought against the licensed residential care*
22 *facility.*

23 (b) The notice provided to a resident and emergency contact
24 person shall include the contact information for the local
25 Long-Term Care Ombudsman and for the Community Care
26 Licensing Division of the department with a statement that directs
27 the resident or emergency contact to contact either the ombudsman
28 or division for information on the license status of the facility.

29 (c) Upon providing the notice described in subdivision (a), the
30 licensed residential care facility shall also post a written notice, in
31 at least 14-point type, on or immediately adjacent to the interior
32 side of the main door into the facility that includes all of the
33 following information:

- 1 (1) The date of the notice.
2 (2) The name of the residential care facility for the elderly.
3 ~~(3) A statement that copies of all licensing reports by the~~
4 ~~department within the preceding 12 months, including the report~~
5 ~~from the most recent annual inspection visit of the department,~~
6 (3) *A statement that a copy of the most recent licensing report*
7 *prepared by the department, and any additional reports of facility*
8 *evaluation visits, within the preceding 12 months, may be obtained*
9 *at the facility.*
10 (4) The name and telephone number of the contact person
11 designated by the department to provide information about the site
12 visit report.
13 (d) The notice described in subdivision (c) shall remain posted
14 for 30 consecutive days or until the deficiencies that gave rise to
15 the notice are resolved, whichever is later.
16 (e) A civil penalty levied for a violation of this section pursuant
17 to Section 1569.49 shall be in addition to any civil penalty levied
18 for the underlying violation that gives rise to the notice
19 requirements of this section.
20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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