

ASSEMBLY BILL

No. 1710

Introduced by Assembly Member Yamada

February 15, 2012

An act to amend Sections 1266.9, 1416.36, and 1416.38 of, and to add Section 1416.71 to, the Health and Safety Code, relating to health and care facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1710, as introduced, Yamada. Nursing home administrators: fees.

Existing law, the Nursing Home Administrators' Act, provides for the licensing of nursing home administrators by the State Department of Public Health. Existing law prescribes specified licensing fees, and requires that the fees be adjusted annually, as directed by the Legislature in the annual Budget Act, by an amount not to exceed the California Consumer Price Index, as specified. Existing law requires that these fees be deposited in the Nursing Home Administrator's State License Examining Fund, a continuously appropriated fund.

This bill would instead require that these fees be deposited into a continuously appropriated account, which would be established as the Nursing Home Administrator Licensing Account in the State Department of Public Health Licensing and Certification Program Fund. This bill would authorize the department to adjust these fees, and would remove the adjustment limitation relating to the California Consumer Price Index. Because the bill would authorize an increase in the amount of fees deposited into a continuously appropriated account, the bill would make an appropriation.

This bill would require the department, by January 15 of each year, to prepare certain reports relating to nursing home administrator fees,

fee adjustments, and nursing home administration generally. The bill would require the department to submit these reports to the appropriate policy and fiscal committees of the Legislature and to post these reports on its Internet Web site.

The bill also would make a technical, conforming change relating to the Nursing Home Administrator’s State License Examining Fund.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1266.9 of the Health and Safety Code is
2 amended to read:

3 1266.9. (a) There is hereby created in the State Treasury the
4 State Department of Public Health Licensing and Certification
5 Program Fund. The revenue collected in accordance with Section
6 1266 shall be deposited in the State Department of Public Health
7 Licensing and Certification Program Fund and shall be available
8 for expenditure, upon appropriation by the Legislature, to support
9 the department’s Licensing and Certification Program’s operation.
10 Interest earned on the moneys in the fund shall be deposited as
11 revenue into the fund to support the department’s Licensing and
12 Certification Program’s operation.

13 (b) *There is hereby created in the State Department of Public*
14 *Health Licensing and Certification Program Fund the Nursing*
15 *Home Administrator Licensing Account. The fees collected*
16 *pursuant to Section 1416.38 shall be deposited into the account*
17 *and shall be continuously appropriated as specified in Section*
18 *1416.38.*

19 SEC. 2. Section 1416.36 of the Health and Safety Code is
20 amended to read:

21 1416.36. (a) The fees prescribed by this chapter are as follows:

22 (1) The application fee for reviewing an applicant’s eligibility
23 to take the examination shall be twenty-five dollars (\$25).

24 (2) The application fee for persons applying for reciprocity
25 consideration licensure under Section 1416.40 shall be fifty dollars
26 (\$50).

27 (3) The application fee for persons applying for the AIT Program
28 shall be one hundred dollars (\$100).

29 (4) The examination fees shall be:

1 (A) Two hundred seventy-five dollars (\$275) for an automated
2 national examination.

3 (B) Two hundred ten dollars (\$210) for an automated state
4 examination or one hundred forty dollars (\$140) for a written state
5 examination.

6 (5) The fee for an initial license shall be one hundred ninety
7 dollars (\$190).

8 (6) The renewal fee for an active or inactive license shall be
9 one hundred ninety dollars (\$190).

10 (7) The delinquency fee shall be fifty dollars (\$50).

11 (8) The duplicate license fee shall be twenty-five dollars (\$25).

12 (9) The fee for a provisional license shall be two hundred fifty
13 dollars (\$250).

14 (10) The fee for endorsement of credentials to the licensing
15 authority of another state shall be twenty-five dollars (\$25).

16 (11) The preceptor certification fee shall be fifty dollars (\$50)
17 for each three-year period.

18 (12) The biennial fee for approval of a continuing education
19 provider shall be one hundred fifty dollars (\$150).

20 (13) The biennial fee for approval of a continuing education
21 course shall be not more than fifteen dollars (\$15).

22 ~~(b) Commencing July 1, 2002, fees provided in this section shall
23 be adjusted annually, as directed by the Legislature in the annual
24 Budget Act. The proposed adjustment in the examination fees shall
25 not exceed the increase in the California Consumer Price Index,
26 except as provided in subdivision (d). The department shall provide
27 an annual fiscal year program fee report to the Legislature each
28 April 1, commencing on April 1, 2002.~~

29 *(b) If the revenue projected to be collected is less than the
30 projected costs for the budget year, the department may propose
31 that fees be adjusted to an amount sufficient to cover the
32 reasonable regulatory costs to the department. Commencing
33 February 1, 2013, and every February 1 thereafter, the department
34 shall publish a list of proposed adjustments to fees pursuant to
35 this section.*

36 ~~(c) (1) The department shall, by July 30 of each year within
37 30 days of the enactment of the annual Budget Act each year,
38 publish a list of actual numerical fee charges as adjusted pursuant
39 to this section. This The final fee list, with an explanation of any
40 adjustment, shall be published by all of the following means:~~

1 (A) Issuing a letter to all licensed nursing home administrators,
2 all skilled nursing facilities and intermediate care facilities, and
3 all continuing education providers.

4 (B) Posting the list on the department's Internet Web site.

5 (C) Including the final fee list as part of the licensing application
6 package.

7 (2) This adjustment of fees and the publication of the fee list
8 shall not be subject to the requirements of Chapter 3.5
9 (commencing with Section 11340) of Part 1 of Division 3 of Title
10 2 of the Government Code.

11 ~~(d) If the revenue projected to be collected is less than the~~
12 ~~projected costs for the budget year, the department may propose~~
13 ~~that fees be adjusted by not more than twice the increase in the~~
14 ~~Consumer Price Index.~~

15 (d) (1) By January 15 of each year, the department shall
16 prepare the following reports and shall make those reports
17 available to the public by submitting them to the appropriate policy
18 and fiscal committees of the Legislature, and by posting them on
19 the department's Internet Web site:

20 (A) A report of all costs to implement activities required by this
21 chapter. As part of this report, the department shall recommend
22 adjustments to fees based on projected workload and costs. The
23 cost estimates and estimated fees shall be based on appropriation
24 amounts in the Governor's proposed budget for the next fiscal
25 year.

26 (B) A staffing and systems analysis to ensure efficient and
27 effective utilization of fees collected and proper allocation of
28 departmental resources for the administration of activities required
29 by this chapter. This analysis shall include the following
30 information for the current fiscal year and each of the previous
31 four fiscal years:

32 (i) The number of persons applying for a nursing home
33 administrator's license, the number of nursing home administrator
34 licenses approved or denied, and the number of nursing home
35 administrator licenses renewed.

36 (ii) The number of applicants taking the nursing home
37 administrator exam and the number of applicants who pass or fail
38 the exam.

39 (iii) The number of persons applying for, accepted into, and
40 completing the AIT Program.

1 (iv) *The number, source, and disposition of complaints made*
2 *against persons in the AIT Program and licensed nursing home*
3 *administrators, including the length of time between receipt of the*
4 *complaint and completion of the investigation.*

5 (v) *The number and type of final administrative, remedial, or*
6 *disciplinary actions taken against licensed nursing home*
7 *administrators.*

8 (vi) *A listing of the names and nature of violations for individual*
9 *licensed nursing home administrators, including final*
10 *administrative, remedial, or disciplinary actions taken.*

11 (vii) *The number of appeals, informal conferences, or hearings*
12 *filed by nursing home administrators or held, the length of time*
13 *between the request being filed and the final determination of the*
14 *appeal, and the number of administrative, remedial, or disciplinary*
15 *actions taken.*

16 (2) *The reports required to be submitted pursuant to paragraph*
17 *(1) shall be submitted in compliance with Section 9795 of the*
18 *Government Code.*

19 SEC. 3. Section 1416.38 of the Health and Safety Code is
20 amended to read:

21 ~~1416.38. (a) The Nursing Home Administrator's State License~~
22 ~~Examining Board Fund in the Professions and Vocations Fund in~~
23 ~~the State Treasury is hereby renamed the Nursing Home~~
24 ~~Administrator's State License Examining Fund and continued in~~
25 ~~existence in the State Treasury.~~

26 ~~(b)~~

27 *1416.38. (a) Within 10 days after the beginning of every*
28 *month, all fees collected by the program for the month preceding,*
29 *under this chapter, shall be paid into the Nursing Home*
30 *Administrator Licensing Account in the Nursing Home*
31 *Administrator's State License Examining Fund State Department*
32 *of Public Health Licensing and Certification Program Fund*
33 *established by Section 1266.9.*

34 ~~(e)~~

35 ~~(b) The funding paid into the Nursing Home Administrator's~~
36 ~~State License Examining Fund Nursing Home Administrator~~
37 ~~Licensing Account shall be continuously appropriated to the~~
38 ~~program for expenditures in the manner prescribed by law to defray~~
39 ~~the expenses of the program and in carrying out and enforcing the~~
40 ~~provisions of this chapter.~~

1 SEC. 4. Section 1416.71 is added to the Health and Safety
2 Code, to read:
3 1416.71. The Nursing Home Administrator's State License
4 Examining Board Fund in the Professions and Vocations Fund in
5 the State Treasury is renamed the Nursing Home Administrator's
6 State License Examining Fund and continued in existence in the
7 State Treasury.

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