

**ASSEMBLY BILL**

**No. 1570**

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**Introduced by Assembly Member Chesbro**

January 30, 2014

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An act to amend Sections 1569.23, 1569.625, and 1569.626 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1570, as introduced, Chesbro. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Violation of these provisions is a misdemeanor. Existing law requires, as a requirement for licensure, that the applicant demonstrate that he or she has successfully completed a certification program approved by the department that includes, at a minimum, 40 hours of classroom instruction, and provides that successful completion of the certification program shall be demonstrated by passing a written test and submitting a fee to the department for the issuance of a certificate of completion. Existing law also requires the department to adopt regulations to require staff members of residential care facilities for the elderly who assist residents with personal activities of daily living to receive appropriate training, which includes 10 hours within the first 4 weeks of employment and 4 hours annually thereafter. Existing law requires all residential care facilities for the elderly that advertise or promote special care, special programming, or a special environment for persons with dementia to meet additional training requirements for all direct staff.

This bill would instead require the certification program for an applicant for licensure to consist of 100 hours of course work and a

state-administered exam of no less than 100 questions. The bill would require staff members of residential care facilities for the elderly who assist residents with personal activities of daily living to receive 40 hours of training before working independently with residents, and an additional 12 hours annually, as prescribed. The bill would also apply the training requirements specific to dementia care to all residential care facilities for the elderly.

By expanding the scope of a 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 1569.23 of the Health and Safety Code  
2 is amended to read:

3 1569.23. (a) As a requirement for licensure, the applicant shall  
4 demonstrate that he or she has successfully completed a  
5 certification program approved by the department.

6 (b) *The certification program shall consist of both of the*  
7 *following:*

8 (1) *One hundred hours of coursework, at least 40 hours of which*  
9 *shall be attended in person.*

10 (2) *A state-administered exam consisting of no less than 100*  
11 *questions.*

12 ~~(b)~~  
13 (c) ~~The certification program shall be for a minimum of 40 hours~~  
14 ~~of classroom instruction and include a uniform core of knowledge~~  
15 ~~which shall include all of the following:~~

16 (1) *Law, including personal rights, regulations, policies, and*  
17 *procedural standards that impact the operations of residential care*  
18 *facilities for the elderly.*

19 (2) *Business operations.*

20 (3) *Management and supervision of staff.*

21 (4) *Psychosocial need of the elderly residents.*

- 1 (5) Physical needs for elderly residents.
- 2 (6) Community and support services.
- 3 (7) ~~Use,~~ *Medication management, including use, misuse, and*  
4 *interaction of drugs commonly used by the elderly, including*  
5 *antipsychotics.*
- 6 (8) Resident admission, retention, and assessment procedures.
- 7 (9) *Managing Alzheimer's disease and related dementias.*
- 8 (10) *Managing the physical environment, including maintenance*  
9 *and housekeeping.*
- 10 ~~(e)~~
- 11 (d) Successful completion of the certification program shall be  
12 demonstrated by passing ~~a written test~~ *the state-administered exam*  
13 and submitting a fee of one hundred dollars (\$100) to the  
14 department for the issuance of a certificate of completion.
- 15 ~~(e)~~
- 16 (e) (1) The department shall establish by regulation the program  
17 content, the testing instrument, process for approving certification  
18 programs, and criteria to be used for authorizing individuals or  
19 organizations to conduct certification programs. These regulations  
20 shall be developed with the participation of provider organizations.
- 21 (2) *The department shall ensure that the exam consists of at*  
22 *least 100 questions and allows an applicant to have access to the*  
23 *California Residential Care Facility for the Elderly Act, related*  
24 *regulations, and the evaluator manual during the exam. The*  
25 *department shall review the exam annually and update it as*  
26 *necessary to prevent conflicts with new or amended laws or*  
27 *regulations. The department may convene a stakeholder group to*  
28 *assist in developing and reviewing test questions.*
- 29 ~~(e)~~
- 30 (f) This section shall apply to all applications for licensure unless  
31 the applicant provides evidence that he or she has a current license  
32 for another residential care facility for the elderly which was  
33 initially licensed prior to July 1, 1989, or has successfully  
34 completed an approved certification program within the prior five  
35 years.
- 36 ~~(f)~~
- 37 (g) If the applicant is a firm, partnership, association, or  
38 corporation, the chief executive officer, or other person serving in  
39 a like capacity, or the designated administrator of the facility shall

1 provide evidence of successfully completing an approved  
2 certification program.

3 SEC. 2. Section 1569.625 of the Health and Safety Code is  
4 amended to read:

5 1569.625. (a) The Legislature finds that the quality of services  
6 provided to residents of residential care facilities for the elderly is  
7 dependent upon the training and skills of staff. It is the intent of  
8 the Legislature in enacting this section to ensure that direct-care  
9 staff have the knowledge and proficiency to carry out the tasks of  
10 their jobs.

11 (b) (1) The department shall adopt regulations to require staff  
12 members of residential care facilities for the elderly who assist  
13 residents with personal activities of daily living to receive  
14 appropriate training. This training shall consist of ~~10~~ 40 hours of  
15 training ~~within the first four weeks of employment and four hours~~  
16 ~~annually thereafter. This training shall be administered on the job,~~  
17 ~~or in a classroom setting, or any combination of the two. The~~  
18 ~~department shall establish, in consultation with provider~~  
19 ~~organizations, the subject matter required for this training. to be~~  
20 *completed before a staff member begins working independently*  
21 *with residents. The 40 hours of training shall consist of 24 hours*  
22 *of coursework training prior to resident contact, including 12*  
23 *hours specific to dementia care, as required by subdivision (a) of*  
24 *Section 1569.626. The training coursework may utilize various*  
25 *methods of instruction including, but not limited to, lectures,*  
26 *instructional videos, and interactive online courses. The additional*  
27 *16 hours shall be hands-on training.*

28 (2) *In addition to paragraph (1), training requirements shall*  
29 *also include an additional 12 hours annually, including the first*  
30 *year of employment, eight hours of which shall be dementia care*  
31 *training, as required by subdivision (b) of Section 1569.626.*

32 (3) *The department shall establish, in consultation with provider*  
33 *organizations, the subject matter required for the training required*  
34 *by this section.*

35 (c) The training shall include, but not be limited to, *all of the*  
36 *following:*

- 37 (1) Physical limitations and needs of the elderly.
- 38 (2) Importance and techniques for personal care services.
- 39 (3) Residents’ rights.
- 40 (4) Policies and procedures regarding medications.

1 (5) Psychosocial needs of the elderly.

2 (6) *Dementia care, including the misuse of antipsychotics, as*  
3 *required by Section 1569.626.*

4 SEC. 3. Section 1569.626 of the Health and Safety Code is  
5 amended to read:

6 1569.626. All residential care facilities for the elderly ~~that~~  
7 ~~advertise or promote special care, special programming, or a special~~  
8 ~~environment for persons with dementia, in addition to complying~~  
9 ~~with the training requirements described in Section 1569.625,~~ shall  
10 meet the following training requirements, *as described in Section*  
11 *1569.625*, for all direct care staff:

12 (a) ~~Six~~ *Twelve* hours of ~~resident care orientation within the first~~  
13 ~~four weeks of employment. All six dementia care training before~~  
14 ~~a staff member begins working independently with residents. All~~  
15 *12* hours shall be devoted to the care of persons with dementia.  
16 The facility may utilize various methods of instruction including,  
17 but not limited to, preceptorship, mentoring, and other forms of  
18 observation and demonstration. The orientation time shall be  
19 exclusive of any administrative instruction.

20 (b) Eight hours of in-service training per year on the subject of  
21 serving residents with dementia. This training shall be developed  
22 in consultation with individuals or organizations with specific  
23 expertise in dementia care or by an outside source with expertise  
24 in dementia care. In formulating and providing this training,  
25 reference may be made to written materials and literature on  
26 dementia and the care and treatment of persons with dementia.  
27 This training requirement may be satisfied in one day or over a  
28 period of time. This training requirement may be provided at the  
29 facility or offsite and may include a combination of observation  
30 and practical application.

31 SEC. 4. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution because  
33 the only costs that may be incurred by a local agency or school  
34 district will be incurred because this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section 17556 of  
37 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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