

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1570

Introduced by Assembly Member Chesbro

January 30, 2014

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 amended, 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~~ *exam* 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 the exam to reflect the uniform core of knowledge required and would require the department, no later than July 1, 2015, and every other year thereafter, to review and revise the exam to reflect changes in law and regulations in order to ensure the rigor and quality of the exam.* 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. *The exam shall reflect the uniform core of knowledge*
- 12 *required pursuant to subdivision (c).*
- 13 (c) The certification program shall include a uniform core of
- 14 knowledge which shall include all of the following:

- 1 (1) Law, including personal rights, regulations, policies, and
2 procedural standards that impact the operations of residential care
3 facilities for the elderly.
- 4 (2) Business operations.
- 5 (3) Management and supervision of staff.
- 6 (4) Psychosocial need of the elderly residents.
- 7 (5) Physical needs for elderly residents.
- 8 (6) Community and support services.
- 9 (7) Medication management, including use, misuse, and
10 interaction of drugs commonly used by the elderly, including
11 antipsychotics.
- 12 (8) Resident admission, retention, and assessment procedures.
- 13 (9) Managing Alzheimer’s disease and related dementias.
- 14 (10) Managing the physical environment, including maintenance
15 and housekeeping.
- 16 (d) Successful completion of the certification program shall be
17 demonstrated by passing the state-administered exam and
18 submitting a fee of one hundred dollars (\$100) to the department
19 for the issuance of a certificate of completion.
- 20 (e) (1) The department shall establish by regulation the program
21 content, the testing instrument, process for approving certification
22 programs, and criteria to be used for authorizing individuals or
23 organizations to conduct certification programs. These regulations
24 shall be developed with the participation of provider organizations.
- 25 (2) The department shall ensure that the exam consists of at
26 least 100 questions and allows an applicant to have access to the
27 California Residential Care Facility for the Elderly Act, related
28 regulations, and the evaluator manual during the exam. The
29 department ~~shall review the exam annually and update it as~~
30 ~~necessary to prevent conflicts with new or amended laws or~~
31 ~~regulations, no later than July 1, 2015, and every other year~~
32 *thereafter, shall review and revise the exam to reflect changes in*
33 *law and regulations in order to ensure the rigor and quality of the*
34 *exam.* The department may convene a stakeholder group to assist
35 in developing and reviewing test questions.
- 36 (f) This section shall apply to all applications for licensure unless
37 the applicant provides evidence that he or she has a current license
38 for another residential care facility for the elderly which was
39 initially licensed prior to July 1, 1989, or has successfully

1 completed an approved certification program within the prior five
2 years.

3 (g) If the applicant is a firm, partnership, association, or
4 corporation, the chief executive officer, or other person serving in
5 a like capacity, or the designated administrator of the facility shall
6 provide evidence of successfully completing an approved
7 certification program.

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

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

16 (b) (1) The department shall adopt regulations to require staff
17 members of residential care facilities for the elderly who assist
18 residents with personal activities of daily living to receive
19 appropriate training. This training shall consist of 40 hours of
20 training to be completed before a staff member begins working
21 independently with residents. The 40 hours of training shall consist
22 of 24 hours of coursework training prior to resident contact,
23 including 12 hours specific to dementia care, as required by
24 subdivision (a) of Section 1569.626. The training coursework may
25 utilize various methods of instruction, including, but not limited
26 to, lectures, instructional videos, and interactive online courses.
27 The additional 16 hours shall be hands-on training.

28 (2) In addition to paragraph (1), training requirements shall also
29 include an additional 12 hours annually, including the first year
30 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 shall
7 meet the following training requirements, as described in Section
8 1569.625, for all direct care staff:

9 (a) Twelve hours of dementia care training before a staff member
10 begins working independently with residents. All 12 hours shall
11 be devoted to the care of persons with dementia. The facility may
12 utilize various methods of instruction, including, but not limited
13 to, preceptorship, mentoring, and other forms of observation and
14 demonstration. The orientation time shall be exclusive of any
15 administrative instruction.

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

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

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