

AMENDED IN ASSEMBLY MAY 23, 2014

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, *repeal, and add* 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 ~~exam~~ *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, *effective July 1, 2015*, instead, require the certification program for an applicant for licensure to consist of 100 hours of course work and a state-administered ~~exam~~ *examination* of no less than 100 questions. The bill would require the ~~exam~~ *examination* 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~~ *examination* to reflect changes in law and regulations in order to ensure the rigor and quality of the ~~exam~~ *examination*. 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
4 shall demonstrate that he or she has successfully completed a
5 certification program approved by the department.

6 (b) The certification program shall be for a minimum of 40
7 hours of classroom instruction and include a uniform core of
8 knowledge which shall include all of the following:

9 (1) Law, regulations, policies, and procedural standards that
10 impact the operations of residential care facilities for the elderly.

11 (2) Business operations.

12 (3) Management and supervision of staff.

1 (4) Psychosocial need of the elderly residents.

2 (5) Physical needs for elderly residents.

3 (6) Community and support services.

4 (7) Use, misuse, and interaction of drugs commonly used by
5 the elderly.

6 (8) Resident admission, retention, and assessment procedures.

7 (c) Successful completion of the certification program shall be
8 demonstrated by passing a written test and submitting a fee of one
9 hundred dollars (\$100) to the department for the issuance of a
10 certificate of completion.

11 (d) The department shall establish by regulation the program
12 content, the testing instrument, process for approving certification
13 programs, and criteria to be used for authorizing individuals or
14 organizations to conduct certification programs. These regulations
15 shall be developed with the participation of provider organizations.

16 (e) This section shall apply to all applications for licensure
17 unless the applicant provides evidence that he or she has a current
18 license for another residential care facility for the elderly which
19 was initially licensed prior to July 1, 1989, or has successfully
20 completed an approved certification program within the prior five
21 years.

22 (f) If the applicant is a firm, partnership, association, or
23 corporation, the chief executive officer, or other person serving in
24 a like capacity, or the designated administrator of the facility shall
25 provide evidence of successfully completing an approved
26 certification program.

27 (g) *This section shall become inoperative on July 1, 2015, and,
28 as of January 1, 2016, is repealed, unless a later enacted statute,
29 that becomes operative on or before January 1, 2016, deletes or
30 extends the dates on which it becomes inoperative and is repealed.*

31 *SEC. 2. Section 1569.23 is added to the Health and Safety
32 Code, to read:*

33 *1569.23. (a) As a requirement for licensure, the applicant
34 shall demonstrate that he or she has successfully completed a
35 certification program approved by the department.*

36 *(b) The certification program shall consist of both of the
37 following:*

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

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

1 *license for another residential care facility for the elderly which*
2 *was initially licensed prior to July 1, 1989, or has successfully*
3 *completed an approved certification program within the prior five*
4 *years.*

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

10 *(h) This section shall become operative on July 1, 2015.*

11 *SEC. 3. Section 1569.625 of the Health and Safety Code is*
12 *amended to read:*

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

19 (b) The department shall adopt regulations to require staff
20 members of residential care facilities for the elderly who assist
21 residents with personal activities of daily living to receive
22 appropriate training. This training shall consist of 10 hours of
23 training within the first four weeks of employment and four hours
24 annually thereafter. This training shall be administered on the job,
25 or in a classroom setting, or any combination of the two. The
26 department shall establish, in consultation with provider
27 organizations, the subject matter required for this training.

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

- 30 (1) Physical limitations and needs of the elderly.
- 31 (2) Importance and techniques for personal care services.
- 32 (3) Residents' rights.
- 33 (4) Policies and procedures regarding medications.
- 34 (5) Psychosocial needs of the elderly.

35 *(d) This section shall become inoperative on July 1, 2015, and,*
36 *as of January 1, 2016, is repealed, unless a later enacted statute,*
37 *that becomes operative on or before January 1, 2016, deletes or*
38 *extends the dates on which it becomes inoperative and is repealed.*

39 *SEC. 4. Section 1569.625 is added to the Health and Safety*
40 *Code, to read:*

1 1569.625. (a) *The Legislature finds that the quality of services*
2 *provided to residents of residential care facilities for the elderly*
3 *is dependent upon the training and skills of the staff. It is the intent*
4 *of the Legislature in enacting this section to ensure that direct-care*
5 *staff have the knowledge and proficiency to carry out the tasks of*
6 *their jobs.*

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

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

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

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

28 (1) *Physical limitations and needs of the elderly.*

29 (2) *Importance and techniques for personal care services.*

30 (3) *Residents' rights.*

31 (4) *Policies and procedures regarding medications.*

32 (5) *Psychosocial needs of the elderly.*

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

35 (d) *This section shall become operative on July 1, 2015.*

36 SEC. 5. *Section 1569.626 of the Health and Safety Code is*
37 *amended to read:*

38 1569.626. (a) *All residential care facilities for the elderly that*
39 *advertise or promote special care, special programming, or a special*
40 *environment for persons with dementia, in addition to complying*

1 with the training requirements described in Section 1569.625, shall
2 meet the following training requirements for all direct care staff:

3 (a)

4 (1) Six hours of resident care orientation within the first four
5 weeks of employment. All six hours shall be devoted to the care
6 of persons with dementia. The facility may utilize various methods
7 of ~~instruction~~ *instruction*, including, but not limited to,
8 preceptorship, mentoring, and other forms of observation and
9 demonstration. The orientation time shall be exclusive of any
10 administrative instruction.

11 (b)

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

23 (b) *This section shall become inoperative on July 1, 2015, and,*
24 *as of January 1, 2016, is repealed, unless a later enacted statute,*
25 *that becomes operative on or before January 1, 2016, deletes or*
26 *extends the dates on which it becomes inoperative and is repealed.*

27 *SEC. 6. Section 1569.626 is added to the Health and Safety*
28 *Code, to read:*

29 *1569.626. (a) All residential care facilities for the elderly shall*
30 *meet the following training requirements, as described in Section*
31 *1569.625, for all direct care staff:*

32 *(1) Twelve hours of dementia care training before a staff*
33 *member begins working independently with residents. All 12 hours*
34 *shall be devoted to the care of persons with dementia. The facility*
35 *may utilize various methods of instruction, including, but not*
36 *limited to, preceptorship, mentoring, and other forms of*
37 *observation and demonstration. The orientation time shall be*
38 *exclusive of any administrative instruction.*

39 *(2) Eight hours of in-service training per year on the subject of*
40 *serving residents with dementia. This training shall be developed*

1 *in consultation with individuals or organizations with specific*
2 *expertise in dementia care or by an outside source with expertise*
3 *in dementia care. In formulating and providing this training,*
4 *reference may be made to written materials and literature on*
5 *dementia and the care and treatment of persons with dementia.*
6 *This training requirement may be satisfied in one day or over a*
7 *period of time. This training requirement may be provided at the*
8 *facility or offsite and may include a combination of observation*
9 *and practical application.*

10 *(b) This section shall become operative on July 1, 2015.*

11 *SEC. 7. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*

20 ~~SECTION 1. Section 1569.23 of the Health and Safety Code~~
21 ~~is amended to read:~~

22 ~~1569.23. (a) As a requirement for licensure, the applicant shall~~
23 ~~demonstrate that he or she has successfully completed a~~
24 ~~certification program approved by the department.~~

25 ~~(b) The certification program shall consist of both of the~~
26 ~~following:~~

27 ~~(1) One hundred hours of coursework, at least 40 hours of which~~
28 ~~shall be attended in person.~~

29 ~~(2) A state-administered exam consisting of no less than 100~~
30 ~~questions. The exam shall reflect the uniform core of knowledge~~
31 ~~required pursuant to subdivision (c).~~

32 ~~(c) The certification program shall include a uniform core of~~
33 ~~knowledge which shall include all of the following:~~

34 ~~(1) Law, including personal rights, regulations, policies, and~~
35 ~~procedural standards that impact the operations of residential care~~
36 ~~facilities for the elderly.~~

37 ~~(2) Business operations.~~

38 ~~(3) Management and supervision of staff.~~

39 ~~(4) Psychosocial need of the elderly residents.~~

40 ~~(5) Physical needs for elderly residents.~~

1 ~~(6) Community and support services.~~

2 ~~(7) Medication management, including use, misuse, and~~
3 ~~interaction of drugs commonly used by the elderly, including~~
4 ~~antipsychotics.~~

5 ~~(8) Resident admission, retention, and assessment procedures.~~

6 ~~(9) Managing Alzheimer's disease and related dementias.~~

7 ~~(10) Managing the physical environment, including maintenance~~
8 ~~and housekeeping.~~

9 ~~(d) Successful completion of the certification program shall be~~
10 ~~demonstrated by passing the state-administered exam and~~
11 ~~submitting a fee of one hundred dollars (\$100) to the department~~
12 ~~for the issuance of a certificate of completion.~~

13 ~~(e) (1) The department shall establish by regulation the program~~
14 ~~content, the testing instrument, process for approving certification~~
15 ~~programs, and criteria to be used for authorizing individuals or~~
16 ~~organizations to conduct certification programs. These regulations~~
17 ~~shall be developed with the participation of provider organizations.~~

18 ~~(2) The department shall ensure that the exam consists of at~~
19 ~~least 100 questions and allows an applicant to have access to the~~
20 ~~California Residential Care Facility for the Elderly Act, related~~
21 ~~regulations, and the evaluator manual during the exam. The~~
22 ~~department, no later than July 1, 2015, and every other year~~
23 ~~thereafter, shall review and revise the exam to reflect changes in~~
24 ~~law and regulations in order to ensure the rigor and quality of the~~
25 ~~exam. The department may convene a stakeholder group to assist~~
26 ~~in developing and reviewing test questions.~~

27 ~~(f) This section shall apply to all applications for licensure unless~~
28 ~~the applicant provides evidence that he or she has a current license~~
29 ~~for another residential care facility for the elderly which was~~
30 ~~initially licensed prior to July 1, 1989, or has successfully~~
31 ~~completed an approved certification program within the prior five~~
32 ~~years.~~

33 ~~(g) If the applicant is a firm, partnership, association, or~~
34 ~~corporation, the chief executive officer, or other person serving in~~
35 ~~a like capacity, or the designated administrator of the facility shall~~
36 ~~provide evidence of successfully completing an approved~~
37 ~~certification program.~~

38 ~~SEC. 2. Section 1569.625 of the Health and Safety Code is~~
39 ~~amended to read:~~

1 1569.625.—(a) The Legislature finds that the quality of services
 2 provided to residents of residential care facilities for the elderly is
 3 dependent upon the training and skills of staff. It is the intent of
 4 the Legislature in enacting this section to ensure that direct-care
 5 staff have the knowledge and proficiency to carry out the tasks of
 6 their jobs.

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

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

23 (3) The department shall establish, in consultation with provider
 24 organizations, the subject matter required for the training required
 25 by this section.

26 (e) The training shall include, but not be limited to, all of the
 27 following:

- 28 (1) Physical limitations and needs of the elderly.
- 29 (2) Importance and techniques for personal care services.
- 30 (3) Residents' rights.
- 31 (4) Policies and procedures regarding medications.
- 32 (5) Psychosocial needs of the elderly.
- 33 (6) Dementia care, including the misuse of antipsychotics, as
 34 required by Section 1569.626.

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

37 1569.626.—All residential care facilities for the elderly shall
 38 meet the following training requirements, as described in Section
 39 1569.625, for all direct care staff:

1 (a) ~~Twelve hours of dementia care training before a staff member~~
2 ~~begins working independently with residents. All 12 hours shall~~
3 ~~be devoted to the care of persons with dementia. The facility may~~
4 ~~utilize various methods of instruction, including, but not limited~~
5 ~~to, preceptorship, mentoring, and other forms of observation and~~
6 ~~demonstration. The orientation time shall be exclusive of any~~
7 ~~administrative instruction.~~

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

19 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
20 ~~Section 6 of Article XIII B of the California Constitution because~~
21 ~~the only costs that may be incurred by a local agency or school~~
22 ~~district will be incurred because this act creates a new crime or~~
23 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
24 ~~for a crime or infraction, within the meaning of Section 17556 of~~
25 ~~the Government Code, or changes the definition of a crime within~~
26 ~~the meaning of Section 6 of Article XIII B of the California~~
27 ~~Constitution.~~

28 -