

**ASSEMBLY BILL**

**No. 1821**

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**Introduced by Assembly Member Gordon  
(Coauthors: Assembly Members Brown, Chávez, Fox, Melendez,  
Muratsuchi, and Salas)**

February 18, 2014

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An act to add and repeal Chapter 5 (commencing with Section 1850) of Division 8 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1821, as introduced, Gordon. Medical foster homes.

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans. 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. Existing law exempts from these provisions specified facilities, including general acute care hospitals, clinics, and recovery houses for individuals with drug or alcohol addiction. Existing law authorizes the California State Auditor, upon the request by the Joint Legislative Audit Committee and to the extent funding is available, to audit a state or local governmental agency, as defined, or any other publicly created entity.

This bill would establish the Medical Foster Home Pilot Program and would, until January 1, 2018, authorize a United States Department of Veterans Affairs (USDVA) facility to establish a medical foster home that is not subject to licensure or regulation under the California Residential Care Facilities for the Elderly Act provided that specified federal requirements are satisfied and the USDVA facility establishing the home agrees to be subject to the jurisdiction of the California State

Auditor. The bill would state the intent of the Legislature that the California State Auditor, through a request to the Joint Legislative Audit Committee, conduct an audit evaluating the program created by this bill no sooner than January 1, 2016, as specified.

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

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

1 SECTION 1. It is the intent of the Legislature to expand into  
2 California the United States Department of Veterans Affairs  
3 medical foster home program by authorizing the United States  
4 Department of Veterans Affairs facilities in the state to establish  
5 medical foster homes that are exempt from regulation under the  
6 California Residential Care Facilities for the Elderly Act.

7 SEC. 2. Chapter 5 (commencing with Section 1850) is added  
8 to Division 8 of the Military and Veterans Code, to read:

9  
10 CHAPTER 5. MEDICAL FOSTER HOME PILOT PROGRAM

11  
12 1850. This chapter shall be known and may be cited as the  
13 Medical Foster Home Pilot Program.

14 1851. A United States Department of Veterans Affairs  
15 (USDVA) facility may establish a medical foster home program  
16 in this state. A medical foster home established pursuant to that  
17 program is not subject to licensure or regulation under the  
18 California Residential Care Facilities for the Elderly Act (Chapter  
19 3.2 (commencing with Section 1569) of Division 2 of the Health  
20 and Safety Code) if all of the following requirements are satisfied:

21 (a) The medical foster home meets the requirements of Sections  
22 17.73 and 17.74 of Title 38 of the Code of Federal Regulations.

23 (b) The USDVA facility submits a proposal to establish a  
24 medical foster home program to the Director of Home and  
25 Community-Based Care in Geriatrics and Extended Care Services  
26 in the Central Office of the USDVA and that director authorizes  
27 the program.

28 (c) The USDVA facility establishing the foster home agrees to  
29 be subject to the jurisdiction of the California State Auditor for  
30 the purpose of evaluating the program created under this chapter.  
31 Consistent with this agreement, the USDVA facility shall provide

1 data, information, and case files as requested by the California  
2 State Auditor to perform all of his or her duties in evaluating the  
3 program created under this chapter.

4 1852. It is the intent of the Legislature that the California State  
5 Auditor, through a request to the Joint Legislative Audit  
6 Committee, conduct an audit that assesses and evaluates the pilot  
7 program created by this chapter no sooner than January 1, 2016.  
8 It is the intent of the Legislature that the audit be used to do both  
9 of the following:

10 (a) Evaluate the success of the pilot program by confirming that  
11 the USDVA facilities are meeting their goals and standards.

12 (b) Make recommendations regarding the continuation of the  
13 program, including, but not limited to, recommendations regarding  
14 changes or reforms needed for improvement of the program.

15 1855. This chapter shall remain in effect only until January 1,  
16 2018, and as of that date is repealed, unless a later enacted statute,  
17 that is enacted before January 1, 2018, deletes or extends that date.