

AMENDED IN SENATE JULY 1, 2014
AMENDED IN SENATE JUNE 16, 2014
AMENDED IN ASSEMBLY MAY 7, 2014
AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1863

**Introduced by Assembly Member Jones
(Coauthors: Assembly Members Ian Calderon, Cooley, Hall, and
Lowenthal)**

February 19, 2014

An act to amend Sections 1796.12, 1796.14, 1796.17, 1796.22, 1796.29, 1796.32, 1796.33, 1796.34, ~~1796.35~~, 1796.36, 1796.37, ~~1796.38~~, ~~1796.39~~, ~~1796.41~~, 1796.42, 1796.43, 1796.44, 1796.45, 1796.51, 1796.52, 1796.53, ~~1796.55~~, ~~1796.61~~, and ~~1769.63~~ and 1796.55 of, to amend the heading of Article 8 (commencing with Section 1796.44) of Chapter 13 of Division 2 of, and to add ~~Sections 1796.40~~ and *Section* 1796.50 to, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1863, as amended, Jones. Home Care Services Consumer Protection Act.

Existing law establishes the Home Care Services Consumer Protection Act (the act), which provides, on and after January 1, ~~2015~~, 2016, for the licensure and regulation of home care organizations, as defined, by the State Department of Social Services, and for the registration of home care aides. Violation of the act is a misdemeanor. Existing law requires

background clearances for home care aides and home care organizations, as specified. Existing law authorizes any individual that possesses, among other things, a valid Alien Registration Card, and who has submitted an application, to initiate a background examination to be either a registered home care aide or to be a licensed home care organization.

This bill, ~~commencing January 1, 2016,~~ would make the provisions of the act applicable to domestic home care aide referral organizations, as defined, including licensure, fees, enforcement and fines, and regulation of registered home care aides having agreements with those organizations. By expanding the scope of a crime, this bill would impose a state-mandated local program. The bill would require a domestic home care aide referral organization to provide specified information to a person to whom a home care aide is referred, including specified information about the person's potential employer responsibilities. The bill would authorize any individual that possesses either a valid Alien Registration Receipt Card or valid Permanent Resident Card to initiate a background examination to be either a registered home care aide or to be a licensed home care organization or a domestic home care aide referral organization.

~~Existing law requires the State Department of Social Services to post any proposed regulations promulgated for purposes of implementing the act on its public Internet Web site no earlier than 10 calendar days prior to the effective date of the proposed rule, as specified.~~

~~This bill would instead require the State Department of Social Services to post any proposed regulations promulgated on its public Internet Web site no later than 90 calendar days prior to the effective date of the proposed rule, as specified.~~

This bill would also correct an erroneous cross-reference.

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 1796.12 of the Health and Safety Code*
2 *is amended to read:*

3 1796.12. For purposes of this chapter, the following definitions
4 shall apply:

5 (a) “Affiliated home care aide” means an individual, 18 years
6 of age or older, who is employed by a home care organization to
7 provide home care services to a client and is listed on the home
8 care aide registry.

9 (b) “Child” or “children” means an individual or individuals
10 under 18 years of age.

11 (c) “Client” means an individual who receives home care
12 services from a registered home care aide.

13 (d) “Department” means the State Department of Social
14 Services.

15 (e) “Director” means the Director of Social Services.

16 (f) “*Domestic home care aide referral organization*” means an
17 *employment agency, as defined in Section 1812.5095 of the Civil*
18 *Code that offers, refers, provides, or attempts to provide work for*
19 *an independent home care aide who is providing home care*
20 *services and is licensed pursuant to this chapter.*

21 (g) “*Domestic home care aide referral organization applicant*”
22 *means an individual, 18 years of age or older, or a firm,*
23 *partnership, corporation, limited liability company, joint venture,*
24 *association, or other entity that is requesting to become a domestic*
25 *home care aide referral organization licensee and the department*
26 *has received and is processing the complete domestic home care*
27 *aide referral organization application and nonrefundable*
28 *application fee.*

29 (h) “*Domestic home care aide referral organization*
30 *application*” means the official form, designated by the department,
31 to request to become a licensed domestic home care aide referral
32 organization.

33 (i) “*Domestic home care aide referral organization licensee*”
34 *means an individual, 18 years of age or older, firm, partnership,*
35 *corporation, limited liability company, joint venture, association,*
36 *or other entity having the authority and responsibility for the*
37 *operation of a licensed domestic home care aide referral*
38 *organization.*

1 ~~(f)~~
 2 (j) “Family member” means any spouse, by marriage or
 3 otherwise, domestic partner, child or stepchild, by natural birth or
 4 by adoption, parent, brother, sister, ~~half-brother, half-sister, half~~
 5 ~~brother, half sister,~~ parent-in-law, brother-in-law, sister-in-law,
 6 nephew, niece, aunt, uncle, first cousin, or any person denoted by
 7 the prefix “grand” or “great,” or the spouse of any of these persons,
 8 even if the marriage has been terminated by death or dissolution.

9 ~~(g)~~
 10 (k) “Home care aide applicant” means an individual, 18 years
 11 of age or older, who is requesting to become a registered home
 12 care aide and the department has received and is processing the
 13 individual’s complete home care aide application and
 14 nonrefundable application fee.

15 ~~(h)~~
 16 (l) “Home care aide application” means the official form,
 17 designated by the department, to request to become a registered
 18 home care aide.

19 ~~(i)~~
 20 (m) “Home care aide registry” means a department-established
 21 and department-maintained Internet Web site of registered home
 22 care aides and home care aide applicants, which includes all of the
 23 following: the individual’s name, registration number, registration
 24 status, registration expiration date, and, if applicable, ~~the home~~
 25 ~~care organization to which the affiliated home care aide or affiliated~~
 26 ~~home care aide applicant is associated. either or both of the~~
 27 *following:*

28 (1) *The home care organization or organizations with which*
 29 *the affiliated home care aide or affiliated home care aide applicant*
 30 *is associated.*

31 (2) *The domestic home care aide referral organization or*
 32 *organizations with which a registered home care aide is associated.*

33 ~~(j)~~
 34 (n) “Home care organization” means an individual, 18 years of
 35 age or older, firm, partnership, corporation, limited liability
 36 company, joint venture, association, or other entity that arranges
 37 for home care services by an affiliated home care aide to a client,
 38 and is licensed pursuant to this chapter.

39 ~~(k)~~

1 (o) “Home care organization applicant” means an individual,
2 18 years of age or older, or a firm, partnership, corporation, limited
3 liability company, joint venture, association, or other entity where
4 the individual or individuals applying for the license are 18 years
5 of age or older and are requesting to become a home care
6 organization licensee and the department has received and is
7 processing the complete home care organization application and
8 nonrefundable application fee.

9 ~~(t)~~

10 (p) “Home care organization application” means the official
11 form, designated by the department, to request to become a licensed
12 home care organization.

13 ~~(m)~~

14 (q) “Home care organization licensee” means an individual, 18
15 years of age or older, firm, partnership, corporation, limited liability
16 company, joint venture, association, or other entity having the
17 authority and responsibility for the operation or management of a
18 licensed home care organization.

19 ~~(n)~~

20 (r) “Home care services” means nonmedical services and
21 assistance provided by a registered home care aide to a client who,
22 because of advanced age or physical or mental disability, cannot
23 perform these services. These services enable the client to remain
24 in his or her residence and include, but are not limited to, assistance
25 with the following: bathing, dressing, feeding, exercising, personal
26 hygiene and grooming, transferring, ambulating, positioning,
27 toileting and incontinence care, assisting with medication that the
28 client self-administers, housekeeping, meal planning and
29 preparation, laundry, transportation, correspondence, making
30 telephone calls, shopping for personal care items or groceries, and
31 companionship. This subdivision shall not authorize a registered
32 home care aide to assist with medication that the client
33 self-administers that would otherwise require administration or
34 oversight by a licensed health care professional.

35 ~~(o) “Registered home care aide” means an affiliated home care
36 aide or independent home care aide, 18 years of age or older, who
37 is listed on the home care aide registry.~~

38 ~~(p)~~

39 (s) “Independent home care aide” means an individual, 18 years
40 of age or older, who is not employed by a home care organization,

1 but who is listed on the home care aide registry and is providing
2 home care services through a direct agreement with a client.

3 (t) “Registered home care aide” means an affiliated home care
4 aide or independent home care aide, 18 years of age or older, who
5 is listed on the home care aide registry.

6 SECTION 1. ~~Section 1796.12 of the Health and Safety Code~~
7 ~~is amended to read:~~

8 1796.12. For purposes of this chapter, the following definitions
9 shall apply:

10 (a) ~~“Affiliated home care aide” means an individual, 18 years~~
11 ~~of age or older, who is employed by a home care organization to~~
12 ~~provide home care services to a client and is listed on the home~~
13 ~~care aide registry.~~

14 (b) ~~“Child” or “children” means an individual or individuals~~
15 ~~under 18 years of age.~~

16 (c) ~~“Client” means an individual who receives home care~~
17 ~~services from a registered home care aide.~~

18 (d) ~~“Department” means the State Department of Social~~
19 ~~Services.~~

20 (e) ~~“Director” means the Director of Social Services.~~

21 (f) ~~“Domestic home care aide referral organization” means an~~
22 ~~employment agency, as defined in Section 1812.5095 of the Civil~~
23 ~~Code that offers, refers, provides, or attempts to provide work for~~
24 ~~an independent home care aide who is providing home care services~~
25 ~~and is licensed pursuant to this chapter.~~

26 (g) ~~“Domestic home care aide referral organization applicant”~~
27 ~~means an individual, 18 years of age or older, or a firm, partnership,~~
28 ~~corporation, limited liability company, joint venture, association,~~
29 ~~or other entity that is requesting to become a domestic home care~~
30 ~~aide referral organization licensee and the department has received~~
31 ~~and is processing the complete domestic home care aide referral~~
32 ~~organization application and nonrefundable application fee.~~

33 (h) ~~“Domestic home care aide referral organization application”~~
34 ~~means the official form, designated by the department, to request~~
35 ~~to become a licensed domestic home care aide referral organization.~~

36 (i) ~~“Domestic home care aide referral organization licensee”~~
37 ~~means an individual, 18 years of age or older, firm, partnership,~~
38 ~~corporation, limited liability company, joint venture, association,~~
39 ~~or other entity having the authority and responsibility for the~~

1 operation of a licensed domestic home care aide referral
2 organization.

3 (j) “Family member” means any spouse, by marriage or
4 otherwise, child or stepchild, by natural birth or by adoption,
5 parent, brother, sister, half brother, half sister, parent-in-law,
6 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first
7 cousin, or any person denoted by the prefix “grand” or “great,” or
8 the spouse of any of these persons, even if the marriage has been
9 terminated by death or dissolution.

10 (k) “Home care aide applicant” means an individual, 18 years
11 of age or older, who is requesting to become a registered home
12 care aide and the department has received and is processing the
13 individual’s complete home care aide application and fees.

14 (l) “Home care aide application” means the official form,
15 designated by the department, to request to become a registered
16 home care aide.

17 (m) “Home care aide registry” means a department-established
18 and department-maintained Internet Web site of registered home
19 care aides and home care aide applicants, which includes all of the
20 following: the individual’s name, registration number, registration
21 status, registration expiration date, and, if applicable, either or both
22 of the following:

23 (1) The home care organization or organizations with which the
24 affiliated home care aide or affiliated home care aide applicant is
25 associated.

26 (2) The domestic home care aide referral organization or
27 organizations with which a registered home care aide is associated.

28 (n) “Home care organization” means an individual, 18 years of
29 age or older, firm, partnership, corporation, limited liability
30 company, joint venture, association, or other entity that arranges
31 for home care services by an affiliated home care aide to a client,
32 and is licensed pursuant to this chapter.

33 (o) “Home care organization application” means the official
34 form, designated by the department, to request to become a licensed
35 home care organization.

36 (p) “Home care organization licensee” means an individual, 18
37 years of age or older, firm, partnership, corporation, limited liability
38 company, joint venture, association, or other entity having the
39 authority and responsibility for the operation of a licensed home
40 care organization.

1 ~~(q) “Home care services” means nonmedical services and~~
2 ~~assistance provided by a registered home care aide to a client who,~~
3 ~~because of advanced age or physical or mental disability, cannot~~
4 ~~perform these services. These services enable the client to remain~~
5 ~~in his or her residence and include, but are not limited to, assistance~~
6 ~~with the following: bathing, dressing, feeding, exercising, personal~~
7 ~~hygiene and grooming, transferring, ambulating, positioning,~~
8 ~~toileting and incontinence care, assisting with medication that the~~
9 ~~client self-administers, housekeeping, meal planning and~~
10 ~~preparation, laundry, transportation, correspondence, making~~
11 ~~telephone calls, shopping for personal care items or groceries, and~~
12 ~~companionship. This subdivision shall not authorize a registered~~
13 ~~home care aide to assist with medication that the client~~
14 ~~self-administers that would otherwise require administration or~~
15 ~~oversight by a licensed health care professional.~~

16 ~~(r) “Independent home care aide” means an individual, 18 years~~
17 ~~of age or older, who is not employed by a home care organization,~~
18 ~~but who is listed on the home care aide registry and is providing~~
19 ~~home care services through a direct agreement with a client.~~

20 ~~(s) “Registered home care aide” means an affiliated home care~~
21 ~~aide or independent home care aide, 18 years of age or older, who~~
22 ~~is listed on the home care aide registry. A registered home care~~
23 ~~aide may work as an affiliated home care aide and as an~~
24 ~~independent home care aide.~~

25 ~~SEC. 2. Section 1796.14 of the Health and Safety Code is~~
26 ~~amended to read:~~

27 ~~1796.14. (a) Individuals who are not employed by a home care~~
28 ~~organization or referred by a domestic home care referral~~
29 ~~organization but who provide home care services to a client may~~
30 ~~be listed on the home care aide registry.~~

31 ~~(b) An affiliated home care aide shall be listed on the home care~~
32 ~~aide registry prior to providing home care services to a client~~
33 ~~through a home care organization. An independent home care~~
34 ~~aide shall be listed on the registry prior to being referred by a~~
35 ~~home care referral organization to a client.~~

36 ~~(c) (1) Home care aides shall not include individuals who are~~
37 ~~providing home care services as part of their job duties through~~
38 ~~one of the following entities:~~

39 ~~(A) Services authorized to be provided by a licensed home~~
40 ~~health agency under Chapter 8 (commencing with Section 1725).~~

1 (B) Services authorized to be provided by a licensed hospice
2 pursuant to Chapter 8.5 (commencing with Section 1745).

3 (C) Services authorized to be provided by a licensed health
4 facility pursuant to Chapter 2 (commencing with Section 1250).

5 (D) In-home supportive services provided pursuant to Article
6 7 (commencing with Section 12300) of Chapter 3 of Part 3 of
7 Division 9 of, or Section 14132.95, 14132.952, or 14132.956 of,
8 the Welfare and Institutions Code.

9 (E) A community care facility licensed pursuant to Chapter 3
10 (commencing with Section 1500), a residential care facility for
11 persons with chronic life-threatening illness licensed pursuant to
12 Chapter 3.01 (commencing with Section 1568.01), a residential
13 care facility for the elderly licensed pursuant to Chapter 3.2
14 (commencing with Section 1569), or a facility licensed pursuant
15 to the California Child Day Care Facilities Act, (Chapter 3.4
16 (commencing with Section 1596.70)), which includes day care
17 centers, as described in Chapter 3.5 (commencing with Section
18 1596.90), family day care homes, as described in Chapter 3.6
19 (commencing with Section 1597.30), and employer-sponsored
20 child care centers, as described in Chapter 3.65 (commencing with
21 Section 1597.70).

22 (F) A clinic licensed pursuant to Section 1204 or 1204.1.

23 (G) A home medical device retail facility licensed pursuant to
24 Section 111656.

25 (H) An organization vendored or contracted through a regional
26 center or the State Department of Developmental Services pursuant
27 to the Lanterman Developmental Disabilities Services Act (Chapter
28 1 (commencing with Section 4500) of Division 4.5 of the Welfare
29 and Institutions Code) and the California Early Intervention
30 Services Act (Title 14 (commencing with Section 95000) of the
31 Government Code) to provide services and supports for persons
32 with developmental disabilities, as defined in Section 4512 of the
33 Welfare and Institutions Code, when funding for those services is
34 provided through the State Department of Developmental Services
35 and more than 50 percent of the recipients of the home care services
36 provided by the organization are persons with developmental
37 disabilities.

38 (I) An alcoholism or drug abuse recovery or treatment facility
39 as defined in Section 11834.02.

1 (J) A facility in which only Indian children who are eligible
2 under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
3 et seq.) are placed and is either of the following:

4 (i) An extended family member of the Indian child, as defined
5 in Section 1903 of Title 25 of the United States Code.

6 (ii) A foster home that is licensed, approved, or specified by the
7 Indian child’s tribe pursuant to Section 1915 of Title 25 of the
8 United States Code.

9 (2) Home care aides shall not include individuals providing
10 services authorized to be provided pursuant to Section 2731 of the
11 Business and Professions Code.

12 (d) Home care aides shall not include a nonrelative extended
13 family member, as defined in Section 362.7 of the Welfare and
14 Institutions Code.

15 (e) In the event of a conflict between this chapter and a provision
16 listed in subdivision (b), (c), or (d), the provision in subdivision
17 (b), (c), or (d) shall control.

18 ~~SEC. 2. Section 1796.14 of the Health and Safety Code is~~
19 ~~amended to read:~~

20 ~~1796.14. (a) Individuals who are not employed by a home care~~
21 ~~organization or referred by a domestic home care referral~~
22 ~~organization but who provide home care services to a client may~~
23 ~~be listed on the home care aide registry.~~

24 ~~(b) An affiliated home care aide shall be listed on the home care~~
25 ~~aide registry prior to providing home care services to a client~~
26 ~~through a home care organization. An independent home care aide~~
27 ~~shall be listed on the registry prior to being referred by a home~~
28 ~~care referral organization to a client.~~

29 ~~(c) An individual providing home care services to a child is~~
30 ~~exempt from any requirement to be listed on the home care aide~~
31 ~~registry if the individual is one of the following:~~

32 ~~(1) A family member of the child.~~

33 ~~(2) A guardian of the child.~~

34 ~~(3) A conservator of the child.~~

35 ~~(4) A foster parent of the child, in a foster family home, as~~
36 ~~defined in paragraph (5) of subdivision (a) of Section 1502, or a~~
37 ~~certified family home, as defined in subdivision (d) of Section~~
38 ~~1506.~~

39 ~~(5) Nonrelative extended family member, as defined in Section~~
40 ~~362.7 of the Welfare and Institutions Code.~~

- 1 ~~(6) Providing home care services in a facility in which only~~
2 ~~Indian children who are eligible under the federal Indian Child~~
3 ~~Welfare Act (25 U.S.C. 1901 et seq.) are placed and is one of the~~
4 ~~following:~~
- 5 ~~(A) An extended family member of the Indian child, as defined~~
6 ~~in Section 1903 of Title 25 of the United States Code.~~
- 7 ~~(B) A foster home that is licensed, approved, or specified by~~
8 ~~the Indian child's tribe pursuant to Section 1915 of Title 25 of the~~
9 ~~United States Code.~~
- 10 ~~(7) Providing home care services as part of his or her job duties~~
11 ~~through one of the following entities:~~
- 12 ~~(A) A home health agency licensed under Chapter 8~~
13 ~~(commencing with Section 1725).~~
- 14 ~~(B) A hospice licensed under Chapter 8.5 (commencing with~~
15 ~~Section 1745).~~
- 16 ~~(C) A health facility licensed under Chapter 2 (commencing~~
17 ~~with Section 1250).~~
- 18 ~~(D) Any clinic licensed under Sections 1204 or 1204.1.~~
- 19 ~~(E) A county providing in-home supportive services pursuant~~
20 ~~to Article 7 (commencing with Section 12300) of Chapter 3 of~~
21 ~~Part 3 of Division 9 of the Welfare and Institutions Code, without~~
22 ~~regard to whether the county provides these services as a public~~
23 ~~authority or through a nonprofit consortium established pursuant~~
24 ~~to Section 12301.6 of the Welfare and Institutions Code.~~
- 25 ~~(F) A home medical device retail facility licensed under Section~~
26 ~~111656.~~
- 27 ~~(G) An organization vendored or contracted through a regional~~
28 ~~center or the State Department of Developmental Services pursuant~~
29 ~~to the Lanterman Developmental Disabilities Services Act~~
30 ~~(Division 4.5 (commencing with Section 4500) of the Welfare and~~
31 ~~Institutions Code) and the California Early Intervention Services~~
32 ~~Act (Title 14 (commencing with Section 95000) of the Government~~
33 ~~Code) to provide services and supports for persons with~~
34 ~~developmental disabilities, as defined in Section 4512 of the~~
35 ~~Welfare and Institutions Code, when funding for those services is~~
36 ~~provided through the State Department of Developmental Services~~
37 ~~and more than 50 percent of the recipients of the home care services~~
38 ~~provided by the organization are persons with developmental~~
39 ~~disabilities.~~

- 1 ~~(H) A community care facility as licensed under Chapter 3~~
2 ~~(commencing with Section 1500), a residential care facility for~~
3 ~~persons with special health care needs licensed under Chapter 3.01~~
4 ~~(commencing with Section 1568.01), a residential care facility for~~
5 ~~the elderly licensed under Chapter 3.2 (commencing with Section~~
6 ~~1569), or a child day care licensed under Chapter 3.4 (commencing~~
7 ~~with Section 1596.70).~~
- 8 ~~(I) Any alcoholism or drug abuse recovery or treatment facility~~
9 ~~as defined by Section 11834.02.~~
- 10 ~~(J) Any other entity providing services similar to those described~~
11 ~~in this paragraph, as determined by the director.~~
- 12 ~~(8) Providing services authorized pursuant to Section 2731 of~~
13 ~~the Business and Professions Code.~~
- 14 ~~(d) (1) Home care aides shall not include individuals who are~~
15 ~~providing home care services as part of their job duties through~~
16 ~~one of the following entities:~~
- 17 ~~(A) Services authorized to be provided by a licensed home~~
18 ~~health agency under Chapter 8 (commencing with Section 1725).~~
- 19 ~~(B) Services authorized to be provided by a licensed hospice~~
20 ~~pursuant to Chapter 8.5 (commencing with Section 1745).~~
- 21 ~~(C) Services authorized to be provided by a licensed health~~
22 ~~facility pursuant to Chapter 2 (commencing with Section 1250).~~
- 23 ~~(D) In-home supportive services provided pursuant to Article~~
24 ~~7 (commencing with Section 12300) of Chapter 3 of Part 3 of~~
25 ~~Division 9 of the Welfare and Institutions Code.~~
- 26 ~~(E) Services authorized to be provided by one of the following:~~
- 27 ~~(i) A licensed residential care facility for the elderly pursuant~~
28 ~~to Chapter 3.2 (commencing with Section 1569).~~
- 29 ~~(ii) A licensed community care facility pursuant to Chapter 3~~
30 ~~(commencing with Section 1500).~~
- 31 ~~(iii) A licensed residential care facility for persons with chronic~~
32 ~~life-threatening illness pursuant to Chapter 3.01 (commencing with~~
33 ~~Section 1568.01).~~
- 34 ~~(iv) A licensed facility, pursuant to the California Child Day~~
35 ~~Care Act (Chapter 3.4 (commencing with Section 1596.70)), which~~
36 ~~includes day care centers under Chapter 3.5 (commencing with~~
37 ~~Section 1596.90) and family day care homes under to Chapter 3.6~~
38 ~~(commencing with Section 1597.30).~~

1 ~~(2) Home care aides shall not include individuals providing~~
2 ~~services authorized to be provided pursuant to Section 2731 of the~~
3 ~~Business and Professions Code.~~

4 *SEC. 3. Section 1796.17 of the Health and Safety Code is*
5 *amended to read:*

6 1796.17. (a) Each home care organization *or a domestic home*
7 *care aide referral organization* shall be separately licensed.
8 Nothing in this chapter shall prevent a licensee from obtaining
9 more than one home care organization license or obtaining a home
10 care organization license in addition to other licenses issued by
11 the department, or both.

12 (b) A home care organization shall not include the following:

13 (1) A home health agency licensed under Chapter 8
14 (commencing with Section 1725).

15 (2) A hospice licensed under Chapter 8.5 (commencing with
16 Section 1745).

17 (3) A health facility licensed under Chapter 2 (commencing
18 with Section 1250).

19 (4) A person who performs services through the In-Home
20 Supportive Services program pursuant to Article 7 (commencing
21 with Section 12300) of Chapter 3 of Part 3 of Division 9 of, or
22 Section 14132.95, 14132.952, or 14132.956 of, the Welfare and
23 Institutions Code.

24 (5) A home medical device retail facility licensed under Section
25 111656.

26 (6) An organization vendored or contracted through a regional
27 center or the State Department of Developmental Services pursuant
28 to the Lanterman Developmental Disabilities Services Act
29 (Division 4.5 (commencing with Section 4500) of the Welfare and
30 Institutions Code) and the California Early Intervention Services
31 Act (Title 14 (commencing with Section 95000) of the Government
32 Code) to provide services and supports for persons with
33 developmental disabilities, as defined in Section 4512 of the
34 Welfare and Institutions Code, when funding for those services is
35 provided through the State Department of Developmental Services
36 and more than 50 percent of the recipients of the home care services
37 provided by the organization are persons with developmental
38 disabilities.

39 (7) An employment agency, as defined in Section 1812.5095
40 of the Civil Code, that procures, offers, refers, provides, or attempts

1 to provide—~~an independent~~ *a domestic worker, except an*
2 *employment agency meeting the definition of a domestic home*
3 *care aide who provides home care services clients referral*
4 *organization in subdivision (f) of Section 1796.12.*

5 (8) A community care facility licensed pursuant to Chapter 3
6 (commencing with Section 1500), a residential care facility for
7 persons with chronic life-threatening illness licensed pursuant to
8 Chapter 3.01 (commencing with Section 1568.01), a residential
9 care facility for the elderly licensed pursuant to Chapter 3.2
10 (commencing with Section 1569), or a facility licensed pursuant
11 to the California Child Day Care Facilities Act (Chapter 3.4
12 (commencing with Section 1596.70)), which includes day care
13 centers, as described in Chapter 3.5 (commencing with Section
14 1596.90), family day care homes, as described in Chapter 3.6
15 (commencing with Section 1597.30), and employer-sponsored
16 child care centers, as described in Chapter 3.65 (commencing with
17 Section 1597.70).

18 (9) An alcoholism or drug abuse recovery or treatment facility
19 as defined in Section 11834.02.

20 (10) A person providing services authorized pursuant to Section
21 2731 of the Business and Professions Code.

22 (11) A clinic licensed pursuant to Section 1204 or 1204.1.

23 (12) A nonrelative extended family member, as defined in
24 Section 362.7 of the Welfare and Institutions Code.

25 (13) A facility providing home care services in which only
26 Indian children who are eligible under the federal Indian Child
27 Welfare Act (25 U.S.C. Sec. 1901 et seq.) are placed and which
28 satisfies either of the following:

29 (A) An extended family member of the Indian child, as defined
30 in Section 1903 of Title 25 of the United States Code.

31 (B) A foster home that is licensed, approved, or specified by
32 the Indian child's tribe pursuant to Section 1915 of Title 25 of the
33 United States Code.

34 (14) Any other individual or entity providing services similar
35 to those described in this chapter, as determined by the director.

36 (c) In the event of a conflict between this chapter and a provision
37 listed in subdivision (b), the provision in subdivision (b) shall
38 control.

39 ~~SEC. 3. Section 1796.17 of the Health and Safety Code is~~
40 ~~amended to read:~~

- 1 1796.17. ~~A home care organization or a domestic home care~~
2 ~~aide referral organization shall not include the following:~~
- 3 ~~(a) A home health agency licensed under Chapter 8~~
4 ~~(commencing with Section 1725).~~
 - 5 ~~(b) A hospice licensed under Chapter 8.5 (commencing with~~
6 ~~Section 1745).~~
 - 7 ~~(c) A health facility licensed under Chapter 2 (commencing~~
8 ~~with Section 1250).~~
 - 9 ~~(d) A county providing in-home supportive services pursuant~~
10 ~~to Article 7 (commencing with Section 12300) of Chapter 3 of~~
11 ~~Part 3 of Division 9 of the Welfare and Institutions Code, without~~
12 ~~regard to whether the county provides these services as a public~~
13 ~~authority or through a nonprofit consortium established pursuant~~
14 ~~to Section 12301.6 of the Welfare and Institutions Code.~~
 - 15 ~~(e) A home medical device retail facility licensed under Section~~
16 ~~111656.~~
 - 17 ~~(f) An organization vendored or contracted through a regional~~
18 ~~center or the State Department of Developmental Services pursuant~~
19 ~~to the Lanterman Developmental Disabilities Services Act~~
20 ~~(Division 4.5 (commencing with Section 4500) of the Welfare and~~
21 ~~Institutions Code) and the California Early Intervention Services~~
22 ~~Act (Title 14 (commencing with Section 95000) of the Government~~
23 ~~Code) to provide services and supports for persons with~~
24 ~~developmental disabilities, as defined in Section 4512 of the~~
25 ~~Welfare and Institutions Code, when funding for those services is~~
26 ~~provided through the State Department of Developmental Services~~
27 ~~and more than 50 percent of the recipients of the home care services~~
28 ~~provided by the organization are persons with developmental~~
29 ~~disabilities.~~
 - 30 ~~(g) An employment agency, as defined in Section 1812.5095~~
31 ~~of the Civil Code, that procures, offers, refers, provides, or attempts~~
32 ~~to provide a domestic worker, except an employment agency~~
33 ~~meeting the definition of a domestic home care aide referral~~
34 ~~organization in subdivision (f) of Section 1796.12.~~
 - 35 ~~(h) A residential care facility for the elderly licensed under~~
36 ~~Chapter 3.2 (commencing with Section 1569).~~
 - 37 ~~(i) A community care facility licensed under Chapter 3~~
38 ~~(commencing with Section 1500), or a residential care facility for~~
39 ~~persons with chronic life-threatening illness licensed under Chapter~~
40 ~~3.01 (commencing with Section 1568.01).~~

1 ~~(j) An person or organization performing activities that fall~~
 2 ~~under the jurisdiction of a child day care facility licensed under~~
 3 ~~Chapter 3.4 (commencing with Section 1596.70), a day care center~~
 4 ~~licensed under Chapter 3.5 (commencing with Section 1596.60),~~
 5 ~~or a family day care home licensed under Chapter 3.6 (commencing~~
 6 ~~with Section 1597.30).~~

7 *SEC. 4. Section 1796.22 of the Health and Safety Code is*
 8 *amended to read:*

9 1796.22. Any individual who has submitted a home care aide
 10 application and who possesses any one of the following
 11 identification cards may initiate a background examination to be
 12 a registered home care aide:

- 13 (a) A valid California driver’s license.
- 14 (b) A valid identification card issued by the Department of
- 15 Motor Vehicles.
- 16 (c) A valid Alien Registration *Receipt Card or valid Permanent*
- 17 *Resident Card.*
- 18 (d) In the case of a person living in a state other than California,
- 19 a valid numbered photo identification card issued by an agency of
- 20 the state other than California.

21 ~~SEC. 4. Section 1796.22 of the Health and Safety Code is~~
 22 ~~amended to read:~~

23 ~~1796.22. Any individual who has submitted an application and~~
 24 ~~who possesses any one of the following identification cards may~~
 25 ~~initiate a background examination to be a registered home care~~
 26 ~~aide:~~

- 27 ~~(a) A valid California driver’s license.~~
- 28 ~~(b) A valid identification card issued by the Department of~~
- 29 ~~Motor Vehieles.~~
- 30 ~~(c) A valid Alien Registration Receipt Card or valid Permanent~~
- 31 ~~Resident Card.~~
- 32 ~~(d) In the case of a person living in a state other than California,~~
- 33 ~~a valid numbered photo identification card issued by an agency of~~
- 34 ~~the state other than California.~~

35 *SEC. 5. Section 1796.29 of the Health and Safety Code is*
 36 *amended to read:*

37 1796.29. The department shall do both of the following in the
 38 administration of the home care aide registry:

1 (a) Establish and maintain on the department's Internet Web
2 site the registry of registered home care aides and home care aide
3 applicants.

4 (1) To expedite the ability of a consumer to search and locate
5 a registered home care aide or home care aide applicant, the
6 Internet Web site shall enable consumers to look up the registration
7 status by providing the registered home care aide's or home care
8 aide applicant's name, registration number, registration status,
9 registration expiration date, and, if applicable, the home care
10 organization with which the affiliated home care aide is associated.

11 (2) The Internet Web site shall not provide any additional,
12 individually identifiable information about a registered home care
13 aide or home care aide applicant. The department may request and
14 may maintain additional information for registered home care aides
15 or home care aide applicants, as necessary for the administration
16 of this chapter, which shall not be publicly available on the home
17 care aide registry.

18 (3) *The Internet Web site shall distinguish between an affiliated
19 and independent home care aide for purposes of informing
20 potential consumers and the public of the differences between the
21 two classifications.*

22 (b) Update the home care registry upon receiving notification
23 from a home care organization ~~that an affiliated or a domestic~~
24 ~~home care aide referral organization that the home care aide is~~
25 ~~no longer employed by the home care by or associated with the~~
26 ~~organization.~~

27 ~~SEC. 5. Section 1796.29 of the Health and Safety Code is~~
28 ~~amended to read:~~

29 ~~1796.29. The department shall do both of the following in the~~
30 ~~administration of the home care aide registry:~~

31 ~~(a) Establish and maintain on the department's Internet Web~~
32 ~~site the registry of registered home care aides and home care aide~~
33 ~~applicants.~~

34 ~~(1) To expedite the ability of a consumer to search and locate~~
35 ~~a registered home care aide or home care aide applicant, the~~
36 ~~Internet Web site shall enable consumers to look up the registration~~
37 ~~status by providing the registered home care aide's or home care~~
38 ~~aide applicant's name, registration number, registration status, and~~
39 ~~registration expiration date.~~

~~(2) The Internet Web site shall not provide any additional, individually identifiable information about a registered home care aide or home care aide applicant. The department may request and may maintain additional information for registered home care aides or home care aide applicants, as necessary for the administration of this chapter, which shall not be publicly available on the home care aide registry.~~

~~(3) The Internet Web site shall distinguish between an affiliated and independent home care aide for purposes of informing potential consumers and the public of the differences between the two classifications.~~

~~(b) Update the home care registry upon receiving notification from a home care organization or a domestic home care aide referral organization that the home care aide is no longer employed by or associated with the organization.~~

SEC. 6. Section 1796.32 of the Health and Safety Code is amended to read:

~~1796.32. Any~~ An individual who has submitted an application and who possesses any one of the following identification cards may initiate a background examination to be a licensed home care organization *or a licensed domestic home care aide referral organization:*

(a) A valid California driver's license.

(b) A valid identification card issued by the Department of Motor Vehicles.

(c) A valid Alien Registration *Receipt Card or a valid Permanent Resident Card.*

(d) In the case of a person living in a state other than California, a valid numbered photo identification card issued by an agency of the state other than California.

~~SEC. 6. Section 1796.33 of the Health and Safety Code is amended to read:~~

~~1796.33. An individual who has submitted an application and who possesses any one of the following identification cards may initiate a background examination to be a licensed home care organization or a licensed domestic home care aide referral organization:~~

~~(a) A valid California driver's license.~~

~~(b) A valid identification card issued by the Department of Motor Vehicles.~~

1 ~~(e) A valid Alien Registration Receipt Card or valid Permanent~~
2 ~~Resident Card.~~

3 ~~(d) In the case of a person living in a state other than California,~~
4 ~~a valid numbered photo identification card issued by an agency of~~
5 ~~the state other than California.~~

6 *SEC. 7. Section 1796.33 of the Health and Safety Code is*
7 *amended to read:*

8 1796.33. (a) In order to obtain a home care organization license
9 or a domestic home care aide referral organization license, the
10 following individual or individuals shall consent to the background
11 examination described in Section 1796.23:

12 ~~(a)~~

13 ~~(1) The owner of the home care organization applicant, if the~~
14 ~~owner is an individual.~~

15 ~~(b)~~

16 (2) If the owner of a home care organization the applicant is a
17 corporation, limited liability company, joint venture, association,
18 or other entity, an individual having a 10-percent or greater
19 ownership in that entity and the chief executive officer or other
20 person serving in a similar capacity. The department shall not issue
21 a provisional license or license to any corporate home care
22 organization applicant that has a member of the board of directors,
23 executive director, or officer who is not eligible for licensure
24 pursuant to Sections 1796.40 and 1796.41.

25 (b) A person who is a current licensee or employee in a facility
26 licensed by the department, a certified foster parent, a certified
27 administrator, or a registered TrustLine provider may transfer his
28 or her current criminal record clearance or exemption for purposes
29 of licensure under this chapter pursuant to subdivision (h) of
30 Section 1522. The person shall, instead, submit to the department,
31 along with the person's application, a copy of his or her
32 identification card, as required pursuant to Section 1796.33, and
33 a declaration verifying the person's identity that is signed under
34 penalty of perjury.

35 ~~SEC. 7. Section 1796.34 of the Health and Safety Code is~~
36 ~~amended to read:~~

37 ~~1796.34. (a) In order to obtain a home care organization license~~
38 ~~or a domestic home care aide referral organization license, the~~
39 ~~following individual or individuals shall consent to the background~~
40 ~~examination described in Section 1796.23:~~

1 ~~(1) The owner or owners of the applicant, if the owners are~~
 2 ~~individuals.~~

3 ~~(2) If the owner of the applicant is a corporation, limited liability~~
 4 ~~company, joint venture, association, or other entity, an individual~~
 5 ~~having a 10-percent or greater interest in that entity.~~

6 ~~(b) A person who is a current licensee or employee in a facility~~
 7 ~~licensed by the department, a certified foster parent, a certified~~
 8 ~~administrator, or a registered TrustLine provider may transfer his~~
 9 ~~or her current criminal record clearance or exemption for purposes~~
 10 ~~of licensure under this chapter pursuant to subdivision (h) of~~
 11 ~~Section 1522. The person shall, instead, submit to the department,~~
 12 ~~along with the person's application, a copy of his or her~~
 13 ~~identification card, as required pursuant to Section 1796.33, and~~
 14 ~~a declaration verifying the person's identity that is signed under~~
 15 ~~penalty of perjury.~~

16 *SEC. 8. Section 1796.34 of the Health and Safety Code is*
 17 *amended to read:*

18 1796.34. (a) A person or a private or public organization, with
 19 the exception of any person who performs in-home supportive
 20 services through the In-Home Supportive Services program
 21 pursuant to Article 7 (commencing with Section 12300) of Chapter
 22 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or
 23 Section 14132.95, 14132.952, or 14132.956 of the Welfare and
 24 Institutions Code, and the exceptions provided for in subdivision
 25 ~~(b)~~ (c), shall not do any of the following, unless it is a *licensed*
 26 *home care organization* licensed pursuant to this chapter:

27 (1) Own, manage, or represent himself, herself or itself to be
 28 a home care organization by name, advertising, soliciting, or any
 29 other presentments to the public, or in the context of services within
 30 the scope of this chapter, imply that he, she, or it is licensed to
 31 provide those services or to make any reference to employee
 32 bonding in relation to those services.

33 (2) Use the terms "home care organization," "home care,"
 34 "in-home care," or any combination of those terms, within its
 35 name.

36 ~~(b) This section does not apply to either of the following:~~

37 ~~(1) Any person~~

38 ~~(b) A person or a private or public organization, with the~~
 39 ~~exception of a county providing in-home supportive services~~
 40 ~~pursuant to Article 7 (commencing with Section 12300) of Chapter~~

1 3 of Part 3 of Division 9 of the Welfare and Institutions Code, and
2 the exceptions provided for in subdivision (c), shall not do any of
3 the following, unless it is a licensed domestic home care aide
4 referral organization under this chapter:

5 (1) Represent himself, herself, or itself to be a domestic home
6 care aide referral organization by name, advertising, soliciting,
7 or any other presentment to the public, or in the context of services
8 within the scope of this chapter, imply that he, she, or it is licensed
9 to provide those services or to make any reference to employment
10 agency or bonding in relation to those services.

11 (2) Use the terms “domestic home care aide referral
12 organization,” “home care organization,” “home care,” “in-home
13 care,” or any combination of those terms, within its name.

14 (c) (1) This section does not apply to a person who performs
15 in-home supportive services through the In-Home Supportive
16 Services program pursuant to Article 7 (commencing with Section
17 12300) of Chapter 3 of Part 3 of Division 9 of, or Section 14132.95,
18 14132.952, or 14132.956 of, the Welfare and Institutions Code.

19 ~~(2) An employment agency, as defined in Section 1812.5095~~
20 ~~of the Civil Code, that procures, offers, refers, provides, or attempts~~
21 ~~to provide an independent~~

22 ~~(2) Subdivision (a) does not apply to a domestic home care aide~~
23 ~~who provides home care to clients referral organization.~~

24 ~~(3) Subdivision (b) does not apply to a home care organization.~~

25 ~~SEC. 8. Section 1796.35 of the Health and Safety Code is~~
26 ~~amended to read:~~

27 ~~1796.35. (a) A person or a private or public organization, with~~
28 ~~the exception of a county providing in-home supportive services~~
29 ~~pursuant to Article 7 (commencing with Section 12300) of Chapter~~
30 ~~3 of Part 3 of Division 9 of the Welfare and Institutions Code, and~~
31 ~~the exceptions provided for in subdivision (c), shall not do any of~~
32 ~~the following, unless it is a licensed home care organization under~~
33 ~~this chapter:~~

34 ~~(1) Represent himself, herself or itself to be a home care~~
35 ~~organization by name, advertising, soliciting, or any other~~
36 ~~presentments to the public, or in the context of services within the~~
37 ~~scope of this chapter, imply that he, she, or it is licensed to provide~~
38 ~~those services or to make any reference to employee bonding in~~
39 ~~relation to those services:~~

1 ~~(2) Use the terms “home care organization,” “home care,”~~
 2 ~~“in-home care,” or any combination of those terms, within its~~
 3 ~~name.~~

4 ~~(b) A person or a private or public organization, with the~~
 5 ~~exception of a county providing in-home supportive services~~
 6 ~~pursuant to Article 7 (commencing with Section 12300) of Chapter~~
 7 ~~3 of Part 3 of Division 9 of the Welfare and Institutions Code, and~~
 8 ~~the exceptions provided for in subdivision (c), shall not do any of~~
 9 ~~the following, unless it is a licensed domestic home care aide~~
 10 ~~referral organization under this chapter:~~

11 ~~(1) Represent himself, herself, or itself to be a domestic home~~
 12 ~~care aide referral organization by name, advertising, soliciting, or~~
 13 ~~any other presentment to the public, or in the context of services~~
 14 ~~within the scope of this chapter, imply that he, she, or it is licensed~~
 15 ~~to provide those services or to make any reference to employment~~
 16 ~~agency or bonding in relation to those services.~~

17 ~~(2) Use the terms “domestic home care aide referral~~
 18 ~~organization,” “home care organization,” “home care,” “in-home~~
 19 ~~care,” or any combination of those terms, within its name.~~

20 ~~(c) (1) This section does not apply to a county providing~~
 21 ~~in-home supportive services pursuant to Article 7 (commencing~~
 22 ~~with Section 12300) of Chapter 3 of Part 3 of Division 9 of the~~
 23 ~~Welfare and Institutions Code.~~

24 ~~(2) Subdivision (a) does not apply to a domestic home care aide~~
 25 ~~referral organization.~~

26 ~~(3) Subdivision (b) does not apply to a home care organization.~~

27 *SEC. 9. Section 1796.36 of the Health and Safety Code is*
 28 *amended to read:*

29 1796.36. (a) A home care organization *or a domestic home*
 30 *care aide referral organization* that has its principal place of
 31 business in another state, in addition to the other requirements of
 32 this chapter, before arranging for home care services provided by
 33 ~~an affiliated~~ *a registered* home care aide to a client in the state,
 34 shall comply with all of the following:

- 35 (1) Have an office in California.
- 36 (2) Maintain all pertinent records of the operation in California
- 37 at the California office. All records shall be available to review,
- 38 copy, audit, and inspect by the department.

39 (b) If the home care organization *or domestic home care aide*
 40 *referral organization* is a foreign corporation, foreign limited

1 liability company, foreign limited partnership, foreign association,
2 or a foreign limited liability partnership, as defined in Sections
3 170, 171, 171.03, 171.05, and 16101 of the Corporations Code,
4 before arranging for home care services provided by ~~an affiliated~~
5 *a registered* home care aide to a client in the state, the home care
6 organization *or domestic home care aide referral organization*
7 shall have an office in California and shall comply with both of
8 the following:

9 (1) Register with the Secretary of State to conduct intrastate
10 business in California.

11 (2) Maintain all pertinent records of the operation in California
12 at the California office. All records shall be available to review,
13 copy, audit, and inspect by the department.

14 ~~SEC. 9. Section 1796.37 of the Health and Safety Code is~~
15 ~~amended to read:~~

16 ~~1796.37. (a) A home care organization or domestic home care~~
17 ~~aide referral organization that has its principal place of business~~
18 ~~in another state, in addition to the other requirements of this~~
19 ~~chapter, before arranging for home care services provided by a~~
20 ~~registered home care aide to a client in the state, shall comply with~~
21 ~~all of the following:~~

22 ~~(1) Have an office in California.~~

23 ~~(2) Maintain all pertinent records of the operation in California~~
24 ~~at the California office. All records shall be available to review,~~
25 ~~copy, audit, and inspect by the licensing agency.~~

26 ~~(b) If the home care organization or domestic home care aide~~
27 ~~referral organization is a foreign corporation, foreign limited~~
28 ~~liability company, foreign limited partnership, foreign association,~~
29 ~~or a foreign limited liability partnership, as defined in Sections~~
30 ~~170, 171, 171.03, 171.05, and 16101 of the Corporations Code,~~
31 ~~before arranging for home care services provided by a registered~~
32 ~~home care aide to a client in the state, the home care organization~~
33 ~~or domestic home care aide referral organization shall have an~~
34 ~~office in California and shall comply with both of the following:~~

35 ~~(1) Register with the Secretary of State to conduct intrastate~~
36 ~~business in California.~~

37 ~~(2) Maintain all pertinent records of the operation in California~~
38 ~~at the California office. All records shall be available to review,~~
39 ~~copy, audit, and inspect by the licensing agency.~~

1 *SEC. 10. Section 1796.37 of the Health and Safety Code is*
 2 *amended to read:*

3 1796.37. (a) The department ~~may~~ *shall* issue a home care
 4 organization license to a home care organization applicant that
 5 satisfies the requirements set forth in this chapter, including all of
 6 the following:

7 (1) Files a complete home care organization application,
 8 including the fees required pursuant to Section 1796.49.

9 (2) Submits proof of general and professional liability insurance
 10 in the amount of at least one million dollars (\$1,000,000) per
 11 occurrence and three million dollars (\$3,000,000) in the aggregate.

12 (3) Submits proof of a valid workers' compensation policy
 13 covering its affiliated home care aides. The proof shall consist of
 14 the policy number, the effective and expiration dates of the policy,
 15 and the name and address of the policy carrier.

16 (4) Submits proof of an employee dishonesty bond, including
 17 third-party coverage, with a minimum limit of ten thousand dollars
 18 (\$10,000). This proof shall be submitted at each subsequent
 19 renewal.

20 (5) Provides the department, upon request, with a complete list
 21 of its affiliated home care aides, and proof that each satisfies the
 22 requirements of Sections 1796.43, 1796.44, and 1796.45.

23 (6) Passes a background examination, as required pursuant to
 24 Section 1796.33.

25 (7) Completes a department orientation.

26 (8) Does not have any outstanding fees or civil penalties due to
 27 the department.

28 (9) Discloses prior or present service as an administrator, general
 29 partner, corporate officer or director of, or discloses that he or she
 30 has held or holds a beneficial ownership of 10 percent or more in,
 31 any of the following:

32 (A) A community care facility, as defined in Section 1502.

33 (B) A residential care facility, as defined in Section 1568.01.

34 (C) A residential care facility for the elderly, as defined in
 35 Section 1569.2.

36 (D) A child day care facility, as defined in Section 1596.750.

37 (E) A day care center, as described in Chapter 3.5 (commencing
 38 with Section 1596.90).

39 (F) A family day care home, as described in Chapter 3.6
 40 (commencing with Section 1597.30).

1 (G) An employer-sponsored child care center, as described in
2 Chapter 3.65 (commencing with Section 1597.70).

3 (H) A home care organization licensed pursuant to this chapter.

4 (10) Discloses any revocation or other disciplinary action taken,
5 or in the process of being taken, against a license held or previously
6 held by the entities specified in paragraph (9).

7 (11) Provides evidence that every member of the board of
8 directors, if applicable, understands his or her legal duties and
9 obligations as a member of the board of directors and that the home
10 care organization's operation is governed by laws and regulations
11 that are enforced by the department.

12 (12) Provides any other information as may be required by the
13 department for the proper administration and enforcement of this
14 chapter.

15 (13) Cooperates with the department in the completion of the
16 home care organization license application process. Failure of the
17 home care organization licensee to cooperate may result in the
18 withdrawal of the home care organization license application.
19 "Failure to cooperate" means that the information described in this
20 chapter and in any rules and regulations promulgated pursuant to
21 this chapter has not been provided, or not provided in the form
22 requested by the department, or both.

23 (b) A home care organization licensee shall renew the home
24 care organization license every two years. The department may
25 renew a home care organization license if the licensee satisfies the
26 requirements set forth in this chapter, including all of the following:

27 (1) Files a complete home care organization license renewal
28 application, including the nonrefundable fees required pursuant to
29 Section 1796.49, both of which shall be postmarked on or before
30 the expiration of the license.

31 (2) Submits proof of general and professional liability insurance
32 in the amount of at least one million dollars (\$1,000,000) per
33 occurrence and three million dollars (\$3,000,000) in the aggregate.

34 (3) Submits proof of a valid workers' compensation policy
35 covering its affiliated home care aides. The proof shall consist of
36 the policy number, the effective and expiration dates of the policy,
37 and the name and address of the policy carrier.

38 (4) Submits proof of an employee dishonesty bond, including
39 third-party coverage, with a minimum limit of ten thousand dollars
40 (\$10,000).

- 1 (5) Does not have any outstanding fees or civil penalties due to
- 2 the department.
- 3 (6) Provides any other information as may be required by the
- 4 department for the proper administration and enforcement of this
- 5 chapter.
- 6 (7) Cooperates with the department in the completion of the
- 7 home care organization license renewal process. Failure of the
- 8 home care organization licensee to cooperate may result in the
- 9 withdrawal of the home care organization license renewal
- 10 application. "Failure to cooperate" means that the information
- 11 described in this chapter and in any rules and regulations
- 12 promulgated pursuant to this chapter has not been provided, or not
- 13 provided in the form requested by the department, or both.
- 14 (c) (1) The department shall notify a licensed home care
- 15 organization in writing of its registration expiration date and the
- 16 process of renewal.
- 17 (2) Written notification pursuant to this subdivision shall be
- 18 mailed to the registered home care organization's mailing address
- 19 of record at least 60 days before the registration expiration date.
- 20 (d) *The department shall issue a domestic home care aide*
- 21 *referral organization license to a domestic home care aide referral*
- 22 *organization applicant that satisfies the requirements set forth in*
- 23 *this chapter, including all of the following:*
- 24 (1) *Files a complete domestic home care aide referral*
- 25 *organization application, including the fees required pursuant to*
- 26 *Section 1796.50.*
- 27 (2) *Submits proof of general and professional liability insurance*
- 28 *in the amount of at least one million dollars (\$1,000,000) per*
- 29 *occurrence and three million dollars (\$3,000,000) in the aggregate.*
- 30 (3) *Submits evidence of compliance with the bond requirements,*
- 31 *in accordance with Section 1812.503 of the Civil Code.*
- 32 (4) *Provides the department, upon request, with a list of*
- 33 *independent home care aides and proof that each satisfies the*
- 34 *requirements of Section 1796.23.*
- 35 (5) *The owner or owners of the domestic home care aide referral*
- 36 *organization pass a background examination, as required pursuant*
- 37 *to Section 1796.34.*
- 38 (6) *The applicant does not have any outstanding fees or civil*
- 39 *penalties due to the department.*

1 (e) A domestic home care aide referral organization shall be
2 separately licensed.

3 (f) Nothing in this chapter shall prevent a licensee from
4 obtaining more than one domestic home care aide referral
5 organization license or obtaining a domestic home care aide
6 referral organization license in addition to other licenses issued
7 by the department, or both.

8 ~~SEC. 10. Section 1796.38 of the Health and Safety Code is~~
9 ~~amended to read:~~

10 ~~1796.38. (a) The department shall issue a home care~~
11 ~~organization license to an individual or other entity that satisfies~~
12 ~~all of the requirements set forth in this chapter, including all of the~~
13 ~~following:~~

14 ~~(1) Files a home care organization application, including the~~
15 ~~fees required pursuant to Section 1796.49.~~

16 ~~(2) Submits proof of general and professional liability insurance~~
17 ~~in the amount of at least one million dollars (\$1,000,000) per~~
18 ~~occurrence and three million dollars (\$3,000,000) in the aggregate.~~

19 ~~(3) Submits proof of a valid workers' compensation policy~~
20 ~~covering its affiliated home care aides. The proof shall consist of~~
21 ~~the policy number, the effective and expiration dates of the policy,~~
22 ~~and the name and address of the policy carrier.~~

23 ~~(4) Provides the department, upon request, with a complete list~~
24 ~~of its affiliated home care aides, and proof that each satisfies the~~
25 ~~requirements of Section 1796.23.~~

26 ~~(5) The owner or owners of the home care organization pass a~~
27 ~~background examination, as required pursuant to Section 1796.34.~~

28 ~~(6) The applicant does not have any outstanding fees or civil~~
29 ~~penalties due to the department.~~

30 ~~(b) The department shall issue a domestic home care aide referral~~
31 ~~organization license to a domestic home care aide referral~~
32 ~~organization applicant that satisfies the requirements set forth in~~
33 ~~this chapter, including all of the following:~~

34 ~~(1) Files a complete domestic home care aide referral~~
35 ~~organization application, including the fees required pursuant to~~
36 ~~Section 1796.50.~~

37 ~~(2) Submits proof of general and professional liability insurance~~
38 ~~in the amount of at least one million dollars (\$1,000,000) per~~
39 ~~occurrence and three million dollars (\$3,000,000) in the aggregate.~~

1 ~~(3) Submits evidence of compliance with the bond requirements,~~
2 ~~in accordance with Section 1812.503 of the Civil Code.~~

3 ~~(4) Provides the department, upon request, with a list of~~
4 ~~independent home care aides and proof that each satisfies the~~
5 ~~requirements of Section 1796.23.~~

6 ~~(5) The owner or owners of the domestic home care aide referral~~
7 ~~organization pass a background examination, as required pursuant~~
8 ~~to Section 1796.34.~~

9 ~~(6) The applicant does not have any outstanding fees or civil~~
10 ~~penalties due to the department.~~

11 ~~SEC. 11. Section 1796.39 of the Health and Safety Code is~~
12 ~~amended to read:~~

13 ~~1796.39. (a) A licensee shall renew the home care organization~~
14 ~~license or domestic home care aide referral organization license~~
15 ~~every two years.~~

16 ~~(b) Renewal shall be conditioned upon the licensee doing both~~
17 ~~of the following:~~

18 ~~(1) Submitting a complete renewal application form and payment~~
19 ~~of fees, both of which shall be postmarked on or before the~~
20 ~~expiration of the license.~~

21 ~~(2) Continuing to satisfy the requirements set forth in this~~
22 ~~chapter, and cooperating with the department in the completion~~
23 ~~of the renewal process.~~

24 ~~(c) Failure of the licensee to cooperate may result in the~~
25 ~~withdrawal of the license renewal application. “Failure to~~
26 ~~cooperate” means that the information described in this chapter~~
27 ~~and in any rules and regulations promulgated under this chapter~~
28 ~~has not been provided, or not provided in the form requested by~~
29 ~~the department, or both.~~

30 ~~SEC. 12. Section 1796.40 is added to the Health and Safety~~
31 ~~Code, immediately following Section 1796.39, to read:~~

32 ~~1796.40. (a) A domestic home care aide referral organization~~
33 ~~shall be separately licensed.~~

34 ~~(b) Nothing in this chapter shall prevent a licensee from~~
35 ~~obtaining more than one domestic home care aide referral~~
36 ~~organization license or obtaining a domestic home care aide referral~~
37 ~~organization license in addition to other licenses issued by the~~
38 ~~department, or both.~~

39 ~~SEC. 13. Section 1796.41 of the Health and Safety Code is~~
40 ~~amended to read:~~

1 ~~1796.41. (a) A home care organization licensee and a domestic~~
2 ~~home care aide referral organization licensee shall do all of the~~
3 ~~following:~~

4 ~~(1) Post its license and business hours in its place of business~~
5 ~~in a conspicuous location, visible both to clients and registered~~
6 ~~home care aides.~~

7 ~~(2) Report any suspected or known adult abuse as required by~~
8 ~~Section 15630 of the Welfare and Institutions Code and suspected~~
9 ~~or known child abuse as required by Sections 11164 to 11174.3,~~
10 ~~inclusive, of the Penal Code. A copy of each suspected abuse report~~
11 ~~shall be maintained and available for review by the department~~
12 ~~during normal business hours.~~

13 ~~(3) Provide clients with written information regarding the types~~
14 ~~and hours of available services and the fees associated with those~~
15 ~~services and a disclosure that services may or may not be a covered~~
16 ~~benefit through Medicare or Medi-Cal.~~

17 ~~(b) In addition to the requirements of subdivision (a), a home~~
18 ~~care organization licensee shall do both of the following:~~

19 ~~(1) Maintain and abide by a valid workers' compensation policy~~
20 ~~covering its affiliated home care aides.~~

21 ~~(2) Maintain and abide by an employee dishonesty bond,~~
22 ~~including third-party coverage, with a minimum limit of ten~~
23 ~~thousand dollars (\$10,000).~~

24 ~~(c) In addition to the requirements of subdivision (a), a domestic~~
25 ~~home care aide referral organization referring an independent home~~
26 ~~care aide shall do all of the following:~~

27 ~~(1) Comply with the bond requirements included in Section~~
28 ~~1812.503 of the Civil Code.~~

29 ~~(2) Orally communicate to the person seeking home care aide~~
30 ~~services the disclosure set forth in this paragraph prior to the~~
31 ~~referral of the home care aide:~~

32
33 ~~“(Name of the referral organization) is not the employer of the~~
34 ~~domestic worker that it referred to you. Depending on your~~
35 ~~arrangement with the domestic worker, you may have the~~
36 ~~responsibilities of an employer. A written disclosure with additional~~
37 ~~information is being mailed to you.”~~

38
39 ~~(3) Within three business days after the domestic home care~~
40 ~~aide referral organization refers a registered home care aide to the~~

1 person seeking home care aide services, mail the following
2 statement, printed in not less than 10-point type and in bold or
3 italic, to the person seeking domestic services:

4
5 “(Name of the referral organization) is not the employer of the
6 domestic worker it referred to you. The domestic worker may be
7 your employee or an independent contractor depending on the
8 relationship you have with him or her. If you direct and control
9 the manner and means by which the domestic worker performs
10 his or her work, you may have the responsibilities of an employer,
11 including employment taxes and workers’ compensation, under
12 state and federal law. For additional information contact your local
13 Employment Development Department and the Internal Revenue
14 Service. (Name of referral organization) is a referral agency and
15 does not employ, control, or train any home care aide it refers.”

16
17 (4) A domestic home care aide referral organization referring
18 home care aides shall, in any paid advertising brochure or the
19 domestic home care aide referral organization’s Internet Web site
20 promoting the domestic home care aide referral organization’s
21 services, insert the following statement, in no less than 10-point
22 type and in a color that contrasts with the background so it is easily
23 legible:

24
25 “(Name of the referral organization) is a referral agency.”

26
27 (5) Provide, upon receipt of a written request from a client for
28 whom a registered home care aide provided the client services, a
29 statement of payments made on behalf of the client to the registered
30 home care aide through the domestic home care aide referral
31 organization’s trust account.

32 *SEC. 11. Section 1796.42 of the Health and Safety Code is*
33 *amended to read:*

34 1796.42. (a) A home care organization licensee and a domestic
35 home care aide referral organization shall do all of the following:

36 (a)

37 (1) Post its license, business hours, and any other information
38 required by the department in its place of business in a conspicuous
39 location, visible both to clients and affiliated home care aides.

1 (2) Report any suspected or known dependent adult or elder
2 abuse as required by Section 15630 of the Welfare and Institutions
3 Code and suspected or known child abuse as required by Sections
4 11164 to 11174.3, inclusive, of the Penal Code. A copy of each
5 suspected abuse report shall be maintained and available for
6 review by the department during normal business hours.

7 (3) Provide clients with written information regarding the types
8 and hours of available services and the fees associated with those
9 services and a disclosure that services may or may not be a covered
10 benefit through Medicare or Medi-Cal.

11 (b) In addition to the requirements of subdivision (a), a home
12 care organization licensee shall do all of the following:

13 ~~(b)~~

14 (1) Maintain and abide by a valid workers' compensation policy
15 covering its affiliated home care aides.

16 ~~(e)~~

17 (2) Maintain and abide by an employee dishonesty bond,
18 including third-party coverage, with a minimum limit of ten
19 thousand dollars (\$10,000).

20 ~~(d)~~

21 (3) Maintain proof of general and professional liability insurance
22 in the amount of at least one million dollars (\$1,000,000) per
23 occurrence and three million dollars (\$3,000,000) in the aggregate.

24 ~~(e) Report any suspected or known dependent adult or elder~~
25 ~~abuse as required by Section 15630 of the Welfare and Institutions~~
26 ~~Code and suspected or known child abuse as required by Sections~~
27 ~~11164 to 11174.3, inclusive, of the Penal Code. A copy of each~~
28 ~~suspected abuse report shall be maintained and available for review~~
29 ~~by the department during normal business hours.~~

30 (c) In addition to the requirements of subdivision (a), a domestic
31 home care aide referral organization referring an independent
32 home care aide shall do all of the following:

33 (1) Comply with the bond requirements included in Section
34 1812.503 of the Civil Code.

35 (2) Orally communicate to the person seeking home care aide
36 services the disclosure set forth in this paragraph prior to the
37 referral of the home care aide:

38

39 "(Name of the referral organization) is not the employer of the
40 domestic worker that it referred to you. Depending on your

1 arrangement with the domestic worker, you may have the
 2 responsibilities of an employer. A written disclosure with additional
 3 information is being mailed to you.”

4
 5 (3) Within three business days after the domestic home care
 6 aide referral organization refers a registered home care aide to
 7 the person seeking home care aide services, mail the following
 8 statement, printed in not less than 10-point type and in bold or
 9 italic, to the person seeking domestic services:

10
 11 “(Name of the referral organization) is not the employer of the
 12 domestic worker it referred to you. The domestic worker may be
 13 your employee or an independent contractor depending on the
 14 relationship you have with him or her. If you direct and control
 15 the manner and means by which the domestic worker performs his
 16 or her work, you may have the responsibilities of an employer,
 17 including employment taxes and workers’ compensation, under
 18 state and federal law. You may request, in writing, for (name of
 19 the organization) to provide you with a statement of payments
 20 made on your behalf to assist you. For additional information
 21 contact your local Employment Development Department and the
 22 Internal Revenue Service. (Name of referral organization) is a
 23 referral agency and does not employ, control, or train any home
 24 care aide it refers.”

25
 26 (4) A domestic home care aide referral organization referring
 27 home care aides shall, in any paid advertising brochure or the
 28 domestic home care aide referral organization’s Internet Web site
 29 promoting the domestic home care aide referral organization’s
 30 services, insert the following statement, in no less than 10-point
 31 type and in a color that contrasts with the background so it is
 32 easily legible:

33
 34 “(Name of the referral organization) is a referral agency.”

35
 36 (5) Provide, upon receipt of a written request from a client for
 37 whom a registered home care aide provided the client services, a
 38 statement of payments made on behalf of the client to the registered
 39 home care aide through the domestic home care aide referral
 40 organization’s trust account.

1 ~~SEC. 14. Section 1796.42 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 ~~1796.42. (a) Home care organizations that employ affiliated~~
4 ~~home care aides and domestic home care aide referral organizations~~
5 ~~that refer registered home care aides shall ensure the home care~~
6 ~~aides are cleared on the home care aide registry before placing the~~
7 ~~individual in direct contact with clients. In addition, the home care~~
8 ~~organization or domestic home care aide referral organization shall~~
9 ~~do all of the following:~~

10 ~~(1) Ensure any staff person, volunteer, or employee who has~~
11 ~~contact with clients, prospective clients, or confidential client~~
12 ~~information that may pose a risk to the clients' health and safety~~
13 ~~has met the requirements of Section 1796.23 before being hired.~~

14 ~~(2) Require home care aides to demonstrate that they are free~~
15 ~~of active tuberculosis disease, pursuant to Section 1796.45.~~

16 ~~(3) A home care organization shall immediately notify the~~
17 ~~department when the home care organization no longer employs~~
18 ~~an individual as an affiliated home care aide. A domestic home~~
19 ~~care aide referral organization shall immediately notify the~~
20 ~~department when the domestic home care aide referral organization~~
21 ~~no longer has a relationship with an independent home care aide.~~

22 ~~(b) This section shall not prevent a licensee from requiring a~~
23 ~~criminal record clearance of any individual exempt from the~~
24 ~~requirements of this section, provided that the individual has client~~
25 ~~contact.~~

26 *SEC. 12. Section 1796.43 of the Health and Safety Code is*
27 *amended to read:*

28 *1796.43. (a) Home care organizations that employ affiliated*
29 *home care aides and domestic home care aide referral*
30 *organizations that refer home care aides shall ensure the affiliated*
31 *home care aides are cleared on the home care aide registry before*
32 *placing the individual in direct contact with clients. In addition,*
33 *the home care organization or domestic home care aide referral*
34 *organizations shall do all of the following:*

35 *(1) Ensure any staff person, volunteer, or employee of a home*
36 *care organization who has contact with clients, prospective clients,*
37 *or confidential client information that may pose a risk to the clients'*
38 *health and safety has met the requirements of Sections 1796.23,*
39 *1796.24, 1796.25, 1796.26, and 1796.28 before there is contact*

1 with clients or prospective clients or access to confidential client
2 information.

3 (2) Require home care aides to demonstrate that they are free
4 of active tuberculosis disease, pursuant to Section 1796.45.

5 (3) ~~Immediately~~ *A home care organization shall immediately*
6 *notify the department when the home care organization no longer*
7 *employs an individual as an affiliated home care aide. A domestic*
8 *home care aide referral organization shall immediately notify the*
9 *department when the domestic home care aide referral*
10 *organization no longer has a relationship with an independent*
11 *home care aide.*

12 (b) This section shall not prevent a licensee from requiring a
13 criminal record clearance of any individual exempt from the
14 requirements of this section, provided that the individual has client
15 contact.

16 ~~SEC. 15.~~

17 *SEC. 13.* The heading of Article 8 (commencing with Section
18 1796.44) of Chapter 13 of Division 2 of the Health and Safety
19 Code is amended to read:

20
21 Article 8. Home Care Aides Provided by Licensed
22 Organizations
23

24 *SEC. 14. Section 1796.44 of the Health and Safety Code is*
25 *amended to read:*

26 1796.44. (a) A licensee shall ensure that prior to providing
27 home care services, an affiliated home care aide shall complete
28 the training requirements specified ~~in this section~~ *subdivisions (b)*
29 *and (c). A domestic home care aide referral organization shall*
30 *ensure, prior to that person being referred to a client, that a*
31 *registered home care aide demonstrate proficiency as provided in*
32 *subdivision (d).*

33 (b) An affiliated home care aide shall complete a minimum of
34 five hours of entry-level training prior to presence with a client,
35 as follows:

36 (1) Two hours of orientation training regarding his or her role
37 as caregiver and the applicable terms of employment.

38 (2) Three hours of safety training, including basic safety
39 precautions, emergency procedures, and infection control.

1 (c) In addition to the requirements in subdivision (b), an
2 affiliated home care aide shall complete a minimum of five hours
3 of annual training. The annual training shall relate to core
4 competencies and be population specific, which shall include, but
5 not be limited to, the following areas:

- 6 (1) Clients' rights and safety.
- 7 (2) ~~How~~ *Activities of daily living, including how to provide for*
8 *and respond to a client's daily living needs.*
- 9 (3) ~~How to detect, report, prevent, and detect and prevent~~ *abuse*
10 *and neglect.*
- 11 (4) ~~How to assist~~ *Assisting a client with personal hygiene and*
12 *other home care services: hygiene.*
- 13 (5) ~~If~~ *Safely transporting clients, if transportation services are*
14 *provided, how to safely transport a client provided by the registered*
15 *home care aide.*
- 16 (6) *Infection control.*
- 17 (7) *Basic safety precautions.*

18 (d) (1) *An independent home care aide who is being referred*
19 *by a domestic home care aide referral organization shall do both*
20 *of the following:*

- 21 (A) *Annually complete a proficiency exam that includes all of*
22 *the following topics.*
 - 23 (i) *Clients' rights and safety.*
 - 24 (ii) *Activities of daily living, including how to provide for and*
25 *respond to a client's daily needs.*
 - 26 (iii) *How to detect, report, and prevent abuse and neglect.*
 - 27 (iv) *Assisting clients with personal hygiene.*
 - 28 (v) *Safely transporting clients, if transportation services are*
29 *provided by the registered home care aide.*
 - 30 (vi) *Infection control.*
 - 31 (vii) *Basic safety precautions.*

32 (B) *Provide verifiable references demonstrating that the home*
33 *care aide has the necessary experience to provide home care*
34 *services.*

35 (2) *An independent home care aide who does not complete the*
36 *proficiency exam shall not be eligible for referral to prospective*
37 *clients.*

38 (3) *The proficiency exam provided shall include*
39 *department-approved, job-related topics described in this*
40 *subdivision and may be provided via an online proficiency*

1 *examination or a written proficiency examination administered*
 2 *by the domestic home care aide referral organization or their*
 3 *designee.*

4 ~~(d)~~

5 *(e) The entry-level training and annual training described in*
 6 *subdivisions (b) and (c) may be completed through an online*
 7 *training program.*

8 *(f) A registered home care aide who possesses a current and*
 9 *valid certification from the State Department of Public Health as*
 10 *a Certified Nurse Assistant or Certified Home Health Aide is*
 11 *exempt from the requirements of subdivisions (c) and (d).*

12 ~~SEC. 16. Section 1796.44 of the Health and Safety Code is~~
 13 ~~amended to read:~~

14 ~~1796.44. (a) A home care organization licensee shall ensure~~
 15 ~~that, prior to providing home care services, an affiliated home care~~
 16 ~~aide shall complete the training requirements specified in~~
 17 ~~subdivisions (b) and (c). A domestic home care aide referral~~
 18 ~~organization shall ensure, prior to that person being referred to a~~
 19 ~~client, that a registered home care aide demonstrate proficiency~~
 20 ~~as provided in subdivision (d):~~

21 ~~(b) An affiliated home care aide shall complete a minimum of~~
 22 ~~five hours of entry-level training prior to presence with a client,~~
 23 ~~as follows:~~

24 ~~(1) Two hours of orientation training regarding his or her role~~
 25 ~~as caregiver and the applicable terms of employment.~~

26 ~~(2) Three hours of safety training, including basic safety~~
 27 ~~precautions, emergency procedures, and infection control.~~

28 ~~(c) In addition to the requirements in subdivision (b), an~~
 29 ~~affiliated home care aide shall complete a minimum of five hours~~
 30 ~~of annual training. The annual training shall relate to core~~
 31 ~~competencies and be population specific, which shall include, but~~
 32 ~~not be limited to, the following areas:~~

33 ~~(1) Clients' rights and safety.~~

34 ~~(2) Activities of daily living, including how to provide for and~~
 35 ~~respond to a client's daily needs.~~

36 ~~(3) How to detect, report, and prevent abuse and neglect.~~

37 ~~(4) Assisting a client with personal hygiene.~~

38 ~~(5) Safely transporting clients, if transportation services are~~
 39 ~~provided by the registered home care aide.~~

40 ~~(6) Infection control.~~

- 1 ~~(7) Basic safety precautions.~~
2 ~~(d) (1) An independent home care aide who is being referred~~
3 ~~by a domestic home care aide referral organization shall do both~~
4 ~~of the following:~~
5 ~~(A) Annually complete a proficiency exam that includes all of~~
6 ~~the following topics:~~
7 ~~(i) Clients' rights and safety.~~
8 ~~(ii) Activities of daily living, including how to provide for and~~
9 ~~respond to a client's daily needs.~~
10 ~~(iii) How to detect, report, and prevent abuse and neglect.~~
11 ~~(iv) Assisting clients with personal hygiene.~~
12 ~~(v) Safely transporting clients, if transportation services are~~
13 ~~provided by the registered home care aide.~~
14 ~~(vi) Infection control.~~
15 ~~(vii) Basic safety precautions.~~
16 ~~(B) Provide verifiable work references demonstrating that the~~
17 ~~home care aide has the necessary work experience to provide home~~
18 ~~care services.~~
19 ~~(2) An independent home care aide who does not complete the~~
20 ~~proficiency exam shall not be eligible for referral to prospective~~
21 ~~clients.~~
22 ~~(3) The proficiency exam provided shall include~~
23 ~~department-approved, job-related topics described in this~~
24 ~~subdivision and may be provided via an online proficiency~~
25 ~~examination or a written proficiency examination administered by~~
26 ~~the domestic home care aide referral organization or their designee.~~
27 ~~(e) The entry-level training and annual training on~~
28 ~~department-approved job-related topics described in subdivisions~~
29 ~~(b) and (c) may be completed through an online training program.~~
30 ~~(f) A registered home care aide who possesses a current and~~
31 ~~valid certification from the State Department of Public Health as~~
32 ~~a Certified Nurse Assistant or Certified Home Health Aide is~~
33 ~~exempt from the requirements of subdivisions (c) and (d).~~
34 *SEC. 15. Section 1796.45 of the Health and Safety Code is*
35 *amended to read:*
36 *1796.45. (a) Affiliated home care aides hired on or after*
37 *January 1, 2016, or a registered home care aide entering into an*
38 *agreement with a domestic home care aide referral organization*
39 *after January 1, 2016, shall submit to an examination 90 days prior*
40 *to employment or the effective date of the agreement or within*

1 seven days after employment *or the effective date of the agreement*
2 to determine that the individual is free of active tuberculosis
3 disease.

4 (b) For purposes of this section, “examination” means a test for
5 tuberculosis infection that is recommended by the federal Centers
6 for Disease Control and Prevention (CDC) and that is licensed by
7 the federal Food and Drug Administration (FDA) and, if that test
8 is positive, an X-ray of the lungs. The aide shall not work as ~~an~~
9 ~~affiliated a registered~~ home care aide unless the licensee obtains
10 documentation from a licensed medical professional that there is
11 no risk of spreading the disease.

12 (c) After submitting to an examination, ~~an affiliated a~~ home
13 care aide whose test for tuberculosis infection is negative shall be
14 required to undergo an examination at least once every two years.
15 Once ~~an affiliated a~~ home care aide has a documented positive test
16 for tuberculosis infection that has been followed by an X-ray, the
17 examination is no longer required.

18 (d) After each examination, ~~an affiliated a~~ home care aide shall
19 submit, and the home care organization *or domestic home care*
20 *aide referral organization* shall keep on file, a certificate from the
21 examining practitioner showing that the ~~affiliated~~ home care aide
22 was examined and found free from active tuberculosis disease.

23 (e) The examination is a condition of initial and continuing
24 employment with the home care organization. *The examination is*
25 *also a condition of a registered home care aide’s initial and*
26 *continuing agreement with a domestic home care aide referral*
27 *organization.*

28 (f) ~~An affiliated~~ A home care aide who transfers employment
29 from one home care organization to another *or a registered home*
30 *care aide entering into an agreement with a domestic home care*
31 *aide referral organization* shall be deemed to meet the
32 requirements of subdivision (a) or (c) if the ~~affiliated~~ home care
33 aide can produce a certificate showing that he or she submitted to
34 the examination within the past two years and was found to be free
35 of active tuberculosis disease, or if it is verified by the home care
36 organization previously employing him or her ~~that it~~ *or by the*
37 *domestic home care aide referral organization that previously had*
38 *an agreement with him or her that the home care organization or*
39 *domestic home care aide referral organization* has a certificate on
40 file that contains that showing and a copy of the certificate is

1 provided to the new home care organization prior to the affiliated
2 home care aide beginning employment.

3 ~~SEC. 17. Section 1796.45 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 ~~1796.45. (a) An individual hired to be an affiliated home care~~
6 ~~aide on or after January 1, 2015, or a registered home care aide~~
7 ~~entering into an agreement with a domestic home care aide referral~~
8 ~~organization after January 1, 2016, shall be submitted to an~~
9 ~~examination 90 days prior to employment or the effective date of~~
10 ~~the agreement or within seven days after employment or the~~
11 ~~effective date of the agreement to determine that the individual is~~
12 ~~free of active tuberculosis disease.~~

13 ~~(b) For purposes of this section, “examination” means a test for~~
14 ~~tuberculosis infection that is recommended by the federal Centers~~
15 ~~for Disease Control and Prevention (CDC) and that is licensed by~~
16 ~~the federal Food and Drug Administration (FDA) and, if that test~~
17 ~~is positive, an X-ray of the lungs. The aide shall not work as a~~
18 ~~registered home care aide unless he or she obtains documentation~~
19 ~~from a licensed medical professional that there is no risk of~~
20 ~~spreading the disease.~~

21 ~~(c) An affiliated home care aide whose employment with a home~~
22 ~~care organization began before January 1, 2015, shall submit to~~
23 ~~the examination described in subdivision (a) before July 1, 2015.~~

24 ~~(d) After submitting to an examination, a home care aide whose~~
25 ~~test for tuberculosis infection is negative shall be required to~~
26 ~~undergo an examination at least once every two years. Once a~~
27 ~~home care aide has a documented positive test for tuberculosis~~
28 ~~infection that has been followed by an X-ray, the examination is~~
29 ~~no longer required.~~

30 ~~(e) After the examination, a home care aide shall submit, and~~
31 ~~the home care organization or domestic home care aide referral~~
32 ~~organization shall keep on file, a certificate from the examining~~
33 ~~practitioner showing that the home care aide was examined and~~
34 ~~found free from active tuberculosis disease.~~

35 ~~(f) The examination is a condition of initial and continuing~~
36 ~~employment with the home care organization. The examination is~~
37 ~~also a condition of a registered home care aide’s initial and~~
38 ~~continuing agreement with a domestic home care aide referral~~
39 ~~organization. The home care aide shall pay the cost of the~~
40 ~~examination.~~

1 ~~(g) A home care aide who transfers employment from one home~~
 2 ~~care organization to another or a registered home care aide entering~~
 3 ~~into an agreement with a domestic home care aide referral~~
 4 ~~organization shall be deemed to meet the requirements of~~
 5 ~~subdivision (a) or (c) if the home care aide can produce a certificate~~
 6 ~~showing that he or she submitted to the examination within the~~
 7 ~~past two years and was found to be free of active tuberculosis~~
 8 ~~disease, or if it is verified by the home care organization previously~~
 9 ~~employing him or her or by the domestic home care aide referral~~
 10 ~~organization that previously had an agreement with him or her that~~
 11 ~~the home care organization or domestic home care aide referral~~
 12 ~~organization has a certificate on file that contains that showing.~~

13 ~~SEC. 18.~~

14 ~~SEC. 16.~~ Section 1796.50 is added to the Health and Safety
15 Code, to read:

16 1796.50. (a) A domestic home care aide referral organization
17 licensee shall pay the following fees:

18 (1) A 24-month initial license fee, as prescribed by the
19 department in an amount sufficient to cover the reasonable costs
20 of administering the program, for a new domestic home care aide
21 referral organization licensee not currently licensed to provide
22 home care services in the state.

23 (2) A two-year renewal fee, as determined by the department
24 in an amount sufficient to cover the reasonable costs of
25 administering the program, based on the number of office locations
26 operated by the licensee providing registered home care aides to
27 clients.

28 (3) Other reasonable fees as prescribed by the department
29 necessary for the administration of this chapter.

30 (b) The fees collected shall be deposited into the Home Care
31 Fund pursuant to subdivision (b) of Section 1796.47.

32 ~~SEC. 19.~~

33 ~~SEC. 17.~~ Section 1796.51 of the Health and Safety Code is
34 amended to read:

35 1796.51. In order to carry out the provisions of this chapter,
36 the department may establish procedures for the receipt,
37 investigation, and resolution of complaints against home care
38 organizations and domestic home care aide referral organizations.

39 ~~SEC. 18.~~ Section 1796.52 of the Health and Safety Code is
40 amended to read:

1 1796.52. (a) The department may review and, if it determines
2 necessary, investigate complaints filed against home care
3 organizations *or domestic home care aide referral organizations*
4 regarding violations of this chapter or any rules or regulations
5 promulgated pursuant to this chapter.

6 (b) The department shall verify through random, unannounced
7 inspections that a home care organization *or domestic home care*
8 *aide referral organization* meets the requirements of this chapter
9 and the rules and regulations promulgated pursuant to this chapter.

10 (c) An investigation or inspection conducted by the department
11 pursuant to this chapter may include, but is not limited to,
12 inspection of the books, records, or premises of a home care
13 organization *or domestic home care aide referral organization*. ~~A~~
14 ~~home care~~ An organization's refusal to make records, books, or
15 premises available shall constitute cause for the revocation of the
16 ~~home care~~ organization's license.

17 (d) Other than maintaining the home care registry, the
18 department shall have no oversight responsibility regarding
19 registered home care aides.

20 (e) Upon receipt of a report of suspected or known abuse, as set
21 forth in subdivision (e) of Section 1796.42, the department shall
22 cross-report the suspected or known abuse to local law enforcement
23 and Adult Protective Services if the alleged victim is 18 years of
24 age or older, or local law enforcement and Child Protective
25 Services if the alleged victim is under 18 years of age. Other than
26 the cross-reporting required by this subdivision, the department
27 shall not be required to investigate suspected or known abuse or
28 have other responsibilities related to the suspected or known abuse.
29 This subdivision shall not supersede the existing duty of home
30 health aides and home health agencies as mandated reporters to
31 report directly to local law enforcement or county adult protective
32 services pursuant to Section 15630.

33 ~~SEC. 20. Section 1796.52 of the Health and Safety Code is~~
34 ~~amended to read:~~

35 ~~1796.52. (a) The department may review and, if it determines~~
36 ~~necessary, investigate complaints filed against home care~~
37 ~~organizations or domestic home care aide referral organizations~~
38 ~~regarding violations of this chapter or any rules or regulations~~
39 ~~promulgated under this chapter.~~

1 ~~(b) The department shall verify through random, unannounced~~
2 ~~inspections that a home care organization or domestic home care~~
3 ~~aide referral organization meets the requirements of this chapter~~
4 ~~and the rules and regulations promulgated under this chapter.~~

5 ~~(e) An investigation or inspection conducted by the department~~
6 ~~pursuant to this chapter may include, but is not limited to,~~
7 ~~inspection of the books, records, or premises of a home care~~
8 ~~organization or domestic home care aide referral organization. An~~
9 ~~organization's refusal to make records, books, or premises available~~
10 ~~shall constitute cause for the revocation of the organization's~~
11 ~~license.~~

12 ~~(d) Other than maintaining the home care registry, the~~
13 ~~department shall have no oversight responsibility regarding~~
14 ~~registered home care aides.~~

15 ~~SEC. 21.~~

16 *SEC. 19.* Section 1796.53 of the Health and Safety Code is
17 amended to read:

18 1796.53. A duly authorized officer, employee, or agent of the
19 department may, upon presentation of proper identification, enter
20 a home care organization or domestic home care aide referral
21 organization during posted business hours, with or without advance
22 notice, to secure compliance with, or to prevent a violation of, any
23 provision of this chapter or any provision promulgated under this
24 chapter.

25 *SEC. 20.* Section 1796.55 of the Health and Safety Code is
26 amended to read:

27 1796.55. (a) A home care organization *or domestic home care*
28 *aide referral organization* that operates in violation of any
29 requirement or obligation imposed by this chapter or any rule or
30 regulation promulgated pursuant to this chapter may be subject to
31 the fines levied or licensure action taken by the department as
32 specified in this chapter.

33 (b) When the department determines that a home care
34 organization *or domestic home care aide referral organization* is
35 in violation of this chapter or any rules or regulations promulgated
36 pursuant to this chapter, a notice of violation shall be served upon
37 the licensee. Each notice of violation shall be prepared in writing
38 and shall specify the nature of the violation and the statutory
39 provision, rule, or regulation alleged to have been violated. The
40 notice shall inform the licensee of any action the department may

1 take pursuant to this chapter, including the requirement of a plan
2 of correction, assessment of a penalty, or action to suspend, revoke,
3 or deny renewal of the license. The director or his or her designee
4 shall also inform the licensee of rights to a hearing pursuant to this
5 chapter.

6 (c) The department may impose a fine of up to nine hundred
7 dollars (\$900) per violation per day commencing on the date the
8 violation was identified and ending on the date each violation is
9 corrected.

10 (d) The department shall adopt regulations establishing
11 procedures for notices, correction plans, appeals, and hearings.

12 ~~SEC. 22.~~

13 *SEC. 21.* Section 1796.55 of the Health and Safety Code is
14 amended to read:

15 1796.55. (a) A home care organization or domestic home care
16 aide referral organization that operates in violation of any
17 requirement or obligation imposed by this chapter or any rule or
18 regulation promulgated under this chapter may be subject to the
19 fines levied or licensure action taken by the department as specified
20 in this chapter.

21 (b) When the department determines that a home care
22 organization or domestic home care aide referral organization is
23 in violation of this chapter or any rules or regulations promulgated
24 under this chapter, a notice of violation shall be served upon the
25 licensee. Each notice of violation shall be prepared in writing and
26 shall specify the nature of the violation and the statutory provision,
27 rule, or regulation alleged to have been violated. The notice shall
28 inform the licensee of any action the department may take under
29 this chapter, including the requirement of a plan of correction,
30 assessment of a penalty, or action to suspend, revoke, or deny
31 renewal of the license. The director or his or her designee shall
32 also inform the licensee of rights to a hearing under this chapter.

33 (c) The department may impose a fine of up to nine hundred
34 dollars (\$900) per violation per day commencing on the date the
35 violation was identified and ending on the date each violation is
36 corrected, or action is taken to suspend, revoke, or deny renewal
37 of the license, whichever comes first.

38 (d) The department shall adopt regulations establishing
39 procedures for notices, correction plans, appeals, and hearings.

1 ~~SEC. 23.~~ Section 1796.61 of the Health and Safety Code is
 2 amended to read:

3 1796.61. The provisions of this chapter that apply to home care
 4 aides, to home care organizations, and to domestic home care aide
 5 referral organizations shall become operative on January 1, 2016.

6 ~~SEC. 24.~~ Section 1796.63 of the Health and Safety Code is
 7 amended to read:

8 1796.63. The department shall adopt, amend, or repeal, in
 9 accordance with Chapter 3.5 (commencing with Section 11340)
 10 of the Government Code, any reasonable rules, regulations, and
 11 standards as may be necessary or proper to carry out the purpose
 12 and intent of this chapter and to enable the department to exercise
 13 the powers and perform the duties conferred upon it by this chapter,
 14 not inconsistent with any of the provisions of any statute of this
 15 state. Notwithstanding the rulemaking provisions of the
 16 Administrative Procedure Act (Chapter 3.5 (commencing with
 17 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
 18 Code), the department may implement and administer this chapter
 19 through written directives, without taking regulatory action, subject
 20 to the limitations provided in subdivision (b).

21 (a) The department shall post any proposed rules promulgated
 22 under this section on its public Internet Web site no later than 90
 23 calendar days prior to the effective date of the proposed rule, which
 24 shall also include notification to the public regarding how members
 25 of the public may comment, including the date on which those
 26 comment must be received in order to be considered by the
 27 department.

28 (b) The department's authority to implement and administer
 29 this section through written directives shall expire no later than 12
 30 months after the written directives are promulgated and posted on
 31 a public Internet Web site, or upon the effective date of regulations
 32 promulgated in accordance with the Administrative Procedure Act
 33 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
 34 Division 3 of Title 2 of the Government Code), whichever occurs
 35 sooner.

36 ~~SEC. 25.~~

37 *SEC. 22.* No reimbursement is required by this act pursuant to
 38 Section 6 of Article XIII B of the California Constitution because
 39 the only costs that may be incurred by a local agency or school
 40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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