

AMENDED IN ASSEMBLY MAY 23, 2014
AMENDED IN ASSEMBLY APRIL 22, 2014
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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1899

Introduced by Assembly Member Brown

February 19, 2014

An act to amend Sections 1569.19, ~~1569.35~~, and 1569.50 of, ~~and to add Section 1569.346 to~~, the Health and Safety Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1899, as amended, Brown. Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services.

Existing law sets forth the qualifications of a licensee and requires a license to be forfeited by operation of law when the licensee abandons the facility. Existing law also authorizes the department to *deny an application for, or to* suspend or revoke a license upon specified grounds, including conduct inimical to the health, morals, welfare, or safety of an individual in or receiving services from a facility. Existing law authorizes a person whose license has been revoked to petition the department for reinstatement of the license after one year has elapsed since the revocation. Under existing law, if an application for a license indicates that the applicant was previously issued a license to operate a residential care facility for the elderly or specified other licenses, and

that license was revoked within the last 2 years, the department is required to cease reviewing the application until 2 years has elapsed since the revocation.

This bill would make a person whose license is revoked or forfeited for abandonment of the facility ineligible for reinstatement of the license.

~~The bill would also require the Director of Social Services to establish and maintain a telephone hotline and an Internet Web site dedicated for the purpose of receiving complaints regarding residential care facilities for the elderly. The bill would require the Internet Web site to include a listing, available to the public, of all final actions resulting in citation, suspension, or revocation taken against each licensee.~~

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

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

- 1 SECTION 1. Section 1569.19 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.19. A license shall be forfeited by operation of law prior
- 4 to its expiration date when one of the following occurs:
- 5 (a) The licensee sells or otherwise transfers the facility or facility
- 6 property, except when change of ownership applies to transferring
- 7 of stock when the facility is owned by a corporation and when the
- 8 transfer of stock does not constitute a majority change in
- 9 ownership. The sale of a facility shall be subject to the requirements
- 10 of this chapter.
- 11 (b) The licensee surrenders the license to the department.
- 12 (c) The licensee moves a facility from one location to another.
- 13 The department shall develop regulations to ensure that the
- 14 facilities are not charged a full licensing fee and do not have to
- 15 complete the entire application process when applying for a license
- 16 for the new location.
- 17 (d) The licensee is convicted of an offense specified in Section
- 18 220, 243.4, or 264.1, or paragraph (1) of Section 273a, Section
- 19 273d, 288, or 289 of the Penal Code, or is convicted of another
- 20 crime specified in subdivision (c) of Section 667.5 of the Penal
- 21 Code.
- 22 (e) The licensee dies. When a licensee dies, the continued
- 23 operation shall be subject to the requirements of Section 1569.193.

1 (f) The licensee abandons the facility. A license forfeited
2 pursuant to this subdivision shall not be eligible for reinstatement
3 on or after January 1, 2015.

4 ~~SEC. 2. Section 1569.346 is added to the Health and Safety~~
5 ~~Code, to read:~~

6 ~~1569.346. (a) The director shall establish and maintain a~~
7 ~~telephone hotline and an Internet Web site dedicated for the~~
8 ~~purpose of receiving complaints from members of the public~~
9 ~~regarding residential care facilities for the elderly.~~

10 ~~(b) The Internet Web site established under subdivision (a) shall~~
11 ~~also include a listing, available to the public, of all final actions~~
12 ~~resulting in citation, suspension, or revocation taken against each~~
13 ~~licensee, listed both by the licensee's name and by the facility's~~
14 ~~name. The actions shall be listed in a manner that protects the~~
15 ~~privacy of the residents and the confidentiality of resident~~
16 ~~information.~~

17 ~~SEC. 3. Section 1569.35 of the Health and Safety Code is~~
18 ~~amended to read:~~

19 ~~1569.35. (a) Any person may request an inspection of any~~
20 ~~residential care facility for the elderly in accordance with this~~
21 ~~chapter by transmitting to the department notice of an alleged~~
22 ~~violation of applicable requirements prescribed by statutes or~~
23 ~~regulations of this state, including, but not limited to, a denial of~~
24 ~~access of any person authorized to enter the facility pursuant to~~
25 ~~Section 9722 of the Welfare and Institutions Code. A complaint~~
26 ~~may be made either orally or in writing, including through the~~
27 ~~telephone hotline and Internet Web site established under Section~~
28 ~~1569.346.~~

29 ~~(b) The substance of the complaint shall be provided to the~~
30 ~~licensee no earlier than at the time of the inspection. Unless the~~
31 ~~complainant specifically requests otherwise, neither the substance~~
32 ~~of the complaint provided the licensee nor any copy of the~~
33 ~~complaint or any record published, released, or otherwise made~~
34 ~~available to the licensee shall disclose the name of any person~~
35 ~~mentioned in the complaint except the name of any duly authorized~~
36 ~~officer, employee, or agent of the department conducting the~~
37 ~~investigation or inspection pursuant to this chapter.~~

38 ~~(c) Upon receipt of a complaint, other than a complaint alleging~~
39 ~~denial of a statutory right of access to a residential care facility for~~
40 ~~the elderly, the department shall make a preliminary review and,~~

1 unless the department determines that the complaint is willfully
 2 intended to harass a licensee or is without any reasonable basis, it
 3 shall make an onsite inspection within 10 days after receiving the
 4 complaint except where the visit would adversely affect the
 5 licensing investigation or the investigation of other agencies,
 6 including, but not limited to, law enforcement agencies. In either
 7 event, the complainant shall be promptly informed of the
 8 department's proposed course of action.

9 (d) Upon receipt of a complaint alleging denial of a statutory
 10 right of access to a residential facility for the elderly, the
 11 department shall review the complaint. The complainant shall be
 12 notified promptly of the department's proposed course of action.

13 ~~SEC. 4.~~

14 *SEC. 2.* Section 1569.50 of the Health and Safety Code is
 15 amended to read:

16 1569.50. (a) The department may deny an application for a
 17 license or may suspend or revoke a license issued under this chapter
 18 upon any of the following grounds and in the manner provided in
 19 this chapter:

20 (1) Violation by the licensee of this chapter or of the rules and
 21 regulations adopted under this chapter.

22 (2) Aiding, abetting, or permitting the violation of this chapter
 23 or of the rules and regulations adopted under this chapter.

24 (3) Conduct that is inimical to the health, morals, welfare, or
 25 safety of either an individual in or receiving services from the
 26 facility or the people of the State of California.

27 (4) The conviction of a licensee, or other person mentioned in
 28 Section 1569.17 at any time before or during licensure, of a crime
 29 as defined in Section 1569.17.

30 (5) Engaging in acts of financial malfeasance concerning the
 31 operation of a facility, including, but not limited to, improper use
 32 or embezzlement of client moneys and property or fraudulent
 33 appropriation for personal gain of facility moneys and property,
 34 or willful or negligent failure to provide services for the care of
 35 clients.

36 (b) The director may temporarily suspend a license, prior to a
 37 hearing when, in the opinion of the director, the action is necessary
 38 to protect residents or clients of the facility from physical or mental
 39 abuse, abandonment, or any other substantial threat to health or
 40 safety. The director shall notify the licensee of the temporary

1 suspension and the effective date of the temporary suspension and
2 at the same time shall serve the provider with an accusation. Upon
3 receipt of a notice of defense to the accusation by the licensee, the
4 director shall, within 15 days, set the matter for hearing, and the
5 hearing shall be held as soon as possible but not later than 30 days
6 after receipt of the notice. The temporary suspension shall remain
7 in effect until the time the hearing is completed and the director
8 has made a final determination on the merits. However, the
9 temporary suspension shall be deemed vacated if the director fails
10 to make a final determination on the merits within 30 days after
11 the original hearing has been completed.

12 (c) A license that is revoked pursuant to this section due to the
13 licensee's abandonment of the facility shall not be eligible for
14 reinstatement on or after January 1, 2015.