

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2044

Introduced by Assembly Member Rodriguez

February 20, 2014

An act to amend Sections 1569.618 and 1569.625 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2044, as amended, Rodriguez. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. A violation of these provisions is a misdemeanor.

Existing law requires the administrator designated by the licensee to be present at the facility during normal working hours and requires a facility manager, as defined, to be responsible for the operation of the facility when the administrator is temporarily absent from the facility.

This bill would require that at least one administrator, facility manager, or ~~other person designated by the administrator~~ *designated substitute* who is at least 21 years of age *and has adequate qualifications, as specified*, be on the premises of the facility 24 hours per day. The bill would also require the facility to employ, and the administrator to schedule, a sufficient number of staff members, as prescribed.

Existing law requires the department to adopt regulations to require staff members who assist residents with personal activities of daily living to receive appropriate training, which consists of 10 hours of training within the first 4 weeks and 4 hours annually thereafter. Existing law requires that the training include specified topics.

This bill would require that this training also include building and fire safety and the appropriate response to emergencies.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 1569.618 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.618. (a) The administrator designated by the licensee
- 4 pursuant to subdivision (k) of Section 1569.15 shall be present at
- 5 the facility during normal working hours. A facility manager
- 6 designated by the licensee with notice to the department, shall be
- 7 responsible for the operation of the facility when the administrator
- 8 is temporarily absent from the facility.
- 9 (b) At least one administrator, facility manager, or ~~other person~~
- 10 ~~designated by the administrator who~~ *designated substitute who* is
- 11 at least 21 years of age *and has qualifications adequate to be*
- 12 *responsible and accountable for the management and*
- 13 *administration of the facility pursuant to Title 22 of the California*
- 14 *Code of Regulations* shall be on the premises 24 hours per day.
- 15 (c) The facility shall employ, and the administrator shall
- 16 schedule, a sufficient number of staff members to do all of the
- 17 following:
- 18 (1) Provide the care required in each resident's ~~negotiated~~
- 19 ~~service agreement~~ *written record of care as described in Section*
- 20 *1569.80.*

1 (2) Ensure the health, safety, comfort, and supervision of the
2 residents.

3 (3) Ensure that at least one staff member who has
4 cardiopulmonary resuscitation (CPR) training and first aid training
5 is on duty and on the premises at all times. *This paragraph shall*
6 *not be construed to require staff to provide CPR to a resident who*
7 *has requested to forgo resuscitative measures as indicated by a*
8 *Physician Orders for Life Sustaining Treatment form or a*
9 *do-not-resuscitate order that is made available to the facility.*

10 (4) Ensure that the facility is clean, safe, sanitary, and in good
11 repair at all times.

12 (d) “Facility manager” means a person on the premises with the
13 authority and responsibility necessary to manage and control the
14 day-to-day operation of a residential care facility for the elderly
15 and supervise the clients. The facility manager, licensee, and
16 administrator, or any combination thereof, may be the same person
17 provided he or she meets all applicable requirements. If the
18 administrator is also the facility manager for the same facility, he
19 or she shall be limited to the administration and management of
20 only one facility.

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

23 1569.625. (a) The Legislature finds that the quality of services
24 provided to residents of residential care facilities for the elderly is
25 dependent upon the training and skills of staff. It is the intent of
26 the Legislature in enacting this section to ensure that direct-care
27 staff have the knowledge and proficiency to carry out the tasks of
28 their jobs.

29 (b) The department shall adopt regulations to require staff
30 members of residential care facilities for the elderly who assist
31 residents with personal activities of daily living to receive
32 appropriate training. This training shall consist of 10 hours of
33 training within the first four weeks of employment and four hours
34 annually thereafter. This training shall be administered on the job,
35 or in a classroom setting, or any combination of the two. The
36 department shall establish, in consultation with provider
37 organizations, the subject matter required for this training.

38 (c) The training shall include, but not be limited to, the
39 following:

40 (1) Physical limitations and needs of the elderly.

- 1 (2) Importance and techniques for personal care services.
- 2 (3) Residents' rights.
- 3 (4) Policies and procedures regarding medications.
- 4 (5) Psychosocial needs of the elderly.
- 5 (6) Building and fire safety and the appropriate response to
- 6 emergencies.

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.