

Introduced by Senator CorbettJanuary 13, 2014

An act to amend Section 1569.33 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 895, as introduced, Corbett. Residential care facilities for the elderly: unannounced visits.

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 requires that every licensed residential care facility for the elderly be subject to unannounced visits by the department and requires the department to visit these facilities as often as necessary to ensure the quality of care provided, but no less often than once every 5 years. Existing law requires the department to conduct an annual unannounced visit under specified circumstances, including when a license is on probation, and to conduct annual unannounced visits to no less than 20% of the facilities not subject to an evaluation under specified circumstances, as specified. Existing law requires the department to notify the residential care facility for the elderly in writing of all deficiencies and to set a reasonable length of time for compliance by the facility. Existing law requires inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection.

This bill would instead require the department to inspect these facilities at least once each year and would authorize the department to conduct additional unannounced inspections under specified circumstances. The bill would delete the provisions requiring the

department to conduct annual unannounced visits to no less than 20% of the facilities and the provisions requiring an unannounced visit no less often than once every 5 years. The bill would require the department to verify that a facility is in compliance no later than 10 days after the notification of deficiencies in compliance and would require inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection on the department’s Internet Web site or its district offices.

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 1569.33 of the Health and Safety Code
 2 is amended to read:
 3 1569.33. (a) Every licensed residential care facility for the
 4 elderly shall be subject to unannounced ~~visits~~ *inspections* by the
 5 department. The department shall ~~visit~~ *inspect* these facilities *at*
 6 *least once each year and* as often as necessary to ensure the quality
 7 of care provided.
 8 (b) The department ~~shall conduct an annual unannounced visit~~
 9 *may conduct additional unannounced inspections* of a facility
 10 under any of the following circumstances:
 11 (1) When a license is on probation.
 12 (2) When the terms of agreement in a facility compliance plan
 13 require ~~an annual evaluation.~~ *additional inspections.*
 14 (3) When an accusation against a licensee is pending.
 15 (4) When a facility requires ~~an annual visit~~ *additional*
 16 *inspections* as a condition of receiving federal financial
 17 participation.
 18 (5) In order to verify that a person who has been ordered out of
 19 the facility for the elderly by the department is no longer at the
 20 facility.
 21 ~~(e) (1) The department shall conduct annual unannounced visits~~
 22 ~~to no less than 20 percent of facilities not subject to an evaluation~~
 23 ~~under subdivision (b). These unannounced visits shall be conducted~~
 24 ~~based on a random sampling methodology developed by the~~
 25 ~~department.~~
 26 ~~(2) If the total citations issued by the department exceed the~~
 27 ~~previous year’s total by 10 percent, the following year the~~

1 ~~department shall increase the random sample by 10 percent of the~~
2 ~~facilities not subject to an evaluation under subdivision (b). The~~
3 ~~department may request additional resources to increase the random~~
4 ~~sample by 10 percent.~~

5 ~~(d) Under no circumstance shall the department visit a residential~~
6 ~~care facility for the elderly less often than once every five years.~~

7 ~~(e)~~

8 (c) The department shall notify the residential care facility for
9 the elderly in writing of all deficiencies in its compliance with the
10 provisions of this chapter and the rules and regulations adopted
11 pursuant to this chapter, and shall set a reasonable length of time
12 for compliance by the facility. *verify that the facility is in*
13 *compliance no later than 10 days after the notification.*

14 ~~(f)~~

15 (d) Reports on the results of each inspection, evaluation, or
16 consultation shall be kept on file in the department, and all
17 inspection reports, consultation reports, lists of deficiencies, and
18 plans of correction shall be open to public inspection *on the*
19 *department's Internet Web site or its district offices.*

20 ~~(g)~~

21 (e) As a part of the department's evaluation process, the
22 department shall review the plan of operation, training logs, and
23 marketing materials of any residential care facility for the elderly
24 that advertises or promotes special care, special programming, or
25 a special environment for persons with dementia to monitor
26 compliance with Sections 1569.626 and 1569.627.