

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY JUNE 24, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE MARCH 26, 2014

AMENDED IN SENATE FEBRUARY 14, 2014

SENATE BILL

No. 895

Introduced by Senator Corbett

January 13, 2014

An act to amend Section 1569.33 of, *and to add Section 1569.331 to*, the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 895, as amended, 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. *Violation of these provisions is a misdemeanor.* 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. 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 ensure that each facility is inspected at least once every 3 years, on or before July 1, 2016; and at least once every 2 years, on or before July 1, 2017; and at least once each year, on or before July 1, 2018; and each year thereafter. The bill 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, with each inspection, to conduct an evaluation of the facility for compliance with the laws and regulations governing residential care facilities for the elderly. The bill would also 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 and in its district offices.~~

This bill would require residential care facilities for the elderly to remedy the deficiencies within 10 days of the notification, except as specified, and would provide that a violation of this provision is not a misdemeanor under the act. The bill would require the department to post on its Internet Web site information on how to obtain an inspection report, and would state the intent of the Legislature that the department make inspection reports available on its Internet Web site by January 1, 2020.

The bill would also require the department to design, or cause to be designed, a poster that contains information on the appropriate reporting agency in case of a complaint or emergency. The bill would require a residential care facility for the elderly to post this poster in the main entry way of its facility, and would provide that a violation of this provision is not a misdemeanor under the act, but may be subject to civil penalties.

Existing law states the intent of the Legislature that increased staffing and funding resources for the State Department of Social Services Community Care Licensing Division (CCLD) appropriated in the Budget Act of 2014 be used to enhance the CCLD's structure and improve its operations. Existing law also states the intent of the Legislature to increase the frequency of facility inspections resulting in annual inspections for some or all facility types, including residential care facilities for the elderly. Existing law requires the State Department of Social Services, during the 2015–16 legislative budget subcommittee hearings, to update the Legislature on the status of the structural and quality enhancement improvements.

This bill would require the department to also report the projected costs of conducting annual inspections of residential care facilities for the elderly beginning January 1, 2018.

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 by the department.
5 The department shall visit these facilities as often as necessary to
6 ensure the quality of care provided.

7 (b) The department shall conduct an annual unannounced visit
8 of a facility under any of the following circumstances:

9 (1) When a license is on probation.

10 (2) When the terms of agreement in a facility compliance plan
11 require an annual evaluation.

12 (3) When an accusation against a licensee is pending.

13 (4) When a facility requires an annual visit as a condition of
14 receiving federal financial participation.

15 (5) In order to verify that a person who has been ordered out of
16 the facility for the elderly by the department is no longer at the
17 facility.

18 (c) (1) The department shall conduct annual unannounced visits
19 to no less than 20 percent of facilities not subject to an evaluation
20 under subdivision (b). These unannounced visits shall be conducted

1 based on a random sampling methodology developed by the
2 department.

3 (2) If the total citations issued by the department exceed the
4 previous year's total by 10 percent, the following year the
5 department shall increase the random sample by 10 percent of the
6 facilities not subject to an evaluation under subdivision (b). The
7 department may request additional resources to increase the random
8 sample by 10 percent.

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

11 (e) (1) The department shall notify the residential care facility
12 for the elderly in writing of all deficiencies in its compliance with
13 the provisions of this chapter and the rules and regulations adopted
14 pursuant to this chapter, and shall set a reasonable length of time
15 for compliance by the facility. *chapter.*

16 (2) *Unless otherwise specified in the plan of correction, the*
17 *residential care facility for the elderly shall remedy the deficiencies*
18 *within 10 days of the notification. A violation of this paragraph is*
19 *not subject to Section 1569.40.*

20 (f) (1) Reports on the results of each inspection, evaluation,
21 or consultation shall be kept on file in the department, and all
22 inspection reports, consultation reports, lists of deficiencies, and
23 plans of correction shall be open to public inspection.

24 (2) (A) *The department shall post on its Internet Web site*
25 *information on how to obtain an inspection report.*

26 (B) *It is the intent of the Legislature that the department shall*
27 *make inspection reports available on its Internet Web site by*
28 *January 1, 2020.*

29 (g) As a part of the department's evaluation process, the
30 department shall review the plan of operation, training logs, and
31 marketing materials of any residential care facility for the elderly
32 that advertises or promotes special care, special programming, or
33 a special environment for persons with dementia to monitor
34 compliance with Sections 1569.626 and 1569.627.

35 (h) (1) *The department shall design, or cause to be designed,*
36 *a poster that contains information on the appropriate reporting*
37 *agency in case of a complaint or emergency.*

38 (2) *Each residential care facility for the elderly shall post this*
39 *poster in the main entry way of its facility. A violation of this*

1 *paragraph is not subject to Section 1569.40, but may be subject*
2 *to the civil penalties specified in Section 1569.49.*

3 *SEC. 2. Section 1569.331 is added to the Health and Safety*
4 *Code, to read:*

5 *1569.331. The Legislature hereby finds and declares that in*
6 *order to protect the health and safety of elders in care at residential*
7 *care facilities for the elderly, appropriate oversight and regulation*
8 *of residential care facilities for the elderly requires regular,*
9 *periodic inspections of these facilities in addition to investigations*
10 *in response to complaints. It is the intent of the Legislature to*
11 *increase the frequency of unannounced inspections pursuant to*
12 *Section 1569.33. In addition to the information that the State*
13 *Department of Social Services is required to report during the*
14 *2015–16 legislative budget subcommittee hearings pursuant to*
15 *Section 85 of Chapter 29 of the Statutes of 2014, the department*
16 *shall also at that time report the projected costs of conducting*
17 *annual inspections of residential care facilities for the elderly*
18 *beginning January 1, 2018.*

19 ~~SECTION 1. Section 1569.33 of the Health and Safety Code~~
20 ~~is amended to read:~~

21 ~~1569.33. (a) Every licensed residential care facility for the~~
22 ~~elderly shall be subject to unannounced inspections by the~~
23 ~~department. The department shall perform these unannounced~~
24 ~~inspections according to the following schedule:~~

25 ~~(1) On or before July 1, 2016, the department shall ensure that~~
26 ~~each facility is inspected at least once every three years and as~~
27 ~~often as necessary to ensure the quality of care provided.~~

28 ~~(2) On or before July 1, 2017, the department shall ensure that~~
29 ~~each facility is inspected at least once every two years and as often~~
30 ~~as necessary to ensure the quality of care provided.~~

31 ~~(3) On or before July 1, 2018, and each year thereafter, the~~
32 ~~department shall ensure that each facility is inspected at least once~~
33 ~~each year and as often as necessary to ensure the quality of care~~
34 ~~provided.~~

35 ~~(b) With each inspection, the department shall conduct an~~
36 ~~evaluation of the facility for compliance with the laws and~~
37 ~~regulations governing residential care facilities for the elderly.~~

38 ~~(c) The department may conduct additional unannounced~~
39 ~~inspections of a facility under any of the following circumstances:~~

40 ~~(1) When a license is on probation.~~

1 ~~(2) When the terms of agreement in a facility compliance plan~~
2 ~~require additional inspections.~~
3 ~~(3) When an accusation against a licensee is pending.~~
4 ~~(4) When a facility requires additional inspections as a condition~~
5 ~~of receiving federal financial participation.~~
6 ~~(5) In order to verify that a person who has been ordered out of~~
7 ~~the facility for the elderly by the department is no longer at the~~
8 ~~facility.~~
9 ~~(d) (1) The department shall notify the residential care facility~~
10 ~~for the elderly in writing of all deficiencies in its compliance with~~
11 ~~the provisions of this chapter and the rules and regulations adopted~~
12 ~~pursuant to this chapter, and shall verify that the facility is in~~
13 ~~compliance no later than 10 days after the notification.~~
14 ~~(2) The 10-day compliance period may be extended up to an~~
15 ~~additional 30 days if the department determines that the delay will~~
16 ~~not adversely impact the health, safety, and security of facility~~
17 ~~residents.~~
18 ~~(3) If the department determines, prior to notification, that the~~
19 ~~deficiencies cannot be corrected within 30 days after the~~
20 ~~notification and that the delay will not adversely impact the health,~~
21 ~~safety, and security of facility residents, the notice shall specify~~
22 ~~corrective actions that shall be commenced within 30 days and the~~
23 ~~date by which the deficiencies shall be corrected.~~
24 ~~(e) Reports on the results of each inspection, evaluation, or~~
25 ~~consultation shall be kept on file in the department, and all~~
26 ~~inspection reports, consultation reports, lists of deficiencies, and~~
27 ~~plans of correction shall be open to public inspection on the~~
28 ~~department's Internet Web site and in its district offices after the~~
29 ~~department redacts all personally identifiable information of~~
30 ~~residents.~~
31 ~~(f) As a part of the department's evaluation process, the~~
32 ~~department shall review the plan of operation, training logs, and~~
33 ~~marketing materials of any residential care facility for the elderly~~
34 ~~that advertises or promotes special care, special programming, or~~
35 ~~a special environment for persons with dementia to monitor~~
36 ~~compliance with Sections 1569.626 and 1569.627.~~

O