

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY JUNE 19, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MARCH 27, 2014

AMENDED IN SENATE MARCH 4, 2014

SENATE BILL

No. 911

Introduced by Senator Block

(Coauthors: Senators Correa and Leno)

(Coauthors: Assembly Members Ammiano, Brown, Chávez, Skinner,
Ting, Wieckowski, and Yamada)

January 23, 2014

An act to amend, repeal, and add Sections 1569.616, 1569.62, and 1569.69 of, and to add Sections 1569.371, 1569.39, and 1569.696 to, the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 911, as amended, Block. Residential care facilities for the elderly.

(1) 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. A person who violates the act is guilty of a misdemeanor and subject to civil penalty and suspension or revocation of *his or her* license.

Existing law requires an administrator of a residential care facility for the elderly to successfully complete a department-approved certification program prior to employment that requires, among other things, a minimum of 40 hours of classroom instruction on a uniform

core of knowledge, which includes resident admission, retention, and assessment procedures, *and passage of a written test administered by the department.*

This bill would change the minimum hours of classroom instruction to ~~100~~ 80 hours, including ~~60~~ 48 hours of in-person ~~classroom~~ instruction, and would add additional topics to the uniform core of knowledge, ~~including, but not limited to,~~ *including* the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia. *The bill would also require the department to take specific actions with regard to the test, including ensuring that it consists of at least 100 questions.*

This bill would require that no licensee, or officer or employee of the licensee, shall discriminate or retaliate against any person receiving the services of the licensee's residential care facility for the elderly, or against any employee of the licensee's facility, on the basis, or for the reason that, the person, employee, or any other person dialed or called 911.

This bill would require a residential care facility for the elderly that accepts or retains residents with prohibited health conditions, as defined by the department, to assist residents with accessing home health or hospice services by appropriately skilled professionals, acting within their scope of practice, to ensure that residents receive medical care as prescribed by the resident's physician and contained in the resident's service plan. This bill would define an "appropriately skilled professional" as an individual who has training and is licensed to perform the necessary medical procedures prescribed by a physician, which includes, but is not limited to, a registered nurse, licensed vocational nurse, physical therapist, occupational therapist, or respiratory therapist. This bill would provide that an appropriately skilled professional is not required if a resident is providing self-care, as defined by the department, and there is documentation in the resident's service plan that the resident is capable of providing self-care.

(2) Existing law requires the Director of Social Services to ensure that licensees, administrators, and staffs of residential care facilities for the elderly have appropriate training to provide the care and services for which a license or certificate is issued. The department is required to develop a uniform core of knowledge for the continuing education of administrators of residential care facilities for the elderly.

This bill would also require the department to develop a uniform core of knowledge jointly with the California Department of Aging for the

initial certification of administrators, and add additional topics to the uniform core of knowledge, including, but not limited to, applicable laws and regulations and residents' rights.

(3) Existing law requires that employees who assist residents with the self-administration of medications at a licensed residential care facility for the elderly, which provides care for 16 or more persons, complete 16 hours of initial training, consisting of 8 hours of hands-on shadowing training and 8 hours of other training or instruction, to be completed within the first 2 weeks of employment. If that facility provides care for 15 or fewer persons, employees are required to complete 6 hours of initial training, consisting of 2 hours of hands-on shadowing training and 4 hours of other training or instruction, to be completed within the first 2 weeks of employment.

This bill would require employees at a licensed residential care facility for the elderly that provides care for 16 or more persons, to complete 24 hours of initial training, consisting of 16 hours of hands-on shadowing training and 8 hours of other training or instruction, to be completed within the first 4 weeks of employment. For facilities providing care for 15 or fewer persons, this bill would increase those training requirements to 10 hours of initial training, consisting of 6 hours of hands-on shadowing training, and 4 hours of other training, to be completed within the first 2 weeks of employment.

This bill would require all ~~direct care staff~~ of residential care facilities for the elderly ~~that serve residents with postural supports, restricted health conditions or health services, or who receive hospice care services to receive, in addition to other training requirements, to provide training to direct care staff on postural supports, restricted conditions or health services, and hospice care that includes~~ 4 hours of training on the care, supervision, and special needs of those residents, prior to providing direct care to residents. This bill also would require ~~2 2-hour trainings~~ *4 hours of training* thereafter of in-service training ~~every 6 months per year~~ on the subject of serving those residents.

(4) Because a violation of any of the above provisions would be a misdemeanor, 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.

(5) This bill would make its provisions operative on January 1, 2016.

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 1569.371 is added to the Health and
2 Safety Code, to read:

3 1569.371. (a) No licensee, or officer or employee of the
4 licensee, shall discriminate or retaliate in any manner against any
5 person receiving the services of the licensee's residential care
6 facility for the elderly, or against any employee of the licensee's
7 facility, on the basis, or for the reason that, the person, employee,
8 or any other person dialed or called 911.

9 (b) A violation of this section is subject to civil penalty pursuant
10 to Section 1569.49.

11 (c) This section shall become operative on January 1, 2016.

12 SEC. 2. Section 1569.39 is added to the Health and Safety
13 Code, to read:

14 1569.39. (a) A residential care facility for the elderly that
15 accepts or retains residents with prohibited health conditions, as
16 defined by the department, in Section 87615 of Title 22 of the
17 California Code of Regulations, shall assist residents with accessing
18 home health or hospice services, as indicated in the resident's
19 current appraisal, to ensure that residents receive medical care as
20 prescribed by the resident's physician and contained in the
21 resident's service plan.

22 (b) A residential care facility for the elderly that accepts or
23 retains residents with restricted health conditions, as defined by
24 the department, shall ensure that residents receive medical care as
25 prescribed by the resident's physician and contained in the
26 resident's service plan by appropriately skilled professionals acting
27 within their scope of practice. An appropriately skilled professional
28 may not be required when the resident is providing self-care, as
29 defined by the department, and there is documentation in the
30 resident's service plan that the resident is capable of providing
31 self-care.

32 (c) An "appropriately skilled professional" means, for purposes
33 of this section, an individual who has training and is licensed to
34 perform the necessary medical procedures prescribed by a
35 physician. This includes, but is not limited to, a registered nurse,

1 licensed vocational nurse, physical therapist, occupational therapist,
2 or respiratory therapist. These professionals may include, but are
3 not limited to, those persons employed by a home health agency,
4 the resident, or a facility, and who are currently licensed in this
5 state.

6 (d) Failure to meet or arrange to meet the needs of those
7 residents who require health-related services as specified in the
8 resident's written record of care, defined pursuant to Section
9 1569.80, or failure to notify the physician of a resident's illness
10 or injury that poses a danger of death or serious bodily harm is a
11 licensing violation and subject to civil penalty pursuant to Section
12 1569.49.

13 (e) This section shall become operative on January 1, 2016.

14 SEC. 3. Section 1569.616 of the Health and Safety Code is
15 amended to read:

16 1569.616. (a) (1) An administrator of a residential care facility
17 for the elderly shall be required to successfully complete a
18 department-approved certification program prior to employment.

19 (2) In those cases where the individual is both the licensee and
20 the administrator of a facility, or a licensed nursing home
21 administrator, the individual shall comply with the requirements
22 of this section unless he or she qualifies for one of the exemptions
23 provided for in subdivision (b).

24 (3) Failure to comply with this section shall constitute cause for
25 revocation of the license of the facility where an individual is
26 functioning as the administrator.

27 (4) The licensee shall notify the department within 30 days of
28 any change in administrators.

29 (b) Individuals seeking exemptions under paragraph (2) of
30 subdivision (a) shall meet the following criteria and fulfill the
31 required portions of the certification program, as the case may be:

32 (1) An individual designated as the administrator of a residential
33 care facility for the elderly who holds a valid license as a nursing
34 home administrator issued in accordance with Chapter 2.35
35 (commencing with Section 1416) of Division 2 shall be required
36 to complete the areas in the uniform core of knowledge required
37 by this section that pertain to the law, regulations, policies, and
38 procedural standards that impact the operations of residential care
39 facilities for the elderly, the use, misuse, and interaction of
40 medication commonly used by the elderly in a residential setting,

1 and resident admission, retention, and assessment procedures,
2 equal to 12 hours of classroom instruction. An individual meeting
3 the requirements of this paragraph shall not be required to take a
4 written test.

5 (2) In those cases where the individual was both the licensee
6 and administrator on or before July 1, 1991, the individual shall
7 be required to complete all the areas specified for the certification
8 program, but shall not be required to take the written test required
9 by this section. Those individuals exempted from the written test
10 shall be issued a conditional certification that is valid only for the
11 administrator of the facility for which the exemption was granted.

12 (A) As a condition to becoming an administrator of another
13 facility, the individual shall be required to pass the written test
14 provided for in this section.

15 (B) As a condition to applying for a new facility license, the
16 individual shall be required to pass the written test provided for
17 in Section 1569.23.

18 (c) (1) The administrator certification program shall require a
19 minimum of 40 hours of classroom instruction that provides
20 training on a uniform core of knowledge in each of the following
21 areas:

22 (A) Laws, regulations, and policies and procedural standards
23 that impact the operations of residential care facilities for the
24 elderly.

25 (B) Business operations.

26 (C) Management and supervision of staff.

27 (D) Psychosocial needs of the elderly.

28 (E) Community and support services.

29 (F) Physical needs for elderly persons.

30 (G) Use, misuse, and interaction of medication commonly used
31 by the elderly.

32 (H) Resident admission, retention, and assessment procedures.

33 (I) Training focused specifically on serving clients with
34 dementia. This training shall be for at least four hours.

35 (J) Cultural competency and sensitivity in issues relating to the
36 underserved aging lesbian, gay, bisexual, and transgender
37 community.

38 (2) Individuals applying for certification under this section shall
39 successfully complete an approved certification program, pass a
40 written test administered by the department within 60 days of

1 completing the program, and submit the documentation required
2 by subdivision (d) to the department within 30 days of being
3 notified of having passed the test. The department may extend
4 these time deadlines for good cause. The department shall notify
5 the applicant of his or her test results within 30 days of
6 administering the test.

7 (d) The department shall not begin the process of issuing a
8 certificate until receipt of all of the following:

9 (1) A certificate of completion of the administrator training
10 required pursuant to this chapter.

11 (2) The fee required for issuance of the certificate. A fee of one
12 hundred dollars (\$100) shall be charged by the department to cover
13 the costs of processing the application for certification.

14 (3) Documentation of passing the written test or of qualifying
15 for an exemption pursuant to subdivision (b).

16 (4) Submission of fingerprints. The department and the
17 Department of Justice shall expedite the criminal record clearance
18 for holders of certificates of completion. The department may
19 waive the submission for those persons who have a current criminal
20 record clearance on file.

21 (e) It shall be unlawful for a person not certified under this
22 section to hold himself or herself out as a certified administrator
23 of a residential care facility for the elderly. Any person willfully
24 making a false representation as being a certified administrator is
25 guilty of a misdemeanor.

26 (f) (1) Certificates issued under this section shall be renewed
27 every two years and renewal shall be conditional upon the
28 certificate holder submitting documentation of completion of 40
29 hours of continuing education related to the core of knowledge
30 specified in paragraph (1) of subdivision (c). No more than one-half
31 of the required 40 hours of continuing education necessary to renew
32 the certificate may be satisfied through online courses. All other
33 continuing education hours shall be completed in a classroom
34 setting. For purposes of this section, individuals who hold a valid
35 license as a nursing home administrator issued in accordance with
36 Chapter 2.35 (commencing with Section 1416) of Division 2 of
37 the Health and Safety Code and meet the requirements of paragraph
38 (1) of subdivision (b) shall only be required to complete 20 hours
39 of continuing education.

1 (2) Every certified administrator of a residential care facility
2 for the elderly is required to renew his or her certificate and shall
3 complete the continuing education requirements of this subdivision
4 whether he or she is certified according to subdivision (a) or (b).
5 At least 8 hours of the 40-hour continuing education requirement
6 for a certified administrator of a residential care facility for the
7 elderly shall include instruction on serving clients with dementia,
8 including, but not limited to, instruction related to direct care,
9 physical environment, and admissions procedures and assessment.

10 (3) Certificates issued under this section shall expire every two
11 years, on the anniversary date of the initial issuance of the
12 certificate, except that any administrator receiving his or her initial
13 certification on or after January 1, 1999, shall make an irrevocable
14 election to have his or her recertification date for any subsequent
15 recertification either on the date two years from the date of issuance
16 of the certificate or on the individual's birthday during the second
17 calendar year following certification. The department shall send
18 a renewal notice to the certificate holder 90 days prior to the
19 expiration date of the certificate. If the certificate is not renewed
20 prior to its expiration date, reinstatement shall only be permitted
21 after the certificate holder has paid a delinquency fee equal to three
22 times the renewal fee and has provided evidence of completion of
23 the continuing education required.

24 (4) To renew a certificate, the certificate holder shall, on or
25 before the certificate expiration date, request renewal by submitting
26 to the department documentation of completion of the required
27 continuing education courses and pay the renewal fee of one
28 hundred dollars (\$100), irrespective of receipt of the department's
29 notification of the renewal. A renewal request postmarked on or
30 before the expiration of the certificate is proof of compliance with
31 this paragraph.

32 (5) A suspended or revoked certificate is subject to expiration
33 as provided for in this section. If reinstatement of the certificate
34 is approved by the department, the certificate holder, as a condition
35 precedent to reinstatement, shall pay a fee in an amount equal to
36 the renewal fee, plus the delinquency fee, if any, accrued at the
37 time of its revocation or suspension.

38 (6) A certificate that is not renewed within four years after its
39 expiration shall not be renewed, restored, reissued, or reinstated
40 except upon completion of a certification program, passing any

1 test that may be required of an applicant for a new certificate at
2 that time, and paying the appropriate fees provided for in this
3 section.

4 (7) A fee of twenty-five dollars (\$25) shall be charged for the
5 reissuance of a lost certificate.

6 (8) A certificate holder shall inform the department of his or
7 her employment status within 30 days of any change.

8 (g) The department may revoke a certificate issued under this
9 section for any of the following:

10 (1) Procuring a certificate by fraud or misrepresentation.

11 (2) Knowingly making or giving any false statement or
12 information in conjunction with the application for issuance of a
13 certificate.

14 (3) Criminal conviction, unless an exemption is granted pursuant
15 to Section 1569.17.

16 (h) The certificate shall be considered forfeited under either of
17 the following conditions:

18 (1) The administrator has had a license revoked, suspended, or
19 denied as authorized under Section 1569.50.

20 (2) The administrator has been denied employment, residence,
21 or presence in a facility based on action resulting from an
22 administrative hearing pursuant to Section 1569.58.

23 (i) (1) The department shall establish, by regulation, the
24 program content, the testing instrument, the process for approving
25 certification programs, and criteria to be used in authorizing
26 individuals, organizations, or educational institutions to conduct
27 certification programs and continuing education courses. These
28 regulations shall be developed in consultation with provider and
29 consumer organizations, and shall be made available at least six
30 months prior to the deadline required for certification. The
31 department may deny vendor approval to any agency or person
32 that has not provided satisfactory evidence of their ability to meet
33 the requirements of vendorization set out in the regulations adopted
34 pursuant to subdivision (j).

35 (2) (A) A vendor of online programs for continuing education
36 shall ensure that each online course contains all of the following:

37 (i) An interactive portion where the participant receives
38 feedback, through online communication, based on input from the
39 participant.

1 (ii) Required use of a personal identification number or personal
2 identification information to confirm the identity of the participant.

3 (iii) A final screen displaying a printable statement, to be signed
4 by the participant, certifying that the identified participant
5 completed the course. The vendor shall obtain a copy of the final
6 screen statement with the original signature of the participant prior
7 to the issuance of a certificate of completion. The signed statement
8 of completion shall be maintained by the vendor for a period of
9 three years and be available to the department upon demand. Any
10 person who certifies as true any material matter pursuant to this
11 section that he or she knows to be false is guilty of a misdemeanor.

12 (B) Nothing in this subdivision shall prohibit the department
13 from approving online programs for continuing education that do
14 not meet the requirements of subparagraph (A) if the vendor
15 demonstrates to the department's satisfaction that, through
16 advanced technology, the course and the course delivery meet the
17 requirements of this section.

18 (3) The department may authorize vendors to conduct the
19 administrator certification training program pursuant to provisions
20 set forth in this section. The department shall conduct the written
21 test pursuant to regulations adopted by the department.

22 (4) The department shall prepare and maintain an updated list
23 of approved training vendors.

24 (5) The department may inspect training programs, continuing
25 education courses, and online courses, at no charge to the
26 department, in order to determine if content and teaching methods
27 comply with paragraphs (1) and (2), if applicable, and with
28 regulations. If the department determines that a vendor is not
29 complying with the intent of this section, the department shall take
30 appropriate action to bring the program into compliance, which
31 may include removing the vendor from the approved list.

32 (6) The department shall establish reasonable procedures and
33 timeframes, not to exceed 30 days, for the approval of vendor
34 training programs.

35 (7) The department may charge a reasonable fee, not to exceed
36 one hundred fifty dollars (\$150) every two years, to certification
37 program vendors for review and approval of the initial 40-hour
38 training program pursuant to subdivision (c). The department may
39 also charge the vendor a fee, not to exceed one hundred dollars
40 (\$100) every two years, for the review and approval of the

1 continuing education courses needed for recertification pursuant
2 to this subdivision.

3 (j) This section shall be operative upon regulations being
4 adopted by the department to implement the administrator
5 certification program as provided for in this section.

6 (k) The department shall establish a registry for holders of
7 certificates that shall include, at a minimum, information on
8 employment status and criminal record clearance.

9 (l) Notwithstanding any law to the contrary, vendors approved
10 by the department who exclusively provide either initial or
11 continuing education courses for certification of administrators of
12 a residential care facility for the elderly, as defined in subdivision
13 (k) of Section 1569.2, a group home facility, as defined by
14 regulations of the department, or an adult residential care facility,
15 as defined by regulations of the department, shall be regulated
16 solely by the department pursuant to this chapter. No other state
17 or local governmental entity shall be responsible for regulating
18 the activity of those vendors.

19 (m) This section shall remain in effect only until January 1,
20 2016, and as of that date is repealed, unless a later enacted statute,
21 that is enacted before January 1, 2016, deletes or extends that date.

22 SEC. 4. Section 1569.616 is added to the Health and Safety
23 Code, to read:

24 1569.616. (a) (1) An administrator of a residential care facility
25 for the elderly shall be required to successfully complete a
26 department-approved certification program prior to employment.

27 (2) In those cases where the individual is both the licensee and
28 the administrator of a facility, or a licensed nursing home
29 administrator, the individual shall comply with the requirements
30 of this section unless he or she qualifies for one of the exemptions
31 provided for in subdivision (b).

32 (3) Failure to comply with this section shall constitute cause for
33 revocation of the license of the facility where an individual is
34 functioning as the administrator.

35 (4) The licensee shall notify the department within 30 days of
36 any change in administrators.

37 (b) Individuals seeking exemptions under paragraph (2) of
38 subdivision (a) shall meet the following criteria and fulfill the
39 required portions of the certification program, as the case may be:

1 (1) An individual designated as the administrator of a residential
2 care facility for the elderly who holds a valid license as a nursing
3 home administrator issued in accordance with Chapter 2.35
4 (commencing with Section 1416) of Division 2 shall be required
5 to complete the areas in the uniform core of knowledge required
6 by this section that pertain to the law, regulations, policies, and
7 procedural standards that impact the operations of residential care
8 facilities for the elderly, the use, misuse, and interaction of
9 medication commonly used by the elderly in a residential setting,
10 and resident admission, retention, and assessment procedures,
11 equal to 12 hours of classroom instruction. An individual meeting
12 the requirements of this paragraph shall not be required to take a
13 written test.

14 (2) In those cases where the individual was both the licensee
15 and administrator on or before July 1, 1991, the individual shall
16 be required to complete all the areas specified for the certification
17 program, but shall not be required to take the written test required
18 by this section. Those individuals exempted from the written test
19 shall be issued a conditional certification that is valid only for the
20 administrator of the facility for which the exemption was granted.

21 (A) As a condition to becoming an administrator of another
22 facility, the individual shall be required to pass the written test
23 provided for in this section.

24 (B) As a condition to applying for a new facility license, the
25 individual shall be required to pass the written test provided for
26 in Section 1569.23.

27 (c) (1) The administrator certification program shall require a
28 minimum of ~~100~~ 80 hours of coursework, which shall include at
29 least ~~60~~ 48 hours of in-person ~~classroom~~ instruction that provides
30 training on a uniform core of knowledge in each of the following
31 areas:

32 (A) Laws, regulations, and policies and procedural standards
33 that impact the operations of residential care facilities for the
34 elderly.

35 (B) Business operations.

36 (C) Management and supervision of staff.

37 (D) Psychosocial needs of the elderly.

38 (E) Community and support services.

39 (F) Physical needs for elderly persons.

1 (G) Medication management, including the use, misuse, and
2 interaction of medication commonly used by the elderly, including
3 antipsychotics and the adverse effects of psychotropic drugs for
4 use in controlling the behavior of persons with ~~dementia~~, as
5 ~~required by Section 1569.626.~~ *dementia*.

6 (H) Resident admission, retention, and assessment procedures.

7 (I) Managing Alzheimer’s disease and related dementias,
8 including nonpharmacologic, person-centered approaches to
9 dementia care.

10 (J) Cultural competency and sensitivity in issues relating to the
11 underserved aging lesbian, gay, bisexual, and transgender
12 community.

13 (K) Residents’ rights and the importance of initial and ongoing
14 training for all staff to ensure that ~~resident’s~~ *residents’* rights are
15 fully respected and implemented.

16 (L) *Managing the physical environment, including, but not*
17 *limited to, maintenance and housekeeping.*

18 (M) *Postural supports, restricted health conditions, and hospice*
19 *care.*

20 (2) Individuals applying for certification under this section shall
21 successfully complete an approved certification program, pass a
22 written test administered by the department within 60 days of
23 completing the program, and submit the documentation required
24 by subdivision (d) to the department within 30 days of being
25 notified of having passed the test. The department may extend
26 these time deadlines for good cause. The department shall notify
27 the applicant of his or her test results within 30 days of
28 administering the test.

29 (3) *The department shall ensure the test consists of at least 100*
30 *questions and allows an applicant to have access to the California*
31 *Residential Care Facility for the Elderly Act, related regulations,*
32 *and the evaluator manual during the test. The department, no later*
33 *than July 1 of every other year, shall review and revise the test in*
34 *order to ensure the rigor and quality of the test. Each year, the*
35 *department shall ensure, by January 1, that the test is not in conflict*
36 *with prevailing law. The department may convene a stakeholder*
37 *group to assist in developing and reviewing test questions.*

38 (d) The department shall not begin the process of issuing a
39 certificate until receipt of all of the following:

1 (1) A certificate of completion of the administrator training
2 required pursuant to this chapter.

3 (2) The fee required for issuance of the certificate. A fee of one
4 hundred dollars (\$100) shall be charged by the department to cover
5 the costs of processing the application for certification.

6 (3) Documentation of passing the written test or of qualifying
7 for an exemption pursuant to subdivision (b).

8 (4) Submission of fingerprints. The department and the
9 Department of Justice shall expedite the criminal record clearance
10 for holders of certificates of completion. The department may
11 waive the submission for those persons who have a current criminal
12 record clearance on file.

13 (e) It shall be unlawful for a person not certified under this
14 section to hold himself or herself out as a certified administrator
15 of a residential care facility for the elderly. Any person willfully
16 making a false representation as being a certified administrator is
17 guilty of a misdemeanor.

18 (f) (1) Certificates issued under this section shall be renewed
19 every two years and renewal shall be conditional upon the
20 certificate holder submitting documentation of completion of 40
21 hours of continuing education related to the core of knowledge
22 specified in paragraph (1) of subdivision (c). No more than one-half
23 of the required 40 hours of continuing education necessary to renew
24 the certificate may be satisfied through online courses. All other
25 continuing education hours shall be completed in a classroom
26 setting. For purposes of this section, individuals who hold a valid
27 license as a nursing home administrator issued in accordance with
28 Chapter 2.35 (commencing with Section 1416) of Division 2 and
29 meet the requirements of paragraph (1) of subdivision (b) shall
30 only be required to complete 20 hours of continuing education.

31 (2) Every certified administrator of a residential care facility
32 for the elderly is required to renew his or her certificate and shall
33 complete the continuing education requirements of this subdivision
34 whether he or she is certified according to subdivision (a) or (b).
35 At least eight hours of the 40-hour continuing education
36 requirement for a certified administrator of a residential care facility
37 for the elderly shall include instruction on serving clients with
38 dementia, including, but not limited to, instruction related to direct
39 care, physical environment, and admissions procedures and
40 assessment.

1 (3) Certificates issued under this section shall expire every two
2 years, on the anniversary date of the initial issuance of the
3 certificate, except that any administrator receiving his or her initial
4 certification on or after January 1, 1999, shall make an irrevocable
5 election to have his or her recertification date for any subsequent
6 recertification either on the date two years from the date of issuance
7 of the certificate or on the individual's birthday during the second
8 calendar year following certification. The department shall send
9 a renewal notice to the certificate holder 90 days prior to the
10 expiration date of the certificate. If the certificate is not renewed
11 prior to its expiration date, reinstatement shall only be permitted
12 after the certificate holder has paid a delinquency fee equal to three
13 times the renewal fee and has provided evidence of completion of
14 the continuing education required.

15 (4) To renew a certificate, the certificate holder shall, on or
16 before the certificate expiration date, request renewal by submitting
17 to the department documentation of completion of the required
18 continuing education courses and pay the renewal fee of one
19 hundred dollars (\$100), irrespective of receipt of the department's
20 notification of the renewal. A renewal request postmarked on or
21 before the expiration of the certificate is proof of compliance with
22 this paragraph.

23 (5) A suspended or revoked certificate is subject to expiration
24 as provided for in this section. If reinstatement of the certificate
25 is approved by the department, the certificate holder, as a condition
26 precedent to reinstatement, shall pay a fee in an amount equal to
27 the renewal fee, plus the delinquency fee, if any, accrued at the
28 time of its revocation or suspension.

29 (6) A certificate that is not renewed within four years after its
30 expiration shall not be renewed, restored, reissued, or reinstated
31 except upon completion of a certification program, passing any
32 test that may be required of an applicant for a new certificate at
33 that time, and paying the appropriate fees provided for in this
34 section.

35 (7) A fee of twenty-five dollars (\$25) shall be charged for the
36 reissuance of a lost certificate.

37 (8) A certificate holder shall inform the department of his or
38 her employment status within 30 days of any change.

39 (g) The department may revoke a certificate issued under this
40 section for any of the following:

- 1 (1) Procuring a certificate by fraud or misrepresentation.
- 2 (2) Knowingly making or giving any false statement or
- 3 information in conjunction with the application for issuance of a
- 4 certificate.
- 5 (3) Criminal conviction, unless an exemption is granted pursuant
- 6 to Section 1569.17.
- 7 (h) The certificate shall be considered forfeited under either of
- 8 the following conditions:
- 9 (1) The administrator has had a license revoked, suspended, or
- 10 denied as authorized under Section 1569.50.
- 11 (2) The administrator has been denied employment, residence,
- 12 or presence in a facility based on action resulting from an
- 13 administrative hearing pursuant to Section 1569.58.
- 14 (i) (1) The department shall establish, by regulation, the
- 15 program content, the testing instrument, the process for approving
- 16 certification programs, and criteria to be used in authorizing
- 17 individuals, organizations, or educational institutions to conduct
- 18 certification programs and continuing education courses. These
- 19 regulations shall be developed in consultation with provider and
- 20 consumer organizations, and shall be made available at least six
- 21 months prior to the deadline required for certification. The
- 22 department may deny vendor approval to any agency or person
- 23 that has not provided satisfactory evidence of their ability to meet
- 24 the requirements of vendorization set out in the regulations adopted
- 25 pursuant to subdivision (j).
- 26 (2) (A) A vendor of online programs for continuing education
- 27 shall ensure that each online course contains all of the following:
- 28 (i) An interactive portion where the participant receives
- 29 feedback, through online communication, based on input from the
- 30 participant.
- 31 (ii) Required use of a personal identification number or personal
- 32 identification information to confirm the identity of the participant.
- 33 (iii) A final screen displaying a printable statement, to be signed
- 34 by the participant, certifying that the identified participant
- 35 completed the course. The vendor shall obtain a copy of the final
- 36 screen statement with the original signature of the participant prior
- 37 to the issuance of a certificate of completion. The signed statement
- 38 of completion shall be maintained by the vendor for a period of
- 39 three years and be available to the department upon demand. Any

1 person who certifies as true any material matter pursuant to this
2 section that he or she knows to be false is guilty of a misdemeanor.

3 (B) Nothing in this subdivision shall prohibit the department
4 from approving online programs for continuing education that do
5 not meet the requirements of subparagraph (A) if the vendor
6 demonstrates to the department's satisfaction that, through
7 advanced technology, the course and the course delivery meet the
8 requirements of this section.

9 (3) The department may authorize vendors to conduct the
10 administrator certification training program pursuant to provisions
11 set forth in this section. The department shall conduct the written
12 test pursuant to regulations adopted by the department.

13 (4) The department shall prepare and maintain an updated list
14 of approved training vendors.

15 (5) The department may inspect training programs, continuing
16 education courses, and online courses, at no charge to the
17 department, in order to determine if content and teaching methods
18 comply with paragraphs (1) and (2), if applicable, and with
19 regulations. If the department determines that a vendor is not
20 complying with the intent of this section, the department shall take
21 appropriate action to bring the program into compliance, which
22 may include removing the vendor from the approved list.

23 (6) The department shall establish reasonable procedures and
24 timeframes, not to exceed 30 days, for the approval of vendor
25 training programs.

26 (7) The department may charge a reasonable fee, not to exceed
27 one hundred fifty dollars (\$150) every two years, to certification
28 program vendors for review and approval of the initial 40-hour
29 training program pursuant to subdivision (c). The department may
30 also charge the vendor a fee, not to exceed one hundred dollars
31 (\$100) every two years, for the review and approval of the
32 continuing education courses needed for recertification pursuant
33 to this subdivision.

34 (j) This section shall be operative upon regulations being
35 adopted by the department to implement the administrator
36 certification program as provided for in this section.

37 (k) The department shall establish a registry for holders of
38 certificates that shall include, at a minimum, information on
39 employment status and criminal record clearance.

1 (l) Notwithstanding any law to the contrary, vendors approved
2 by the department who exclusively provide either initial or
3 continuing education courses for certification of administrators of
4 a residential care facility for the elderly, as defined in subdivision
5 (k) of Section 1569.2, a group home facility, as defined by
6 regulations of the department, or an adult residential care facility,
7 as defined by regulations of the department, shall be regulated
8 solely by the department pursuant to this chapter. No other state
9 or local governmental entity shall be responsible for regulating
10 the activity of those vendors.

11 (m) This section shall become operative on January 1, 2016.

12 SEC. 5. Section 1569.62 of the Health and Safety Code is
13 amended to read:

14 1569.62. (a) The director shall ensure that licensees,
15 administrators, and staffs of residential care facilities for the elderly
16 have appropriate training to provide the care and services for which
17 a license or certificate is issued.

18 (b) The department shall develop jointly with the *California*
19 Department of Aging, with input from provider organizations,
20 requirements for a uniform core of knowledge within the required
21 20 hours of continuing education for administrators, and their
22 designated substitutes, and for recertification of administrators of
23 residential care facilities for the elderly. This knowledge base shall
24 include, as a minimum, basic understanding of the psychosocial
25 and physical care needs of elderly persons and administration. The
26 department shall develop jointly with the *California* Department
27 of Aging, with input from provider organizations, a uniform
28 resident assessment tool to be used by all residential care facilities
29 for the elderly. The assessment tool shall, in lay terms, help to
30 identify resident needs for service and assistance with activities
31 of daily living.

32 The departments shall develop a mandatory training program
33 on the utilization of the assessment tool to be given to
34 administrators and their designated substitutes.

35 (c) This section shall remain in effect only until January 1, 2016,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2016, deletes or extends that date.

38 SEC. 6. Section 1569.62 is added to the Health and Safety
39 Code, to read:

1 1569.62. (a) The director shall ensure that licensees,
2 administrators, and staff of residential care facilities for the elderly
3 have appropriate training to provide the care and services for which
4 a license or certificate is issued.

5 (b) The department shall develop jointly with the California
6 Department of Aging requirements for a uniform core of knowledge
7 for the required initial certification and continuing education for
8 administrators, and their designated substitutes, and for
9 recertification of administrators of residential care facilities for
10 the elderly. This knowledge base shall include, as a minimum,
11 basic understanding of the psychosocial and physical care needs
12 of elderly persons, applicable laws and regulations, residents’
13 rights, and administration. This training shall be developed in
14 consultation with individuals or organizations with specific
15 expertise in residential care facilities for the elderly or assisted
16 living services, or by an outside source with expertise in residential
17 care facilities for the elderly or assisted living services.

18 (1) The initial certification training for administrators shall
19 consist of at least 100 hours.

20 (2) The continuing education requirement for administrators is
21 at least 40 hours of training during each two-year certification
22 period, as specified in paragraph (1) of subdivision (f) of Section
23 1569.616.

24 (c) (1) The department shall develop a uniform resident
25 assessment tool to be used by all residential care facilities for the
26 elderly. The assessment tool shall, in lay terms, help to identify
27 resident needs for service and assistance with activities of daily
28 living.

29 (2) The departments shall develop a mandatory training program
30 on the utilization of the assessment tool to be given to
31 administrators and their designated substitutes.

32 (d) This section shall become operative on January 1, 2016.

33 SEC. 7. Section 1569.69 of the Health and Safety Code is
34 amended to read:

35 1569.69. (a) Each residential care facility for the elderly
36 licensed under this chapter shall ensure that each employee of the
37 facility who assists residents with the self-administration of
38 medications meets the following training requirements:

39 (1) In facilities licensed to provide care for 16 or more persons,
40 the employee shall complete 16 hours of initial training. This

1 training shall consist of eight hours of hands-on shadowing training,
2 which shall be completed prior to assisting with the
3 self-administration of medications, and eight hours of other training
4 or instruction, as described in subdivision (f), which shall be
5 completed within the first two weeks of employment.

6 (2) In facilities licensed to provide care for 15 or fewer persons,
7 the employee shall complete six hours of initial training. This
8 training shall consist of two hours of hands-on shadowing training,
9 which shall be completed prior to assisting with the
10 self-administration of medications, and four hours of other training
11 or instruction, as described in subdivision (f), which shall be
12 completed within the first two weeks of employment.

13 (3) An employee shall be required to complete the training
14 requirements for hands-on shadowing training described in this
15 subdivision prior to assisting any resident in the self-administration
16 of medications. The training and instruction described in this
17 subdivision shall be completed, in their entirety, within the first
18 two weeks of employment.

19 (4) The training shall cover all of the following areas:

20 (A) The role, responsibilities, and limitations of staff who assist
21 residents with the self-administration of medication, including
22 tasks limited to licensed medical professionals.

23 (B) An explanation of the terminology specific to medication
24 assistance.

25 (C) An explanation of the different types of medication orders:
26 prescription, over-the-counter, controlled, and other medications.

27 (D) An explanation of the basic rules and precautions of
28 medication assistance.

29 (E) Information on medication forms and routes for medication
30 taken by residents.

31 (F) A description of procedures for providing assistance with
32 the self-administration of medications in and out of the facility,
33 and information on the medication documentation system used in
34 the facility.

35 (G) An explanation of guidelines for the proper storage, security,
36 and documentation of centrally stored medications.

37 (H) A description of the processes used for medication ordering,
38 refills, and the receipt of medications from the pharmacy.

39 (I) An explanation of medication side effects, adverse reactions,
40 and errors.

1 (5) To complete the training requirements set forth in this
2 subdivision, each employee shall pass an examination that tests
3 the employee’s comprehension of, and competency in, the subjects
4 listed in paragraph (4).

5 (6) Residential care facilities for the elderly shall encourage
6 pharmacists and licensed medical professionals to use plain English
7 when preparing labels on medications supplied to residents. As
8 used in this section, “plain English” means that no abbreviations,
9 symbols, or Latin medical terms shall be used in the instructions
10 for the self-administration of medication.

11 (7) The training requirements of this section are not intended
12 to replace or supplant those required of all staff members who
13 assist residents with personal activities of daily living as set forth
14 in Section 1569.625.

15 (8) The training requirements of this section shall be repeated
16 if either of the following occurs:

17 (A) An employee returns to work for the same licensee after a
18 break of service of more than 180 consecutive calendar days.

19 (B) An employee goes to work for another licensee in a facility
20 in which he or she assists residents with the self-administration of
21 medication.

22 (b) Each employee who received training and passed the
23 examination required in paragraph (5) of subdivision (a), and who
24 continues to assist with the self-administration of medicines, shall
25 also complete four hours of in-service training on
26 medication-related issues in each succeeding 12-month period.

27 (c) The requirements set forth in subdivisions (a) and (b) do not
28 apply to persons who are licensed medical professionals.

29 (d) Each residential care facility for the elderly that provides
30 employee training under this section shall use the training material
31 and the accompanying examination that are developed by, or in
32 consultation with, a licensed nurse, pharmacist, or physician. The
33 licensed residential care facility for the elderly shall maintain the
34 following documentation for each medical consultant used to
35 develop the training:

36 (1) The name, address, and telephone number of the consultant.

37 (2) The date when consultation was provided.

38 (3) The consultant’s organization affiliation, if any, and any
39 educational and professional qualifications specific to medication
40 management.

1 (4) The training topics for which consultation was provided.

2 (e) Each person who provides employee training under this
3 section shall meet the following education and experience
4 requirements:

5 (1) A minimum of five hours of initial, or certified continuing,
6 education or three semester units, or the equivalent, from an
7 accredited educational institution, on topics relevant to medication
8 management.

9 (2) The person shall meet any of the following practical
10 experience or licensure requirements:

11 (A) Two years of full-time experience, within the last four years,
12 as a consultant with expertise in medication management in areas
13 covered by the training described in subdivision (a).

14 (B) Two years of full-time experience, or the equivalent, within
15 the last four years, as an administrator for a residential care facility
16 for the elderly, during which time the individual has acted in
17 substantial compliance with applicable regulations.

18 (C) Two years of full-time experience, or the equivalent, within
19 the last four years, as a direct care provider assisting with the
20 self-administration of medications for a residential care facility
21 for the elderly, during which time the individual has acted in
22 substantial compliance with applicable regulations.

23 (D) Possession of a license as a medical professional.

24 (3) The licensed residential care facility for the elderly shall
25 maintain the following documentation on each person who provides
26 employee training under this section:

27 (A) The person's name, address, and telephone number.

28 (B) Information on the topics or subject matter covered in the
29 training.

30 (C) The time, dates, and hours of training provided.

31 (f) Other training or instruction, as required in paragraphs (1)
32 and (2) of subdivision (a), may be provided offsite, and may use
33 various methods of instruction, including, but not limited to, all
34 of the following:

35 (1) Lectures by presenters who are knowledgeable about
36 medication management.

37 (2) Video recorded instruction, interactive material, online
38 training, and books.

39 (3) Other written or visual materials approved by organizations
40 or individuals with expertise in medication management.

1 (g) Residential care facilities for the elderly licensed to provide
2 care for 16 or more persons shall maintain documentation that
3 demonstrates that a consultant pharmacist or nurse has reviewed
4 the facility's medication management program and procedures at
5 least twice a year.

6 (h) Nothing in this section authorizes unlicensed personnel to
7 directly administer medications.

8 (i) This section shall remain in effect only until January 1, 2016,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2016, deletes or extends that date.

11 SEC. 8. Section 1569.69 is added to the Health and Safety
12 Code, to read:

13 1569.69. (a) Each residential care facility for the elderly
14 licensed under this chapter shall ensure that each employee of the
15 facility who assists residents with the self-administration of
16 medications meets all of the following training requirements:

17 (1) In facilities licensed to provide care for 16 or more persons,
18 the employee shall complete 24 hours of initial training. This
19 training shall consist of 16 hours of hands-on shadowing training,
20 which shall be completed prior to assisting with the
21 self-administration of medications, and 8 hours of other training
22 or instruction, as described in subdivision (f), which shall be
23 completed within the first four weeks of employment.

24 (2) In facilities licensed to provide care for 15 or fewer persons,
25 the employee shall complete 10 hours of initial training. This
26 training shall consist of 6 hours of hands-on shadowing training,
27 which shall be completed prior to assisting with the
28 self-administration of medications, and 4 hours of other training
29 or instruction, as described in subdivision (f), which shall be
30 completed within the first two weeks of employment.

31 (3) An employee shall be required to complete the training
32 requirements for hands-on shadowing training described in this
33 subdivision prior to assisting any resident in the self-administration
34 of medications. The training and instruction described in this
35 subdivision shall be completed, in their entirety, within the first
36 two weeks of employment.

37 (4) The training shall cover all of the following areas:

38 (A) The role, responsibilities, and limitations of staff who assist
39 residents with the self-administration of medication, including
40 tasks limited to licensed medical professionals.

1 (B) An explanation of the terminology specific to medication
2 assistance.

3 (C) An explanation of the different types of medication orders:
4 prescription, over-the-counter, controlled, and other medications.

5 (D) An explanation of the basic rules and precautions of
6 medication assistance.

7 (E) Information on medication forms and routes for medication
8 taken by residents.

9 (F) A description of procedures for providing assistance with
10 the self-administration of medications in and out of the facility,
11 and information on the medication documentation system used in
12 the facility.

13 (G) An explanation of guidelines for the proper storage, security,
14 and documentation of centrally stored medications.

15 (H) A description of the processes used for medication ordering,
16 refills, and the receipt of medications from the pharmacy.

17 (I) An explanation of medication side effects, adverse reactions,
18 errors, the adverse effects of psychotropic drugs for use in
19 controlling the behavior of persons with dementia, and the
20 increased risk of death when elderly residents with dementia are
21 given antipsychotic medications.

22 (5) To complete the training requirements set forth in this
23 subdivision, each employee shall pass an examination that tests
24 the employee's comprehension of, and competency in, the subjects
25 listed in paragraph (4).

26 (6) Residential care facilities for the elderly shall encourage
27 pharmacists and licensed medical professionals to use plain English
28 when preparing labels on medications supplied to residents. As
29 used in this section, "plain English" means that no abbreviations,
30 symbols, or Latin medical terms shall be used in the instructions
31 for the self-administration of medication.

32 (7) The training requirements of this section are not intended
33 to replace or supplant those required of all staff members who
34 assist residents with personal activities of daily living as set forth
35 in Sections 1569.625 and 1569.696.

36 (8) The training requirements of this section shall be repeated
37 if either of the following occur:

38 (A) An employee returns to work for the same licensee after a
39 break of service of more than 180 consecutive calendar days.

1 (B) An employee goes to work for another licensee in a facility
2 in which he or she assists residents with the self-administration of
3 medication.

4 (b) Each employee who received training and passed the
5 examination required in paragraph (5) of subdivision (a), and who
6 continues to assist with the self-administration of medicines, shall
7 also complete eight hours of in-service training on
8 medication-related issues in each succeeding 12-month period.

9 (c) The requirements set forth in subdivisions (a) and (b) do not
10 apply to persons who are licensed medical professionals.

11 (d) Each residential care facility for the elderly that provides
12 employee training under this section shall use the training material
13 and the accompanying examination that are developed by, or in
14 consultation with, a licensed nurse, pharmacist, or physician. The
15 licensed residential care facility for the elderly shall maintain the
16 following documentation for each medical consultant used to
17 develop the training:

18 (1) The name, address, and telephone number of the consultant.

19 (2) The date when consultation was provided.

20 (3) The consultant's organization affiliation, if any, and any
21 educational and professional qualifications specific to medication
22 management.

23 (4) The training topics for which consultation was provided.

24 (e) Each person who provides employee training under this
25 section shall meet the following education and experience
26 requirements:

27 (1) A minimum of five hours of initial, or certified continuing,
28 education or three semester units, or the equivalent, from an
29 accredited educational institution, on topics relevant to medication
30 management.

31 (2) The person shall meet any of the following practical
32 experience or licensure requirements:

33 (A) Two years of full-time experience, within the last four years,
34 as a consultant with expertise in medication management in areas
35 covered by the training described in subdivision (a).

36 (B) Two years of full-time experience, or the equivalent, within
37 the last four years, as an administrator for a residential care facility
38 for the elderly, during which time the individual has acted in
39 substantial compliance with applicable regulations.

- 1 (C) Two years of full-time experience, or the equivalent, within
 2 the last four years, as a direct care provider assisting with the
 3 self-administration of medications for a residential care facility
 4 for the elderly, during which time the individual has acted in
 5 substantial compliance with applicable regulations.
- 6 (D) Possession of a license as a medical professional.
- 7 (3) The licensed residential care facility for the elderly shall
 8 maintain the following documentation on each person who provides
 9 employee training under this section:
- 10 (A) The person’s name, address, and telephone number.
- 11 (B) Information on the topics or subject matter covered in the
 12 training.
- 13 (C) The times, dates, and hours of training provided.
- 14 (f) Other training or instruction, as required in paragraphs (1)
 15 and (2) of subdivision (a), may be provided offsite, and may use
 16 various methods of instruction, including, but not limited to, all
 17 of the following:
- 18 (1) Lectures by presenters who are knowledgeable about
 19 medication management.
- 20 (2) Video recorded instruction, interactive material, online
 21 training, and books.
- 22 (3) Other written or visual materials approved by organizations
 23 or individuals with expertise in medication management.
- 24 (g) Residential care facilities for the elderly licensed to provide
 25 care for 16 or more persons shall maintain documentation that
 26 demonstrates that a consultant pharmacist or nurse has reviewed
 27 the facility’s medication management program and procedures at
 28 least twice a year.
- 29 (h) Nothing in this section authorizes unlicensed personnel to
 30 directly administer medications.
- 31 (i) This section shall become operative on January 1, 2016.
- 32 SEC. 9. Section 1569.696 is added to the Health and Safety
 33 Code, to read:
- 34 1569.696. (a) All residential care facilities for the elderly ~~that~~
 35 ~~serve residents with postural supports, restricted health conditions~~
 36 ~~or health services, or who receive hospice services shall include,~~
 37 *shall provide training to direct care staff on postural supports,*
 38 *restricted conditions or health services, and hospice care as a*
 39 *component of the training requirements specified in Sections*
 40 ~~1569.23, 1569.616, and 1569.625, the following training~~

1 ~~requirements for all direct care staff: Section 1569.625. The~~
2 ~~training shall include all of the following:~~

3 (1) Four hours of training on the care, supervision, and special
4 needs of those residents, prior to providing direct care to residents.
5 The facility may utilize various methods of instruction, including,
6 but not limited to, preceptorship, mentoring, and other forms of
7 observation and demonstration. The orientation time shall be
8 exclusive of any administrative instruction.

9 ~~(2) Two two-hour trainings—Four hours of training~~ thereafter
10 ~~of in-service training every six months per year~~ on the subject of
11 ~~servicing those residents. This training shall be in addition to the~~
12 ~~trainings specified in Sections 1569.23, 1569.616, and 1569.625.~~

13 (b) This training shall be developed in consultation with
14 individuals or organizations with specific expertise in the care of
15 those residents described in subdivision (a). In formulating and
16 providing this training, reference may be made to written materials
17 and literature. This training requirement may be provided at the
18 facility or offsite and may include a combination of observation
19 and practical application.

20 ~~(e) At the request of the department, and immediately if the~~
21 ~~request is made during an inspection, licensees shall provide the~~
22 ~~department with a confidential list of residents and their conditions,~~
23 ~~as specified in subdivision (a), which is to be kept confidential to~~
24 ~~the extent permitted by law. This list shall be maintained in an~~
25 ~~accurate and current status at all times.~~

26 ~~(d)~~

27 (c) This section shall become operative on January 1, 2016.

28 SEC. 10. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.