

AMENDED IN ASSEMBLY AUGUST 22, 2014

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**

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**Introduced by Senator Block**

**(Coauthors: Senators Correa and Leno)**

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

January 23, 2014

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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 80 hours, including ~~48~~ 60 hours of in-person instruction, and would add additional topics to the uniform core of knowledge, 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~~ *prohibit a* licensee, or officer or employee of the licensee, ~~shall discriminate or retaliate from discriminating or retaliating~~ 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~~ *The* 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~~ *The* 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~~ *Existing law requires the department* 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, *existing law requires* 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~~ *the* 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 residential care facilities for the elderly 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~~ *The* bill also would require 4 hours of training thereafter of in-service training 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.

(6) *This bill would become operative only if AB 1570 is enacted and takes effect on or before January 1, 2015.*

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

1 perform the necessary medical procedures prescribed by a  
2 physician. This includes, but is not limited to, a registered nurse,  
3 licensed vocational nurse, physical therapist, occupational therapist,  
4 or respiratory therapist. These professionals may include, but are  
5 not limited to, those persons employed by a home health agency,  
6 the resident, or a facility, and who are currently licensed in this  
7 state.

8 (d) Failure to meet or arrange to meet the needs of those  
9 residents who require health-related services as specified in the  
10 resident's written record of care, defined pursuant to Section  
11 1569.80, or failure to notify the physician of a resident's illness  
12 or injury that poses a danger of death or serious bodily harm is a  
13 licensing violation and subject to civil penalty pursuant to Section  
14 1569.49.

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

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

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

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

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

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

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

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

1 facilities for the elderly, the use, misuse, and interaction of  
2 medication commonly used by the elderly in a residential setting,  
3 and resident admission, retention, and assessment procedures,  
4 equal to 12 hours of classroom instruction. An individual meeting  
5 the requirements of this paragraph shall not be required to take a  
6 written test.

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

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

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

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

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

27 (B) Business operations.

28 (C) Management and supervision of staff.

29 (D) Psychosocial needs of the elderly.

30 (E) Community and support services.

31 (F) Physical needs for elderly persons.

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

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

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

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

1 (2) Individuals applying for certification under this section shall  
2 successfully complete an approved certification program, pass a  
3 written test administered by the department within 60 days of  
4 completing the program, and submit the documentation required  
5 by subdivision (d) to the department within 30 days of being  
6 notified of having passed the test. The department may extend  
7 these time deadlines for good cause. The department shall notify  
8 the applicant of his or her test results within 30 days of  
9 administering the test.

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

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

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

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

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

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

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

1 (1) of subdivision (b) shall only be required to complete 20 hours  
2 of continuing education.

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

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

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

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

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

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

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

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

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

14 (2) Knowingly making or giving any false statement or  
15 information in conjunction with the application for issuance of a  
16 certificate.

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

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

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

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

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

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

1 (i) An interactive portion where the participant receives  
2 feedback, through online communication, based on input from the  
3 participant.

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

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

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

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

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

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

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

38 (7) The department may charge a reasonable fee, not to exceed  
39 one hundred fifty dollars (\$150) every two years, to certification  
40 program vendors for review and approval of the initial 40-hour

1 training program pursuant to subdivision (c). The department may  
2 also charge the vendor a fee, not to exceed one hundred dollars  
3 (\$100) every two years, for the review and approval of the  
4 continuing education courses needed for recertification pursuant  
5 to this subdivision.

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

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

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

22 (m) This section shall remain in effect only until January 1,  
23 2016, and as of that date is repealed, unless a later enacted statute,  
24 that is enacted before January 1, 2016, deletes or extends that date.

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

27 1569.616. (a) (1) An administrator of a residential care facility  
28 for the elderly shall be required to successfully complete a  
29 department-approved certification program prior to employment.

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

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

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

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

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

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

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

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

30 (c) (1) The administrator certification program shall require a  
31 minimum of 80 hours of coursework, which shall include at least  
32 ~~48~~ 60 hours of in-person instruction that provides training on a  
33 uniform core of knowledge in each of the following areas:

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

37 (B) Business operations.

38 (C) Management and supervision of staff.

39 (D) Psychosocial needs of the elderly.

40 (E) Community and support services.

1 (F) Physical needs for elderly persons.

2 (G) Medication management, including the use, misuse, and  
3 interaction of medication commonly used by the elderly, including  
4 antipsychotics and the adverse effects of psychotropic drugs for  
5 use in controlling the behavior of persons with 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 residents’ rights are fully  
15 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; *and* related  
32 regulations, ~~and the evaluator manual~~ during the test. The  
33 department, no later than July 1 of every other year, shall review  
34 and revise the test in order to ensure the rigor and quality of the  
35 test. Each year, the department shall ensure, by January 1, that the  
36 test is not in conflict with prevailing law. The department may  
37 convene a stakeholder group to assist in developing and reviewing  
38 test questions.

39 (d) The department shall not begin the process of issuing a  
40 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 *uniform* core of  
22 knowledge specified in paragraph (1) of subdivision (c). No more  
23 than one-half of the required 40 hours of continuing education  
24 necessary to renew the certificate may be satisfied through online  
25 courses. All other continuing education hours shall be completed  
26 in a classroom setting. For purposes of this section, individuals  
27 who hold a valid license as a nursing home administrator issued  
28 in accordance with Chapter 2.35 (commencing with Section 1416)  
29 of Division 2 and meet the requirements of paragraph (1) of  
30 subdivision (b) shall only be required to complete 20 hours of  
31 continuing education.

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

1 care, physical environment, and admissions procedures and  
2 assessment.

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

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

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

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

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

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

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

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

4 (2) Knowingly making or giving any false statement or  
5 information in conjunction with the application for issuance of a  
6 certificate.

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

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

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

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

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

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

30 (i) An interactive portion where the participant receives  
31 feedback, through online communication, based on input from the  
32 participant.

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

35 (iii) A final screen displaying a printable statement, to be signed  
36 by the participant, certifying that the identified participant  
37 completed the course. The vendor shall obtain a copy of the final  
38 screen statement with the original signature of the participant prior  
39 to the issuance of a certificate of completion. The signed statement  
40 of completion shall be maintained by the vendor for a period of

1 three years and be available to the department upon demand. Any  
2 person who certifies as true any material matter pursuant to this  
3 section that he or she knows to be false is guilty of a misdemeanor.

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

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

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

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

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

27 (7) The department may charge a reasonable fee, not to exceed  
28 one hundred fifty dollars (\$150) every two years, to certification  
29 program vendors for review and approval of the initial ~~40-hour~~  
30 *80-hour* training program pursuant to subdivision (c). The  
31 department may also charge the vendor a fee, not to exceed one  
32 hundred dollars (\$100) every two years, for the review and approval  
33 of the continuing education courses needed for recertification  
34 pursuant to this subdivision.

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

38 (k) The department shall establish a registry for holders of  
39 certificates that shall include, at a minimum, information on  
40 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~~ 80 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 shall  
35 provide training to direct care staff on postural supports, restricted  
36 conditions or health services, and hospice care as a component of  
37 the training requirements specified in Section 1569.625. The  
38 training shall include all of the following:

39 (1) Four hours of training on the care, supervision, and special  
40 needs of those residents, prior to providing direct care to residents.

1 The facility may utilize various methods of instruction, including,  
2 but not limited to, preceptorship, mentoring, and other forms of  
3 observation and demonstration. The orientation time shall be  
4 exclusive of any administrative instruction.

5 (2) Four hours of training thereafter of in-service training per  
6 year on the subject of serving those residents.

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

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

15 SEC. 10. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.

24 SEC. 11. *This act shall become operative only if Assembly Bill*  
25 *1570 is enacted and takes effect on or before January 1, 2015.*