

AMENDED IN SENATE APRIL 10, 2014

**SENATE BILL**

**No. 1153**

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**Introduced by Senator Leno**

*(Coauthors: Senators Block, Correa, and Wolk)*

*(Coauthors: Assembly Members Ammiano, Brown, Maienschein, Ting,  
and Yamada)*

February 20, 2014

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An act to add Section 1569.545 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1153, as amended, Leno. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Violation of these provisions is a misdemeanor. Existing law authorizes the department to deny an application for a license or suspend or revoke a license issued by the department under specified circumstances.

This bill would authorize the department to order a suspension of new admissions prohibiting a residential care facility for the elderly from admitting new residents ~~under certain circumstances, including, among others,~~ *if the facility has failed to pay a fine assessed by the department or if the department finds that the facility has violated applicable laws or regulations; and the violation presents a direct or immediate risk to the health, safety, or personal rights of a resident or residents of the facility and is not corrected immediately. The bill would authorize a licensee to appeal the suspension and would require the department to adopt regulations that specify the appeal procedure.* By expanding the scope of a crime, this bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 1569.545 is added to the Health and  
 2 Safety Code, to read:

3 1569.545. (a) For purposes of this section, “suspension of new  
 4 admissions” means a prohibition on admitting new residents to  
 5 receive care or services in the facility.

6 (b) The department may order a suspension of new admissions  
 7 for a facility in ~~any~~ *either* of the following circumstances:

8 (1) The department finds that the facility has violated this  
 9 chapter or any applicable regulations ~~and~~, the violation presents a  
 10 direct and immediate risk to the health, safety, or personal rights  
 11 of a resident or residents of the facility, *and the violation is not*  
 12 *corrected immediately.*

13 ~~(2) The department finds that the facility has violated this~~  
 14 ~~chapter or any applicable regulations and the violation indicates~~  
 15 ~~that the facility is not providing adequate care and supervision to~~  
 16 ~~its residents.~~

17 ~~(3) The department has cited the facility for a subsequent~~  
 18 ~~violation of the same law or applicable regulation within 12 months~~  
 19 ~~of the first violation.~~

20 ~~(4)~~  
 21 (2) The facility has failed to pay a fine assessed by the  
 22 department *after the facility’s appeal rights have been exhausted.*

23 (c) A suspension of new admissions for a failure to pay a fine,  
 24 as described in paragraph ~~(4)~~ (2) of subdivision (b), shall remain  
 25 in effect until the facility pays the fine assessed by the department.  
 26 ~~For all other suspension of new admissions described in subdivision~~  
 27 ~~(b), the suspension~~

28 (d) A suspension of new admissions *under paragraph (1) of*  
 29 *subdivision (b)* shall remain in effect until the department  
 30 determines that the facility has corrected the ~~violation and~~, after

1 ~~the correction has been made, the facility has maintained regulatory~~  
2 ~~compliance for a period of time sufficient to permit a conclusion~~  
3 ~~that the facility will maintain compliance indefinitely. violation.~~  
4 *The department shall conduct a follow-up visit to determine*  
5 *compliance within 10 working days following the latest date of*  
6 *correction specified in the notice of deficiency, unless the licensee*  
7 *has demonstrated that the deficiency was corrected as required*  
8 *in the notice. The department may make unannounced visits after*  
9 *the suspension of new admissions is lifted to ensure that the facility*  
10 *continues to maintain correction of the violation. The department*  
11 *may order another suspension of new admissions or take other*  
12 *appropriate enforcement action if the facility does not maintain*  
13 *correction of the violation.*

14 *(e) A licensee may appeal a suspension of new admissions*  
15 *ordered under this section to the director. The department shall*  
16 *adopt regulations that specify the appeal procedure.*

17 ~~(d)~~

18 *(f) A suspension of new admissions ordered under this section*  
19 *shall not be stayed pending the facility's appeal or request for*  
20 *review.*

21 SEC. 2. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.