

Introduced by Senator Block

February 21, 2014

An act to amend Section 1569.185 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1382, as introduced, Block. 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. Existing law sets forth the annual licensure fees to operate a residential care facility for the elderly and various other fees charged by the department.

This bill would make technical, nonsubstantive changes to those fee provisions.

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

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

- 1 SECTION 1. Section 1569.185 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.185. (a) An application fee adjusted by facility and
- 4 capacity shall be charged by the department for the issuance of a
- 5 license to operate a residential care facility for the elderly. After
- 6 initial licensure, a fee shall be charged by the department annually
- 7 on each anniversary of the effective date of the license.
- 8 The fees are for the purpose of financing activities specified in
- 9 this chapter. Fees shall be assessed as follows:

Fee Schedule			
		Initial	
	Capacity	Application	Annual
4	1-3	\$413	\$413
5	4-6	\$825	\$413
6	7-15	\$1,239	\$619
7	16-30	\$1,650	\$825
8	31-49	\$2,064	\$1,032
9	50-74	\$2,477	\$1,239
10	75-100	\$2,891	\$1,445
11	101-150	\$3,304	\$1,652
12	151-200	\$3,852	\$1,926
13	201-250	\$4,400	\$2,200
14	251-300	\$4,950	\$2,475
15	301-350	\$5,500	\$2,750
16	351-400	\$6,050	\$3,025
17	401-500	\$7,150	\$3,575
18	501-600	\$8,250	\$4,125
19	601-700	\$9,350	\$4,675
20	701+	\$11,000	\$5,500

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 22 (b) (1) In addition to fees set forth in subdivision (a), the
 23 department shall charge *all of* the following fees:

24 (A) A fee that represents 50 percent of an established application
 25 fee when an existing licensee moves the facility to a new physical
 26 address.

27 (B) A fee that represents 50 percent of the established
 28 application fee when a corporate licensee changes who has the
 29 authority to select a majority of the board of directors.

30 (C) A fee of twenty-five dollars (\$25) when an existing licensee
 31 seeks to either increase or decrease the licensed capacity of the
 32 facility.

33 (D) An orientation fee of fifty dollars (\$50) for attendance by
 34 ~~any~~ *an* individual at a department-sponsored orientation session.

35 (E) A probation monitoring fee equal to the annual fee, in
 36 addition to the annual fee for that category and capacity for each
 37 year a license has been placed on probation as a result of a
 38 stipulation or decision and order pursuant to the administrative
 39 adjudication procedures of the Administrative Procedure Act
 40 (Chapter 4.5 (commencing with Section 11400) and Chapter 5

1 (commencing with Section 11500) of Part 1 of Division 3 of Title
2 2 of the Government Code).

3 (F) A late fee that represents an additional 50 percent of the
4 established annual fee when ~~any~~ a licensee fails to pay the annual
5 licensing fee on or before the due date as indicated by postmark
6 on the payment.

7 (G) A fee to cover any costs incurred by the department for
8 processing payments including, but not limited to, bounced check
9 charges, charges for credit and debit transactions, and postage due
10 charges.

11 (H) A plan of correction fee of two hundred dollars (\$200) when
12 ~~any~~ a licensee does not implement a plan of correction on or prior
13 to the date specified in the plan.

14 (2) ~~No~~ A local jurisdiction shall *not* impose ~~any~~ a business
15 license, fee, or tax for the privilege of operating a facility licensed
16 under this chapter ~~which~~ that serves six or fewer persons.

17 (c) (1) The revenues collected from licensing fees pursuant to
18 this section shall be utilized by the department for the purpose of
19 ensuring the health and safety of all individuals provided care or
20 supervision by licensees and to support the activities of the
21 licensing programs, including, but not limited to, monitoring
22 facilities for compliance with licensing laws and regulations
23 pursuant to this chapter, and other administrative activities in
24 support of the licensing program, when appropriated for these
25 purposes. The revenues collected shall be used in addition to any
26 other funds appropriated in the annual Budget Act in support of
27 the licensing program.

28 (2) The department shall not utilize any portion of these revenues
29 sooner than 30 days after notification in writing of the purpose
30 and use, as approved by the Department of Finance, to the
31 Chairperson of the Joint Legislative Budget Committee, and the
32 chairpersons of the committee in each house that considers
33 appropriations for each fiscal year. The department shall submit
34 a budget change proposal to justify any positions or any other
35 related support costs on an ongoing basis.

36 (d) A residential care facility for the elderly may use a bona
37 fide business check to pay the license fee required under this
38 section.

- 1 (e) The failure of an applicant for licensure or a licensee to pay
- 2 all applicable and accrued fees and civil penalties shall constitute
- 3 grounds for denial or forfeiture of a license.

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