

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 1382

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 amended, 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. *A violation of these provisions is a misdemeanor.* 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. *Existing law requires the department to deposit the fees collected into the Technical Assistance Fund to be used by the department, upon appropriation by the Legislature, to ensure the health and safety of individuals provided care and supervision by licensees and to support activities of the licensing program.*

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

This bill would increase the annual licensure fees by 30% and would make related findings and declarations.

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. The Legislature finds and declares all of the
2 following:

3 (a) The quality of services provided to residents of a residential
4 care facility for the elderly is dependent on the State Department
5 of Social Services' ability to continue and enhance its licensing,
6 regulatory, and disciplinary functions.

7 (b) After years of budgetary cut backs, it is now imperative that
8 the department be revitalized and given adequate resources to
9 support its mandate to provide consumer protection.

10 (c) Failure to increase the fee amount by 30 percent will result
11 in continued lack of supervision and regulatory discipline which
12 will undermine the care and services for residents.

13 SECTION 1.

14 SEC. 2. Section 1569.185 of the Health and Safety Code is
15 amended to read:

16 1569.185. (a) An application fee adjusted by facility and
17 capacity shall be charged by the department for the issuance of a
18 license to operate a residential care facility for the elderly. After
19 initial licensure, a fee shall be charged by the department annually
20 on each anniversary of the effective date of the license.

21 The fees are for the purpose of financing activities specified in
22 this chapter. Fees shall be assessed as follows:

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Fee Schedule

Initial

Capacity

Application

Annual

1-3

\$413

\$413

\$536.90

\$536.90

4-6

\$825

\$413

\$1,072.50

\$536.90

7-15

\$1,239

\$619

\$1,610.70

\$804.70

16-30

\$1,650

\$825

\$2,145.00

\$1,072.50

31-49

\$2,064

\$1,032

\$2,683.20

\$1,341.60

50-74

\$2,477

\$1,239

\$3,220.10

\$1,610.70

1	75-100	\$2,891	\$1,445
2		\$3,758.30	\$1,878.50
3	101-150	\$3,304	\$1,652
4		\$4,295.20	\$2,147.60
5	151-200	\$3,852	\$1,926
6		\$5,007.60	\$2,503.80
7	201-250	\$4,400	\$2,200
8		\$5,720.00	\$2,860.00
9	251-300	\$4,950	\$2,475
10		\$6,435.00	\$3,217.50
11	301-350	\$5,500	\$2,750
12		\$7,150.00	\$3,575.00
13	351-400	\$6,050	\$3,025
14		\$7,865.00	\$3,932.50
15	401-500	\$7,150	\$3,575
16		\$9,295.00	\$4,647.50
17	501-600	\$8,250	\$4,125
18		\$10,725.00	\$5,362.50
19	601-700	\$9,350	\$4,675
20		\$12,155.00	\$6,077.50
21	701+	\$11,000	\$5,500
22		\$14,300.00	\$7,150.00
23			

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

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

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

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

35 (D) An orientation fee of fifty dollars (\$50) for attendance by
36 an individual at a department-sponsored orientation session.

37 (E) A probation monitoring fee equal to the annual fee, in
38 addition to the annual fee for that category and capacity for each
39 year a license has been placed on probation as a result of a
40 stipulation or decision and order pursuant to the administrative

1 adjudication procedures of the Administrative Procedure Act
2 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
3 (commencing with Section 11500) of Part 1 of Division 3 of Title
4 2 of the Government Code).

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

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

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

16 (2) A local jurisdiction shall not impose a business license, fee,
17 or tax for the privilege of operating a facility licensed under this
18 chapter that serves six or fewer persons.

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

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

38 (d) A residential care facility for the elderly may use a bona
39 fide business check to pay the license fee required under this
40 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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