

AMENDED IN ASSEMBLY APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2488**

**Introduced by Assembly Member Alby**

February 21, 1996

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An act to ~~amend Sections 1267.7 and 1275.3 of~~ *add Section 1268.6 to* the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2488, as amended, Alby. Health facilities.

Under existing law, the State Department of Health Services and the State Department of Developmental Services have authority to jointly develop and implement licensing and Medi-Cal regulations appropriate to intermediate care facilities/developmentally disabled-habilitative (ICF/DDH) and intermediate care facilities/developmentally disabled-nursing.

This bill would add to the licensing requirements of these facilities, commencing July 1, 1997, a requirement that the applicant or designee of the applicant attend an 8-hour orientation program approved by the State Department of Developmental Services that outlines the applicable *state and federal* rules and regulations, cost-reporting requirements, and scope of responsibility for operation of an ICF/DDH or intermediate care facility/developmentally disabled-nursing facility.

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

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

1     ~~SECTION 1.—Section 1267.7 of the Health and Safety~~  
2     SECTION 1. Section 1268.6 is added to the Health and  
3     Safety Code, to read:  
4     1268.6. Commencing July 1, 1997, it shall be a  
5     requirement of initial licensure of an intermediate care  
6     facility/developmentally disabled-habilitative or an  
7     intermediate care facility/developmentally  
8     disabled-nursing that the applicant or designee of the  
9     applicant attend an eight-hour orientation program  
10    approved by the State Department of Developmental  
11    Services that outlines the applicable state and federal  
12    rules and regulations, cost-reporting requirements, and  
13    scope of responsibility for operation of the facility. The  
14    orientation may be conducted by relevant community  
15    services and provider organizations. If the licensee can  
16    demonstrate to the satisfaction of the department that  
17    the licensee or a representative of the licensee has taken  
18    the course within the past two years, the licensee shall not  
19    be required to repeat the course to open a new facility.  
20    Code is amended to read:  
21    ~~1267.7. (a) The State Department of Health Services~~  
22    ~~and the State Department of Developmental Services~~  
23    ~~shall jointly develop and implement licensing and~~  
24    ~~Medi-Cal regulations appropriate to intermediate care~~  
25    ~~facility/developmentally disabled-habilitative facilities.~~  
26    ~~These regulations shall ensure that residents of these~~  
27    ~~facilities are assured appropriate developmental and~~  
28    ~~supportive health services in the most normal, least~~  
29    ~~restrictive physical and programmatic environments~~  
30    ~~appropriate to individual resident needs. Regulations~~  
31    ~~adopted pursuant to this section shall include provision~~  
32    ~~for maximum utilization of generic community resources~~  
33    ~~in the provision of services to residents and participation~~  
34    ~~of the residents in community activities.~~



1 (b) Commencing July 1, 1997, it shall be a requirement  
2 of licensure of any intermediate care  
3 facility/developmentally disabled habilitative that the  
4 applicant or designee of the applicant attend an  
5 eight-hour orientation program approved by the State  
6 Department of Developmental Services that outlines the  
7 applicable rules and regulations, cost-reporting  
8 requirements, and scope of responsibility for operation of  
9 the facility. The orientation may include participation by  
10 relevant community services and provider organizations.  
11 If the licensee can demonstrate to the satisfaction of the  
12 department that the licensee or a representative of the  
13 licensee has taken the course within the past two years,  
14 the licensee shall not be required to repeat the course to  
15 open a new facility.

16 SEC. 2. Section 1275.3 of the Health and Safety Code  
17 is amended to read:

18 1275.3. (a) The State Department of Health Services  
19 and the State Department of Developmental Services  
20 shall jointly develop and implement licensing and  
21 Medi-Cal regulations appropriate for intermediate care  
22 facilities/developmentally disabled nursing. The  
23 Director of Health Services shall adopt these regulations  
24 as emergency regulations and, notwithstanding any  
25 provision of law, shall transmit emergency regulations  
26 adopted pursuant to this subdivision directly to the  
27 Secretary of State for filing, and regulations shall become  
28 effective immediately upon filing.

29 The adoption of the regulations shall be deemed to be  
30 an emergency and necessary for the immediate  
31 preservation of the public peace, health and safety, or  
32 general welfare.

33 (b) The regulations adopted pursuant to subdivision  
34 (a) shall ensure that residents of intermediate care  
35 facilities/developmentally disabled nursing receive  
36 appropriate medical and nursing services, and  
37 developmental program services in a normalized, least  
38 restrictive physical and programmatic environment  
39 appropriate to individual resident need.

40 In addition, the regulations shall do all of the following:



1 ~~(1) Include provisions for the completion of a clinical~~  
2 ~~and developmental assessment of placement needs,~~  
3 ~~including medical and other needs, and the degree to~~  
4 ~~which they are being met, of clients placed in an~~  
5 ~~intermediate care facility/developmentally~~  
6 ~~disabled nursing and for the monitoring of these needs~~  
7 ~~at regular intervals.~~

8 ~~(2) Provide for maximum utilization of generic~~  
9 ~~community resources by clients residing in a facility.~~

10 ~~(3) Require the State Department of Developmental~~  
11 ~~Services to review and approve an applicant's program~~  
12 ~~plan as part of the licensing and certification process.~~

13 ~~(4) Require that the physician providing the~~  
14 ~~certification that placement in the intermediate care~~  
15 ~~facility/developmentally disabled nursing is needed,~~  
16 ~~consult with the physician who was the physician of~~  
17 ~~record at the time the person's proposed placement is~~  
18 ~~being considered by the interdisciplinary team.~~

19 ~~(e) Regulations developed pursuant to this section~~  
20 ~~shall include licensing fee schedules appropriate to~~  
21 ~~facilities which will encourage their development.~~

22 ~~(d) Nothing in this section supersedes the authority of~~  
23 ~~the State Fire Marshal pursuant to Sections 13113, 13113.5,~~  
24 ~~13143, and 13143.6 to the extent that these sections are~~  
25 ~~applicable to community care facilities.~~

26 ~~(e) The State Department of Developmental~~  
27 ~~Services, in consultation with the State Department of~~  
28 ~~Health Services, shall report to the Legislature no later~~  
29 ~~than January 1, 1989, regarding the number and types of~~  
30 ~~clients being served in intermediate care~~  
31 ~~facilities/developmentally disabled nursing and any~~  
32 ~~problems encountered by facilities or the departments in~~  
33 ~~implementing the new licensure category.~~

34 ~~(f) Commencing July 1, 1997, it shall be a requirement~~  
35 ~~of licensure of an intermediate care~~  
36 ~~facility/developmentally disabled nursing that the~~  
37 ~~applicant or designee of the applicant attend an~~  
38 ~~eight hour orientation program approved by the State~~  
39 ~~Department of Developmental Services that outlines the~~  
40 ~~applicable rules and regulations, cost reporting~~



1 ~~requirements, and scope of responsibility for operation of~~  
2 ~~the facility. The orientation may include participation by~~  
3 ~~relevant community services and provider organizations.~~  
4 ~~If the licensee can demonstrate to the satisfaction of the~~  
5 ~~department that the licensee or a representative of the~~  
6 ~~licensee has taken the course within the past two years,~~  
7 ~~the licensee shall not be required to repeat the course to~~  
8 ~~open a new facility.~~

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