

AMENDED IN ASSEMBLY APRIL 15, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2835**

---

---

**Introduced by Assembly Member ~~Bordonaro~~—Members  
*Bordonaro and Davis***

February 22, 1996

---

---

An act to amend Section 1507 of the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2835, as amended, Bordonaro. Community care facilities: adult day care facilities.

Existing law regulates the licensure of community care facilities, including adult day care facilities, and authorizes a community care facility to provide incidental medical services. Existing law provides that a violation of the provisions governing community care facilities is subject to criminal sanction.

~~This bill would provide that an adult day care facility may admit clients who utilize medical devices if the services provided relating to these devices are incidental medical services, and would provide that the services are incidental medical services if they meet certain criteria. It would prohibit an adult day care facility from admitting clients who utilize medical devices if the services provided relating to the devices do not meet the prescribed criteria.~~

By changing

*This bill would require the Department of Social Services to adopt emergency regulations by February 1, 1998, to specify the incidental medical services that are permitted, those that are prohibited, and the conditions under which they may be provided, by a community care facility.*

*To the extent that this bill would change the definition 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 1507 of the Health and Safety  
2 Code is amended to read:

3 1507. (a) A community care facility may provide  
4 incidental medical services. If such medical services  
5 constitute a substantial component of the services  
6 provided by the community care facility as defined by the  
7 director in regulations, such component shall be required  
8 to obtain approval as provided by Chapter 1  
9 (commencing with Section 1200) or Chapter 2  
10 (commencing with Section 1250).

11 ~~(b) An adult day care facility may admit clients who  
12 utilize medical devices if the services provided by the  
13 facility relating to the medical devices are incidental  
14 medical services. The services provided by the facility  
15 relating to the medical devices shall be incidental medical  
16 services if they meet all of the following criteria:~~

17 ~~(1) The medical devices and attendant services are  
18 necessary for the individual in his or her daily living.~~

19 ~~(2) The services can be learned by the average person  
20 without requiring prior medical training.~~



1 ~~(3) The services do not take an extensive amount of~~  
2 ~~time.~~

3 ~~(4) The services are not required to be administered~~  
4 ~~by a physician and surgeon.~~

5 ~~(e) If the services provided by the facility relating to~~  
6 ~~the medical devices do not meet the criteria set forth in~~  
7 ~~subdivision (b), an adult day care facility shall not admit~~  
8 ~~clients who utilize these medical devices.~~

9 *(b) The department shall adopt emergency*  
10 *regulations by February 1, 1997, to do all of the following:*

11 *(1) Specify incidental medical services that may be*  
12 *provided by a community care facility. These medical*  
13 *services shall include, but not be limited to, gastrostomy,*  
14 *colostomy, ileostomy, and urinary catheters.*

15 *(2) Specify the conditions under which incidental*  
16 *medical services may be provided by a community care*  
17 *facility.*

18 *(3) Specify the medical services that, due to the level*  
19 *of care required, are prohibited services for provision by*  
20 *a community care facility.*

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

31 Notwithstanding Section 17580 of the Government  
32 Code, unless otherwise specified, the provisions of this act  
33 shall become operative on the same date that the act  
34 takes effect pursuant to the California Constitution.

