

AMENDED IN ASSEMBLY MAY 7, 1998  
AMENDED IN SENATE MARCH 9, 1998  
AMENDED IN SENATE FEBRUARY 23, 1998  
AMENDED IN SENATE FEBRUARY 13, 1998

**SENATE BILL**

**No. 1361**

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**Introduced by Senators Alpert, Costa, Lee, and Lockyer**

(Coauthors: Assembly Members *Alquist*, Aroner, Baca, *Davis*, Kuehl, Lempert, *Machado*, Mazzoni, *Morrow*, Richter, and Woods)

January 5, 1998

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An act to add Sections ~~1517~~ *1531.2* and 1584 to the Health and Safety Code, relating to day care centers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1361, as amended, Alpert. Adult day care centers.

Existing law provides for the care of individuals with Alzheimer's disease. Existing law provides for the licensure and regulation of adult day health care centers by the State Department of Health Services and the licensure and regulation of adult day centers and adult day support centers by the State Department of Social Services.

This bill would authorize any of these centers that ~~provide a program of specialized care for individuals 55 years of age or older~~ *provides care and supervision for adults* with Alzheimer's disease and related dementia to install designated security devices for the safety and security of those individuals *if the facilities meet prescribed requirements*.

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 1517 is added to the Health and~~  
2     ~~Safety Code, to read:~~  
3     ~~1517. An adult day care facility, including an adult day~~  
4     ~~care center or an adult day care support center, as~~  
5     ~~defined in Section 1502.2, that provides a program of~~  
6     ~~specialized day care for individuals 55 years of age or~~  
7     ~~older with Alzheimer’s disease and related dementia may~~  
8     ~~install for the safety and security of those persons security~~  
9     ~~devices that shall meet all of the following requirements:~~  
10    ~~(a) The security devices shall be either interior~~  
11    ~~egress-control devices of the time-delay type or exterior~~  
12    ~~secured perimeters.~~  
13    ~~(b) Any exterior secured perimeters shall comply with~~  
14    ~~regulations adopted by the State Building Standards~~  
15    ~~Commission.~~  
16    ~~(c) All locks and any additional lock options shall be~~  
17    ~~approved by the State Fire Marshal.~~  
18    ~~SECTION 1. Section 1531.2 is added to the Health and~~  
19    ~~Safety Code, to read:~~  
20    ~~1531.2. (a) Upon the filing of emergency regulations~~  
21    ~~with the Secretary of State, an adult day care facility or~~  
22    ~~an adult day support center, as defined in Division 6 of~~  
23    ~~Title 22 of the California Code of Regulations, or Sections~~  
24    ~~1502 and 1502.2, that provides care and supervision for~~  
25    ~~adults with Alzheimer’s disease and related dementia~~  
26    ~~may install for the safety and security of these persons~~  
27    ~~secured perimeter fences or delayed-egress devices of the~~  
28    ~~time-delay type on exit doors if they meet all of the~~  
29    ~~requirements for additional safeguards required by those~~  
30    ~~regulations.~~  
31    ~~(b) As used in this section, “delayed-egress device”~~  
32    ~~means a device that precludes the use of exits for a~~  
33    ~~predetermined period of time. These devices shall not~~  
34    ~~delay any client’s departure from the facility for longer~~  
35    ~~than 30 seconds. Within 30 seconds of delay, facility staff~~



1 *may attempt to redirect a client who attempts to leave*  
2 *the facility.*

3 *(c) A facility that installs security devices pursuant to*  
4 *this section shall meet all of the following requirements:*

5 *(1) The facility shall be subject to all fire and building*  
6 *codes, regulations, and standards applicable to adult day*  
7 *care facilities and adult day support centers using*  
8 *delayed-egress devices or secured perimeter fences and*  
9 *shall receive a fire clearance from the fire authority*  
10 *having jurisdiction for the delayed-egress devices.*

11 *(2) The facility shall require any person entering the*  
12 *facility to provide documentation of a diagnosis by a*  
13 *physician of Alzheimer's disease or related dementia, if*  
14 *such a diagnosis has been made. For purposes of this*  
15 *section, Alzheimer's disease shall include dementia and*  
16 *related disorders that increase the tendency to wander,*  
17 *decrease hazard awareness, and decrease the ability to*  
18 *communicate.*

19 *(3) The facility shall provide staff training regarding*  
20 *the use and operation of the delayed-egress control*  
21 *devices utilized by the facility, the protection of client's*  
22 *personal rights, wandering behavior and acceptable*  
23 *methods of redirection, and emergency evacuation*  
24 *procedures for persons with dementia.*

25 *(4) All admissions to the facility shall continue to be*  
26 *voluntary on the part of the client or with the lawful*  
27 *consent of the client's legal conservator.*

28 *(5) Any person who is not a conservatee and is*  
29 *entering a facility pursuant to this section shall sign a*  
30 *statement of voluntary entry. The facility shall retain the*  
31 *original statement in the client's file at the facility.*

32 *(6) The use of delayed-egress devices or secured*  
33 *perimeter fences shall not substitute for adequate staff.*  
34 *Staffing ratios shall at all times meet the requirements of*  
35 *applicable regulations.*

36 *(7) Emergency fire and earthquake drills shall be*  
37 *conducted at least once every three months, or more*  
38 *frequently as required by a county or city fire department*  
39 *or local fire prevention district. The drills shall include all*



1 facility staff and volunteers providing client care and  
2 supervision.

3 (8) The facility shall develop a plan of operation  
4 approved by the department that includes a description  
5 of how the facility is to be equipped with delayed-egress  
6 control devices or locks that are consistent with  
7 regulations adopted by the State Fire Marshal pursuant  
8 to Section 13143. The plan shall include, but not be limited  
9 to, all of the following:

10 (A) A description of how the facility will provide  
11 training to staff regarding the use and operation of the  
12 delayed-egress control device utilized by the facility.

13 (B) A description of how the facility will ensure the  
14 protection of the residents' personal rights consistent  
15 with Sections 4502, 4503, and 4504 of the Welfare and  
16 Institutions Code.

17 (C) A description of the facility's emergency  
18 evacuation procedures for persons with Alzheimer's  
19 disease and related dementia.

20 (d) This section does not require an adult day care  
21 facility or an adult day support center to use secured  
22 perimeters or delayed-egress devices in providing care  
23 for persons with Alzheimer's disease or related dementia.

24 (e) The department shall adopt regulations to  
25 implement this section in accordance with those  
26 provisions of the Administrative Procedure Act  
27 contained in Chapter 3.5 (commencing with Section  
28 11340) of Part 1 of Division 3 of Title 2 of the Government  
29 Code. The initial adoption of new emergency regulations  
30 following the effective date of the act amending this  
31 section during the 1997-98 Regular Session of the  
32 Legislature shall be deemed to be an emergency and  
33 necessary for the immediate preservation of the public  
34 peace, health and safety, or general welfare.

35 SEC. 2. Section 1584 is added to the Health and Safety  
36 Code, to read:

37 1584. (a) An adult day health care center that  
38 ~~provides a program of specialized day care for individuals~~  
39 ~~55 years of age or older with Alzheimer's disease and~~  
40 ~~related dementia~~ provides care for adults with



1 *Alzheimer's disease and other dementias* may install for  
2 the safety and security of those persons security devices  
3 that shall meet all of the following requirements:

4 (a) ~~The security devices shall be either interior~~  
5 ~~egress-control devices of the time-delay type or exterior~~  
6 ~~secured perimeters.~~

7 (b) ~~Any exterior secured perimeters shall comply with~~  
8 ~~regulations adopted by the State Building Standards~~  
9 ~~Commission.~~

10 (c) ~~All locks and any additional lock options shall be~~  
11 ~~approved by the State Fire Marshal.~~ *of those persons*  
12 *secured perimeter fences or delayed-egress devices of the*  
13 *time-delay type on exit doors.*

14 (b) *As used in this section, "delayed-egress device"*  
15 *means a device that precludes the use of exits for a*  
16 *predetermined period of time. These devices shall not*  
17 *delay any participant's departure from the center for*  
18 *longer than 30 seconds. Within 30 seconds of delay, the*  
19 *center staff may attempt to redirect a participant who*  
20 *attempts to leave the center.*

21 (c) *Adult day health care centers installing security*  
22 *devices pursuant to this section shall meet all of the*  
23 *following requirements:*

24 (1) *The center shall be subject to all fire and building*  
25 *codes, regulations, and standards applicable to adult day*  
26 *health care centers using delayed-egress devices or*  
27 *secured perimeter fences and shall receive a fire*  
28 *clearance from the fire authority having jurisdiction for*  
29 *the delayed-egress devices or secured perimeter fences.*

30 (2) *The center shall maintain documentation of*  
31 *diagnosis by a physician of a participant's Alzheimer's*  
32 *disease or other dementia.*

33 (3) *The center shall provide staff training regarding*  
34 *the use and operation of the egress control devices*  
35 *utilized by the center, the protection of participants'*  
36 *personal rights, wandering behavior and acceptable*  
37 *methods of redirection, and emergency evacuation*  
38 *procedures for persons with dementia.*



1 (4) All admissions to the center shall continue to be  
2 voluntary on the part of the participant or with lawful  
3 consent of the participant's conservator.

4 (5) The center shall inform all participants and  
5 conservators of the use of security devices and shall  
6 maintain a signed participation agreement indicating the  
7 use of the devices and the informed consent of the  
8 participant or conservator.

9 (6) The use of delayed-egress devices or secured  
10 perimeter fences shall not substitute for adequate staff.  
11 Staffing ratios shall at all times meet the requirements of  
12 applicable regulations.

13 (7) Emergency fire and earthquake drills shall be  
14 conducted at least once every three months, or more  
15 frequently as required by a county or city fire department  
16 or local fire prevention district. The drills shall include all  
17 center staff and volunteers providing participant care  
18 and supervision. This requirement does not preclude  
19 drills with participants as required by regulations.

20 (8) The center shall develop a plan of operation  
21 approved by the department that includes a description  
22 of how the center is to be equipped with delayed-egress  
23 devices or secured perimeter fences that are consistent  
24 with regulations adopted by the State Fire Marshal  
25 pursuant to Section 13143. The plan shall include, but not  
26 be limited to, the following:

27 (A) A description of how the center will provide  
28 training for staff regarding the use and operation of the  
29 delayed-egress device utilized by the center.

30 (B) A description of how the center will ensure the  
31 protection of the participant's personal rights consistent  
32 with applicable regulations.

33 (C) A description of the center's emergency  
34 evacuation procedures for persons with Alzheimer's  
35 disease and other dementias.

36 (d) This section does not require an adult day health  
37 care center to use security devices in providing care for  
38 persons with Alzheimer's disease and other dementias.

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