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AMENDED IN ASSEMBLY MAY 19, 1998
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AMENDED IN SENATE MARCH 9, 1998
AMENDED IN SENATE FEBRUARY 23, 1998
AMENDED IN SENATE FEBRUARY 13, 1998

SENATE BILL

No. 1361

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

An act to add Sections 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 *care* centers and adult day support centers by the State Department of Social Services.

This bill would authorize any of these centers that provide care and supervision for adults with Alzheimer's disease and other dementias 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 1531.2 is added to the Health and
2 Safety Code, to read:

3 1531.2. (a) Upon the filing *by the department* of
4 emergency regulations with the Secretary of State, an
5 adult day care facility or an adult day support center, as
6 defined in Division 6 of Title 22 of the California Code of
7 Regulations, or Sections 1502 and 1502.2, that provides
8 care and supervision for adults with Alzheimer’s disease
9 and other dementias may install for the safety and
10 security of these persons secured perimeter fences or
11 delayed-egress devices of the time-delay type on exit
12 doors if they meet all of the requirements for additional
13 safeguards required by those regulations. *The initial*
14 *adoption of new emergency regulations on and after*
15 *January 1, 1999, shall be deemed to be an emergency and*
16 *necessary for the immediate preservation of the public*
17 *peace, health and safety, or general welfare.*

18 (b) As used in this section, “delayed-egress device”
19 means a device that precludes the use of exits for a
20 predetermined period of time. These devices shall not
21 delay any client’s departure from the facility for longer
22 than 30 seconds. Within 30 seconds of delay, facility staff
23 may attempt to redirect a client who attempts to leave
24 the facility.

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

27 (1) The facility shall be subject to all fire and building
28 codes, regulations, and standards applicable to adult day
29 care facilities and adult day support centers using
30 delayed-egress devices or secured perimeter fences and
31 shall receive a fire clearance from the fire authority
32 having jurisdiction for the delayed-egress devices.



1 (2) The facility shall require any person entering the
2 facility to provide documentation of a diagnosis by a
3 physician of Alzheimer's disease or other dementias, if
4 such a diagnosis has been made. For purposes of this
5 section, Alzheimer's disease shall include dementia and
6 related disorders that increase the tendency to wander,
7 decrease hazard awareness, and decrease the ability to
8 communicate.

9 (3) The facility shall provide staff training regarding
10 the use and operation of the delayed-egress control
11 devices utilized by the facility, the protection of client's
12 personal rights, wandering behavior and acceptable
13 methods of redirection, and emergency evacuation
14 procedures for persons with dementia.

15 (4) All admissions to the facility shall continue to be
16 voluntary on the part of the client or with the lawful
17 consent of the client's legal conservator.

18 (5) Any person who is not a conservatee and is
19 entering a facility pursuant to this section shall sign a
20 statement of voluntary entry. The facility shall retain the
21 original statement in the client's file at the facility.

22 (6) The use of delayed-egress devices or secured
23 perimeter fences shall not substitute for adequate staff.
24 Staffing ratios shall at all times meet the requirements of
25 applicable regulations.

26 (7) Emergency fire and earthquake drills shall be
27 conducted at least once every three months, or more
28 frequently as required by a county or city fire department
29 or local fire prevention district. The drills shall include all
30 facility staff and volunteers providing client care and
31 supervision.

32 (8) The facility shall develop a plan of operation
33 approved by the department that includes a description
34 of how the facility is to be equipped with delayed-egress
35 control devices that are consistent with regulations
36 adopted by the State Fire Marshal pursuant to Section
37 13143. The plan shall include, but not be limited to, all of
38 the following:



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

4 (B) A description of how the facility will ensure the
5 protection of the residents’ personal rights consistent
6 with Sections 4502, 4503, and 4504 of the Welfare and
7 Institutions Code.

8 (C) A description of the facility’s emergency
9 evacuation procedures for persons with Alzheimer’s
10 disease and other dementias.

11 (d) This section does not require an adult day care
12 facility or an adult day support center to use secured
13 perimeters or delayed-egress devices in providing care
14 for persons with Alzheimer’s disease or other dementias.

15 (e) The department shall adopt regulations to
16 implement this section in accordance with those
17 provisions of the Administrative Procedure Act
18 contained in Chapter 3.5 (commencing with Section
19 11340) of Part 1 of Division 3 of Title 2 of the Government
20 Code. ~~The initial adoption of new emergency regulations
21 following the effective date of the act amending this
22 section during the 1997-98 Regular Session of the
23 Legislature shall be deemed to be an emergency and
24 necessary for the immediate preservation of the public
25 peace, health and safety, or general welfare. Code.~~

26 (f) *The State Fire Marshal may also adopt regulations
27 to implement this section.*

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

30 1584. (a) An adult day health care center that
31 provides care for adults with Alzheimer’s disease and
32 other dementias may install for the safety and security of
33 those persons secured perimeter fences or delayed-egress
34 devices of the time-delay type on exit doors.

35 (b) As used in this section, “delayed-egress device”
36 means a device that precludes the use of exits for a
37 predetermined period of time. These devices shall not
38 delay any participant’s departure from the center for
39 longer than 30 seconds. Within 30 seconds of delay, the



1 center staff may attempt to redirect a participant who
2 attempts to leave the center.

3 (c) Adult day health care centers installing security
4 devices pursuant to this section shall meet all of the
5 following requirements:

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

12 (2) The center shall maintain documentation of
13 diagnosis by a physician of a participant's Alzheimer's
14 disease or other dementia.

15 (3) The center shall provide staff training regarding
16 the use and operation of the egress control devices
17 utilized by the center, the protection of participants'
18 personal rights, wandering behavior and acceptable
19 methods of redirection, and emergency evacuation
20 procedures for persons with dementia.

21 (4) All admissions to the center shall continue to be
22 voluntary on the part of the participant or with ~~lawful~~
23 consent of the participant's conservator *or other*
24 *appropriate surrogate designated in accordance with*
25 *statutory or case law.*

26 (5) The center shall inform all participants ~~and~~
27 ~~conservators,~~ *conservators,* *or other appropriate*
28 *surrogates* of the use of security devices and shall
29 maintain a signed participation agreement indicating the
30 use of the devices and the ~~informed~~ consent of the
31 participant ~~or—conservator,~~ *conservator,* *or other*
32 *appropriate surrogate designated in accordance with*
33 *statutory or case law.*

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

38 (7) Emergency fire and earthquake drills shall be
39 conducted at least once every three months, or more
40 frequently as required by a county or city fire department



1 or local fire prevention district. The drills shall include all
2 center staff and volunteers providing participant care
3 and supervision. This requirement does not preclude
4 drills with participants as required by regulations.

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

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

15 (B) A description of how the center will ensure the
16 protection of the participant's personal rights consistent
17 with applicable regulations.

18 (C) A description of the center's emergency
19 evacuation procedures for persons with Alzheimer's
20 disease and other dementias.

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

