

AMENDED IN ASSEMBLY AUGUST 13, 1998

AMENDED IN ASSEMBLY JUNE 22, 1998

AMENDED IN ASSEMBLY MAY 19, 1998

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

Introduced by Senators Alpert, Costa, and Lockyer

(Coauthors: Assembly Members Alquist, Aroner, Baca, Davis, Kuehl, Lempert, Machado, Mazzoni, Morrow, Richter, *Washington*, 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~~ *related* 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~~ *related* dementias may install for the safety and
10 security of these persons secured perimeter fences or
11 ~~delayed-egress~~ *egress control* devices of the time-delay
12 type on exit doors if they meet all of the requirements for
13 additional safeguards required by those regulations. The
14 initial adoption of new emergency regulations on and
15 after January 1, 1999, shall be deemed to be an emergency
16 and necessary for the immediate preservation of the
17 public peace, health and safety, or general welfare.

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

26 (c) A facility that installs ~~security devices~~ *an egress*
27 *control device* pursuant to this section shall meet all of the
28 following requirements:

29 (1) The facility shall be subject to all fire and building
30 codes, regulations, and standards applicable to adult day



1 care facilities and adult day support centers using
2 ~~delayed-egress~~ *egress control* devices or secured
3 perimeter fences and *before using an egress control*
4 *device* shall receive a fire clearance from the fire
5 authority having jurisdiction for the ~~delayed-egress~~
6 *egress control* devices.

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

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

21 (4) All admissions to the facility shall continue to be
22 voluntary on the part of the client or with the lawful
23 consent of the client's ~~legal conservator~~ *conservator or a*
24 *person who has the authority to act on behalf of the client.*
25 *Persons who have the authority to act on behalf of a client*
26 *may include the client's spouse, relative or relatives, or*
27 *designated caregiver or caregivers.*

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 (5) *Any client entering a facility pursuant to this*
33 *section who does not have a conservator or does not have*
34 *a person with the authority to act on his or her behalf shall*
35 *sign a statement of voluntary entry. The facility shall*
36 *retain the original statement in the client's file at the*
37 *facility.*

38 (6) The use of ~~delayed-egress~~ *egress control* devices or
39 secured perimeter fences shall not substitute for



1 adequate staff. Staffing ratios shall at all times meet the
2 requirements of applicable regulations.

3 (7) Emergency fire and earthquake drills shall be
4 conducted at least once every three months, or more
5 frequently as required by a county or city fire department
6 or local fire prevention district. The drills shall include all
7 facility staff and volunteers providing client care and
8 supervision.

9 (8) The facility shall develop a plan of operation
10 approved by the department that includes a description
11 of how the facility is to be equipped with ~~delayed-egress~~
12 *egress* control devices that are consistent with regulations
13 adopted by the State Fire Marshal pursuant to Section
14 13143. The plan shall include, but not be limited to, all of
15 the following:

16 (A) A description of how the facility will provide
17 training to staff regarding the use and operation of the
18 ~~delayed-egress~~ *egress* control device utilized by the
19 facility.

20 (B) A description of how the facility will ensure the
21 protection of the residents' personal rights consistent
22 with Sections 4502, 4503, and 4504 of the Welfare and
23 Institutions Code.

24 (C) A description of the facility's emergency
25 evacuation procedures for persons with Alzheimer's
26 disease and ~~other~~ *related* dementias.

27 (d) This section does not require an adult day care
28 facility or an adult day support center to use secured
29 perimeters or ~~delayed-egress~~ *egress control* devices in
30 providing care for persons with Alzheimer's disease or
31 ~~other~~ *related* dementias.

32 (e) The department shall adopt regulations to
33 implement this section in accordance with those
34 provisions of the Administrative Procedure Act
35 contained in Chapter 3.5 (commencing with Section
36 11340) of Part 1 of Division 3 of Title 2 of the Government
37 Code.

38 (f) The State Fire Marshal may also adopt regulations
39 to implement this section.



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

3 1584. (a) An adult day health care center that
4 provides care for adults with Alzheimer’s disease and
5 other dementias may install for the safety and security of
6 those persons secured perimeter fences or ~~delayed-egress~~
7 *egress control* devices of the time-delay type on exit
8 doors.

9 (b) As used in this section, ~~“delayed-egress~~ “*egress*
10 *control device*” means a device that precludes the use of
11 exits for a predetermined period of time. These devices
12 shall not delay any participant’s departure from the
13 center for longer than 30 seconds. ~~Within 30 seconds of~~
14 ~~delay, the center~~ *Center* staff may attempt to redirect a
15 participant who attempts to leave the center.

16 (c) Adult day health care centers installing security
17 devices pursuant to this section shall meet all of the
18 following requirements:

19 (1) The center shall be subject to all fire and building
20 codes, regulations, and standards applicable to adult day
21 health care centers using ~~—delayed-egress~~ *egress control*
22 devices or secured perimeter fences and shall receive a
23 fire clearance from the fire authority having jurisdiction
24 for the ~~—delayed-egress~~ *egress control* devices or secured
25 perimeter fences.

26 (2) The center shall maintain documentation of
27 diagnosis by a physician of a participant’s Alzheimer’s
28 disease or ~~other~~ *related* dementia.

29 (3) The center shall provide staff training regarding
30 the use and operation of the egress control devices
31 utilized by the center, the protection of participants’
32 personal rights, wandering behavior and acceptable
33 methods of redirection, and emergency evacuation
34 procedures for persons with dementia.

35 (4) All admissions to the center shall continue to be
36 voluntary on the part of the participant or with consent
37 of the participant’s conservator or ~~—other—appropriate~~
38 ~~surrogate designated in accordance with statutory or case~~
39 ~~law.~~ *a person who has the authority to act on behalf of the*
40 *client. Persons who have the authority to act on behalf of*



1 *a client may include the client's spouse, relative or*
2 *relatives, or designated caregiver or caregivers.*

3 ~~(5) The center shall inform all participants,~~
4 ~~conservators, or other appropriate surrogates of the use~~
5 ~~of security devices and shall maintain a signed~~
6 ~~participation agreement indicating the use of the devices~~
7 ~~and the consent of the participant, conservator, or other~~
8 ~~appropriate surrogate designated in accordance with~~
9 ~~statutory or case law.~~

10 *(5) The center shall inform all participants,*
11 *conservators, and persons who have the authority to act*
12 *on behalf of participants of the use of security devices.*
13 *The center shall maintain a signed participation*
14 *agreement indicating the use of the devices and the*
15 *consent of the participant, conservator, or person who has*
16 *the authority to act on behalf of the participant. The*
17 *center shall retain the original statement in the client's*
18 *files at the center.*

19 (6) The use of ~~delayed-egress~~ *egress control* devices or
20 secured perimeter fences shall not substitute for
21 adequate staff. Staffing ratios shall at all times meet the
22 requirements of applicable regulations.

23 (7) Emergency fire and earthquake drills shall be
24 conducted at least once every three months, or more
25 frequently as required by a county or city fire department
26 or local fire prevention district. The drills shall include all
27 center staff and volunteers providing participant care
28 and supervision. This requirement does not preclude
29 drills with participants as required by regulations.

30 (8) The center shall develop a plan of operation
31 approved by the department that includes a description
32 of how the center is to be equipped with ~~delayed-egress~~
33 *egress control* devices or secured perimeter fences that
34 are consistent with regulations adopted by the State Fire
35 Marshal pursuant to Section 13143. The plan shall include,
36 but not be limited to, the following:

37 (A) A description of how the center will provide
38 training for staff regarding the use and operation of the
39 ~~delayed-egress~~ *egress control* device utilized by the
40 center.



1 (B) A description of how the center will ensure the
2 protection of the participant's personal rights consistent
3 with applicable regulations.

4 (C) A description of the center's emergency
5 evacuation procedures for persons with Alzheimer's
6 disease and ~~other~~ *related* dementias.

7 (d) This section does not require an adult day health
8 care center to use security devices in providing care for
9 persons with Alzheimer's disease and ~~other~~ *related*
10 dementias.

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