

AMENDED IN SENATE APRIL 14, 1998
AMENDED IN SENATE MARCH 23, 1998
AMENDED IN SENATE MARCH 16, 1998

SENATE BILL

No. 1524

Introduced by Senator Alpert

February 10, 1998

An act to amend Sections 1596.866 and 1797.191 of the Health and Safety Code, relating to child care, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1524, as amended, Alpert. Child care centers: training.

Existing law requires that at least one director or teacher at each day care center and each family day care home licensee have a minimum number of hours of training in preventive health practices. The training requirements can be satisfied through courses offered by an institution approved by the Emergency Medical Services Authority, or by obtaining a pediatric first aid card issued by the American Red Cross.

This bill would recast these provisions to require a minimum number of hours of health and safety training that would include, components of pediatric first aid, pediatric CPR, and a preventive health practices course or courses as described by the bill. The bill would provide that training in preventive health practices would be a one-time-only requirement while pediatric first aid and CPR training would be required to be current at all times.

This bill would provide that certain training requirements would be satisfied by obtaining a pediatric first aid and pediatric CPR card issued by the American Red Cross or the American Heart Association. The bill would permit courses by approved institutions an accredited college or university to satisfy the above training requirements. ~~The~~

The bill would require the Emergency Medical Services Authority to establish minimum standards for the required training courses and would authorize the director of the authority to deny, suspend, or revoke approval for a training program on the occurrence of certain events that pose an imminent threat to the public health and safety.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. 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 1596.866 of the Health and
 2 Safety Code is amended to read:
 3 1596.866. (a) (1) In addition to any other required
 4 training, at least one director or teacher at each day care
 5 center, and each family day care home licensee who
 6 provides care, shall have at least 15 hours of ~~training on~~
 7 ~~preventive health practices. The training shall include~~
 8 ~~the following components: (1) pediatric~~
 9 ~~cardiopulmonary resuscitation (CPR), (2) pediatric first~~
 10 ~~aid, (3) a preventive health practices course that includes~~
 11 *health and safety training.*
 12 (2) *The training shall include the following*
 13 *components:*
 14 (A) *Pediatric first aid.*
 15 (B) *Pediatric cardiopulmonary resuscitation (CPR).*
 16 (C) *A preventative health practices course or courses*
 17 *that include instruction in the recognition, management,*
 18 *and prevention of infectious diseases, including*
 19 *immunizations, and prevention of childhood injuries. ~~The~~*
 20 (3) *The training may include instruction in sanitary*
 21 *food handling, child nutrition, emergency preparedness*



1 and evacuation, caring for children with special needs,
2 and identification and reporting of signs and symptoms of
3 child abuse.

4 (b) Day care center directors and licensees of large
5 family day care homes shall ensure that at least one staff
6 member who has a current course completion card ~~or~~
7 ~~certificate in pediatric first aid, pediatric CPR, and the~~
8 ~~preventive health practices course issued by a training in~~
9 ~~pediatric first aid and pediatric CPR issued either by the~~
10 ~~American Red Cross or the American Heart Association,~~
11 ~~or by a training program that has been approved by the~~
12 ~~Emergency Medical Services Authority pursuant to this~~
13 ~~section and Section 1797.191, shall be onsite at all times~~
14 ~~when children are present at the facility, and shall be~~
15 ~~present with the children when children are offsite from~~
16 ~~the facility for facility activities. Nothing in this~~
17 ~~subdivision shall be construed to require, in the event of~~
18 ~~an emergency, additional staff members, who are onsite~~
19 ~~when children are present at the facility, to have a~~
20 ~~current course completion card or certificate in pediatric~~
21 ~~first aid, pediatric CPR, and the preventive health~~
22 ~~practices course. completion card in pediatric first aid~~
23 ~~and pediatric CPR.~~

24 (c) ~~All~~ (1) ~~The completion of health and safety~~
25 ~~training by all personnel and licensees described in~~
26 ~~subdivision (a) shall complete 15 hours of preventive~~
27 ~~health practices training as described in subdivision (a)~~
28 ~~on or before _____, and completion of the health~~
29 ~~training subdivision (a) shall be a condition of licensure.~~

30 ~~(1)~~

31 (2) *Training in pediatric first aid and pediatric CPR by*
32 *persons described in subdivisions (a) and (b) shall be*
33 *current at all times. Training in preventive health*
34 *practices as described in subparagraph (C) of paragraph*
35 *(2) of subdivision (a) is a one-time-only requirement for*
36 *persons described in subdivision (a).*

37 (3) The department shall issue a provisional license for
38 otherwise qualified applicants who are not in compliance
39 with this section. This provisional license shall expire 90
40 days after the date of issuance and shall not be extended.



1 ~~(2)~~

2 (4) A notice of deficiency shall be issued by the
 3 department at the time of a site visit to any licensee who
 4 is not in compliance with this section. The licensee shall,
 5 at the time the notice is issued, develop a plan of
 6 correction to correct the deficiency within 90 days of
 7 receiving the notice. The facility's license may be
 8 revoked if it fails to correct the deficiency within the
 9 90-day period. Section 1596.890 shall not apply to this
 10 paragraph.

11 (d) Completion of the training required pursuant to
 12 subdivisions (a) and (b) shall be demonstrated, upon
 13 request of the licensing agency, by the following:

14 ~~(1) Current pediatric CPR and pediatric first aid cards~~
 15 ~~issued either by the American Red Cross or by the~~
 16 ~~Emergency Medical Services Authority from a training~~
 17 ~~program that has been approved pursuant to Section~~
 18 ~~1797.191 and current preventive health practices cards~~
 19 ~~issued by the Emergency Medical Services Authority~~
 20 ~~from a training program that has been approved pursuant~~

21 *(1) Current pediatric first aid and pediatric CPR*
 22 *course completion cards issued either by the American*
 23 *Red Cross or the American Heart Association, or by a*
 24 *training program approved by the Emergency Medical*
 25 *Services Authority pursuant to Section 1797.191.*

26 (2) (A) *A course completion card for a preventive*
 27 *health practices course or courses as described in*
 28 *subparagraph (C) of paragraph (2) of subdivision (a)*
 29 *issued by a training program approved by the Emergency*
 30 *Medical Services Authority pursuant to Section 1797.191.*

31 (B) *Persons who, prior to _____, have completed a*
 32 *course or courses in preventive health practices as*
 33 *described in subparagraph (C) of paragraph (2) of*
 34 *subdivision (a), and have a certificate of completion of a*
 35 *course or courses in preventive health practices, or*
 36 *certified copies of transcripts that identify the number of*
 37 *hours and the specific course or courses taken for training*
 38 *in preventive health practices, shall be deemed to have*
 39 *met the training in preventive health practices.*



1 (3) In addition to training programs ~~approved by the~~
2 ~~Emergency Medical Services Authority, training~~
3 ~~specified in paragraphs (1) and (2), training programs or~~
4 ~~courses in pediatric first aid, pediatric CPR, and~~
5 ~~preventive health practices offered or approved by an~~
6 ~~accredited educational institution college or university~~
7 ~~are considered to be approved sources of training that~~
8 ~~may be used to satisfy the pediatric first aid, pediatric~~
9 ~~CPR, and the preventive health practices training as~~
10 ~~defined in subdivision (a): the training requirements of~~
11 ~~paragraph (2) of subdivision (a).~~ Completion of this ~~type~~
12 ~~of training shall be demonstrated to the licensing agency~~
13 ~~by a certificate of course completion, course completion~~
14 ~~cards, or certified copies of transcripts that identify the~~
15 ~~number of hours and the specified course or courses~~
16 ~~taken for the training as defined in paragraph (2) of~~
17 ~~subdivision (a).~~

18 (e) The training required under subdivision (a) shall
19 not be provided by a home study course. This training
20 may be provided through in-service training, workshops,
21 or classes.

22 (f) All personnel and licensees described in
23 ~~subdivision (a) shall maintain current, unexpired course~~
24 ~~completion cards issued by the Emergency Medical~~
25 ~~Services Authority for pediatric CPR, pediatric first aid,~~
26 ~~and preventive health practices, or a certificate or~~
27 ~~transcript from an accredited educational institution in~~
28 ~~accordance with subdivision (d): subdivisions (a) and (b)~~
29 ~~shall maintain current course completion cards for~~
30 ~~pediatric first aid and pediatric CPR issued either by the~~
31 ~~American Red Cross or the American Heart Association,~~
32 ~~or by a training program approved by the Emergency~~
33 ~~Medical Services Authority pursuant to Section 1797.191,~~
34 ~~or shall have current certification in pediatric first aid and~~
35 ~~pediatric CPR from an accredited college or university in~~
36 ~~accordance with paragraph (3) of subdivision (d).~~

37 (g) The department shall have the authority to grant
38 exceptions to the requirements imposed by this section in
39 order to meet the requirements of the Americans with
40 Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).



1 (h) The department ~~and the Emergency Medical~~
2 ~~Services Authority~~ shall adopt regulations to implement
3 this section.

4 SEC. 2. Section 1797.191 of the Health and Safety
5 Code is amended to read:

6 1797.191. (a) The authority shall establish minimum
7 standards for the training in pediatric first aid, pediatric
8 cardiopulmonary resuscitation (CPR) ~~and the, and~~
9 preventive health practices ~~course that is~~ required by
10 Section 1596.866.

11 (b) *(1)* The authority shall establish a process for the
12 ongoing review and approval of training programs in
13 pediatric first aid, pediatric CPR, and ~~the~~ preventive
14 health practices ~~courses as specified in paragraph (2) of~~
15 ~~subdivision (a) of Section 1596.866~~ to ensure that those
16 programs meet the minimum standards established
17 pursuant to ~~subdivision (a)~~. ~~The authority shall charge~~
18 ~~approved training programs a fee for student course~~
19 ~~completion cards equal to its costs incurred for review~~
20 ~~and approval of the pediatric first aid, pediatric CPR, and~~
21 ~~the preventive health practices training courses, and for~~
22 ~~the ongoing review and approval of these programs.~~

23 (c) ~~Training programs are defined as the programs~~
24 ~~that apply for and are approved by the authority to do the~~
25 ~~pediatric first aid, pediatric CPR, or the preventive~~
26 ~~health practices course training as defined in this division.~~
27 ~~Training programs shall issue course completion cards~~
28 ~~purchased from the Emergency Medical Services~~
29 ~~Authority to all individuals who complete their pediatric~~
30 ~~first aid, pediatric CPR, or the preventive health~~
31 ~~practices courses. Training programs include all affiliated~~
32 ~~programs that are also providing any of the~~
33 ~~authority approved training required in this division.~~
34 ~~Affiliated programs are those programs that are either~~
35 ~~overseen by individuals or organizations that have an~~
36 ~~authority approved pediatric first aid, pediatric CPR, or~~
37 ~~the preventive health practices course training program,~~
38 ~~or who have purchased an authority approved pediatric~~
39 ~~first aid, pediatric CPR, or the preventive health~~
40 ~~practices course training program. Training programs~~



1 ~~and their affiliated programs shall comply with the~~
2 ~~provisions in this division and with the regulations~~
3 ~~promulgated by the authority pertaining to the pediatric~~
4 ~~first aid, pediatric CPR, or the preventive health~~
5 ~~practices course training programs.~~

6 ~~(d) subdivision (a).~~

7 (2) *The authority shall establish, in consultation with*
8 *experts in pediatric first aid, pediatric CPR, and*
9 *preventive health practices, a process to ensure the*
10 *quality of the training programs, including, but not*
11 *limited to, a method for assessing the appropriateness of*
12 *the courses and the qualifications of the instructors.*

13 (c) *The authority shall charge a fee to approved*
14 *training programs for course completion cards that the*
15 *training programs shall be required to issue to students*
16 *who satisfactorily complete the approved training*
17 *program. The fees shall be set so that the total collected*
18 *from all of the training programs shall be equal to the total*
19 *cost to the authority to administer the program. A*
20 *separate fee shall be charged for the initial review of each*
21 *training program that applies for approval or renewal of*
22 *approval. Upon the approval of a program, the initial*
23 *review fee paid by the program shall be credited toward*
24 *the purchase of course completion cards.*

25 (d) *For the purposes of this section, training programs*
26 *mean programs that apply for approval by the authority*
27 *to provide the training in pediatric first aid, pediatric*
28 *CPR, or preventive health practices as specified in*
29 *paragraph (2) of subdivision (a) of Section 1596.866.*
30 *Training programs include all affiliated programs that*
31 *also provide any of the authority-approved training*
32 *required by this division. Affiliated programs are*
33 *programs that are overseen by persons or organizations*
34 *that have an authority-approved training program in*
35 *pediatric first aid, pediatric CPR, or preventive health*
36 *practices. Affiliated programs also include programs that*
37 *have purchased an authority-approved training program*
38 *in pediatric first aid, pediatric CPR, or preventive health*
39 *practices. Training programs and their affiliated*
40 *programs shall comply with the provisions of this division*



1 *and with the regulations adopted by the authority*
2 *pertaining to training programs in pediatric first aid,*
3 *pediatric CPR, or preventive health practices.*

4 (e) The director of the authority may, in accordance
5 with regulations adopted by the authority, deny, suspend,
6 or revoke any approval issued under this division or may
7 place any approved program on probation, upon the
8 finding by ~~that director~~ *the director of the authority* of an
9 imminent threat to the public health and safety as
10 evidenced by the occurrence of any of the actions listed
11 in subdivision (e).

12 ~~(e)–~~

13 (f) Any of the following actions shall be considered
14 evidence of a threat to the public health and safety, and
15 may result in the denial, suspension, probation, or
16 ~~revocation of an application for approval or any approved~~
17 ~~program issued under this division.~~ *revocation of a*
18 *program's approval or application for approval pursuant*
19 *to this division.*

20 (1) Fraud.

21 (2) Incompetence.

22 (3) The commission of any fraudulent, dishonest, or
23 corrupt act ~~which~~ *that* is substantially related to the
24 qualifications, functions, and duties of training program
25 directors and instructors.

26 (4) Conviction of any crime ~~which~~ *that* is substantially
27 related to the qualifications, functions, and duties of
28 training program directors and instructors. The record of
29 conviction or a certified copy of the record shall be
30 conclusive evidence of such conviction.

31 (5) Violating or attempting to violate, directly or
32 indirectly, or assisting in or abetting the violation of or
33 conspiring to violate, any provision of this division or the
34 regulations promulgated by the authority pertaining to
35 the review and approval of training programs in pediatric
36 first aid, pediatric CPR, and ~~the~~ preventive health
37 practices ~~course~~.

38 ~~(f)–~~ *as specified in paragraph (2) of subdivision (a) of*
39 *Section 1596.866.*



1 (g) In order to ensure that adequate qualified training
2 programs are available to provide training in the
3 preventive health practices course to all persons who are
4 required to have that training by _____, the authority
5 may, after approval of the Commission on Emergency
6 Medical Services pursuant to Section 1799.50, establish
7 temporary standards for training programs for use until
8 permanent standards can be adopted pursuant to
9 Chapter 3.5 (commencing with Section 11340) of Part 1
10 of Division 3 of Title 2 of the Government Code.

11 ~~(g)~~

12 (h) Persons who, prior to _____, have completed
13 ~~the preventive health practices course and have a current~~
14 ~~certificate or course completion card for such a course~~
15 ~~shall be deemed to have met the requirement for training~~
16 ~~in that subject if the course they took meets the~~
17 ~~requirements established by the authority pursuant to~~
18 ~~this section and that course is subsequently approved by~~
19 ~~the authority.~~

20 (h) Persons who prior to _____ have completed
21 courses in pediatric first aid and pediatric CPR, and have
22 a current course certificate or course completion card for
23 such a course, shall be deemed to have met the
24 requirements for that specific training. When those
25 current course certificates or cards are expired, those
26 persons shall renew their course certificates through an
27 authority-approved training program. *a course or courses*
28 *in preventive health practices as specified in*
29 *subparagraph (C) of paragraph (2) of subdivision (a) of*
30 *Section 1596.866, and have a certificate of completion*
31 *card of a course or courses in preventive health practices,*
32 *or certified copies of transcripts that identify the number*
33 *of hours and the specific course or courses taken for*
34 *training in preventive health practices shall be deemed*
35 *to have met the requirement for training in preventive*
36 *health practices.*

37 SEC. 3. This act is an urgency statute necessary for the
38 immediate preservation of the public peace, health, or
39 safety within the meaning of Article IV of the



1 Constitution and shall go into immediate effect. The facts
2 constituting the necessity are:

3 ~~In order to meet the requirement of this new law that~~
4 ~~all child day care facility personnel be trained in the~~
5 ~~authority-approved preventive health practices course~~
6 ~~by _____~~

7 *In order to meet the training requirements of this act*
8 standards must first be developed to ensure that the
9 training received meets certain uniform health and safety
10 standards in accordance with the mechanisms provided
11 for by this act. In order for the standards to be developed
12 and the training to be provided by _____ it is necessary
13 that this act take effect immediately.

