

AMENDED IN SENATE MARCH 17, 1998

SENATE BILL

No. 1630

Introduced by Senator Rosenthal

February 12, 1998

An act to amend Section ~~4231 of the Business and Professions Code, relating to pharmacists. 1569.38 of,~~ and to add Section 1569.61 to, the Health and Safety Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1630, as amended, Rosenthal. ~~Pharmacists: license renewal~~ Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

Existing law requires that every substantiated complaint or substantiated citation against a residential care facility for the elderly be posted by the facility in a conspicuous place within the facility for a period of 6 months.

This bill would instead require each residential care facility for the elderly to post in a conspicuous place a copy of its most recent inspection report prepared by the department pursuant to specified provisions, along with a copy of each substantiated complaint or substantiated citation issued against the facility in the preceding 6 months.

Existing law further requires a facility, during the admission process, to inform the designated responsible 3rd party in

writing that substantiated complaints and substantiated citations against the facility are posted for 6 months and kept on file for public access and review, and that copies of results of department investigations and surveys of the facility are available from the appropriate district office of the department.

This bill would instead require a facility to inform the resident and the resident's responsible person, as defined, in writing that inspection reports, substantiated complaints, and substantiated citations against the facility are posted and subsequently kept on file for public access and review, and that copies of all inspections, complaints, and citations are available from the appropriate district office.

The bill would also require the department to develop and establish a consumer information service system containing specified elements to provide updated and accurate information to the general public and consumers regarding residential care facilities for the elderly in their communities, and would require that certain information be made available at district offices of the department's Community Care Licensing Division and through the Internet.

Since the violation of the provisions applicable to residential care facilities for the elderly is 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.

~~Existing law requires that pharmacists seeking renewal of their certificates complete 30 hours of board-approved continuing pharmaceutical education during the 2 years preceding the application for renewal.~~

~~This bill would increase the requirement to 60 hours of continuing education, of which 30 hours would be required to be classroom instruction.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.



The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 4231 of the Business and~~
2 *SECTION 1. (a) The Legislature finds and declares*
3 *all of the following:*
4 *(1) Residential care facilities for the elderly provide a*
5 *continuum of long-term care services that support the*
6 *fluctuating social and personal care needs of elderly*
7 *residents.*
8 *(2) Many consumers are not familiar with residential*
9 *care facilities for the elderly.*
10 *(3) The choice of a residential care facility for the*
11 *elderly often occurs during a time of great stress. Because*
12 *the prospective resident may have just suffered a*
13 *significant medical setback that prevents him or her from*
14 *living independently, the choice of a facility often must*
15 *be made within the span of a few days.*
16 *(4) Consumer knowledge of residential care facilities*
17 *will be greatly enhanced if the information developed*
18 *and maintained by the State Department of Social*
19 *Services is made available to consumers.*
20 *(b) It is the intent of the Legislature to provide*
21 *consumers with ready access to the information*
22 *developed and maintained by the State Department of*
23 *Social Services regarding residential care facilities for the*
24 *elderly.*
25 *SEC. 2. Section 1569.38 of the Health and Safety Code*
26 *is amended to read:*
27 1569.38. (a) ~~Every substantiated complaint or~~
28 ~~substantiated citation against a residential care facility for~~
29 ~~the elderly shall be posted by the facility in a conspicuous~~
30 ~~place within the facility for a period of~~ *Each residential*
31 *care facility for the elderly shall post in a conspicuous*
32 *place a copy of its most recent inspection report prepared*
33 *by the department pursuant to Section 1569.33, along*
34 *with a copy of each substantiated complaint or*
35 *substantiated citation issued against the facility in the*
36 *preceding six months. The facility, during the admission*
37 *process, shall inform the designated responsible third*
38 ~~party~~ *resident and the resident's responsible person in*



1 writing that *inspection reports*, substantiated complaints,
2 and substantiated citations against the facility are posted
3 ~~for six months~~ and subsequently kept on file at the facility
4 for public access and review at any time during normal
5 business hours, and that copies of ~~results of department~~
6 ~~investigations and surveys of the facility~~ *all inspections,*
7 *complaints, and citations* are available from the
8 appropriate district office of the department. The facility
9 shall provide the telephone number and address of the
10 appropriate district office.

11 (b) For purposes of this section, a ~~designated~~
12 ~~responsible third party is an individual other than the~~
13 ~~resident who signs the facility admission agreement on~~
14 ~~behalf of the resident~~ “*responsible person*” has the same
15 meaning as that term is defined by paragraph (4) of
16 subdivision (r) of Section 87101 of Title 22 of the
17 *California Code of Regulations*.

18 SEC. 3. Section 1569.61 is added to the Health and
19 Safety Code, to read:

20 1569.61. (a) *The department shall develop and*
21 *establish a consumer information service system to*
22 *provide updated and accurate information to the general*
23 *public and consumers regarding residential care facilities*
24 *for the elderly in their communities. The consumer*
25 *information service system shall include, but need not be*
26 *limited to, all of the following elements:*

27 (1) *An inquiry system accessible through a statewide*
28 *toll-free telephone number.*

29 (2) *The development and maintenance at each*
30 *district office of a public file for each facility in that*
31 *district, so that upon request a consumer immediately can*
32 *receive all information held by the department regarding*
33 *that facility, provided that the names of individual*
34 *residents are not disclosed.*

35 (3) *A profile for each residential care facility for the*
36 *elderly, created and maintained by computer, which shall*
37 *include data on services provided by the facility, all*
38 *deficiencies and citations noted by the department in the*
39 *facility during the four preceding years, and all owners*



1 and changes of ownership in the facility during the four
2 preceding years.

3 (4) Data created and maintained by computer of the
4 date and amount of each citation issued, all further
5 actions and appeals regarding each citation, all money
6 paid by a facility toward a citation, and the current status
7 of the citation.

8 (5) Data created and maintained by computer of all
9 monetary fines assessed or collected, or both, by the
10 department related to residential care facilities for the
11 elderly, with the capability of analyzing the data by
12 facility, by county, and by year.

13 (b) All information required by paragraphs (3) to (5),
14 inclusive, of subdivision (a) shall be made available at
15 district offices of the department's Community Care
16 Licensing Division and through the Internet.

17 SEC. 4. No reimbursement is required by this act
18 pursuant to Section 6 of Article XIII B of the California
19 Constitution because the only costs that may be incurred
20 by a local agency or school district will be incurred
21 because this act creates a new crime or infraction,
22 eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition
25 of a crime within the meaning of Section 6 of Article
26 XIII B of the California Constitution.

27 Notwithstanding Section 17580 of the Government
28 Code, unless otherwise specified, the provisions of this act
29 shall become operative on the same date that the act
30 takes effect pursuant to the California Constitution.

31 ~~Professions Code is amended to read:~~

32 ~~4231. The board shall not issue any renewal certificate~~
33 ~~unless the applicant submits proof satisfactory to the~~
34 ~~board that he or she has successfully completed approved~~
35 ~~courses of continuing pharmaceutical education during~~
36 ~~the two years preceding the application for renewal. The~~
37 ~~continuing education required by this article shall consist~~
38 ~~of the number of clock hours, not to exceed 60 clock hours~~
39 ~~every two years, designated by regulation adopted by the~~
40 ~~board, of which 30 hours shall be classroom instruction.~~



1 ~~This section shall not apply to licensees during the first~~
2 ~~two years immediately following their graduation from a~~
3 ~~college of pharmacy or department of pharmacy of a~~
4 ~~university recognized by the board.~~

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