

AMENDED IN ASSEMBLY JUNE 26, 2000

SENATE BILL

No. 1113

Introduced by Senator Haynes

February 26, 1999

~~An act to amend Sections 4094.8 and 11402.6 of the Welfare and Institutions Code, relating to mental health. An act to amend Section 1569.698 of the Health and Safety Code, relating to health facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1113, as amended, Haynes. ~~Mental health: community treatment facility pilot project~~ *Residential care facilities for the elderly: building standards.*

Existing law, the California Residential Care Facilities for the Elderly Act, generally regulates the licensing and operation of residential care facilities for the elderly, under the administration of the State Department of Social Services. The existing act requires the department to adopt specified emergency regulations for residential care facilities for the elderly that care for people with dementia. Existing law authorizes a facility under these circumstances to utilize secured perimeter fences or locked exit doors, if it meets the requirements for additional safeguards required by the emergency regulations. Existing law declares that it is not intended to prohibit residential care facilities for the elderly from accepting or retaining persons with dementia whose needs can be fully met using care options permitted by existing law and regulations.

This bill would prohibit the department from imposing special physical plant requirements, or special restrictions on items that residents may have in their possession, for residents who are reasonably determined by the facility not to require protective supervision.

~~Existing law authorizes, until January 1, 2000, a pilot project community care facility at the Van Horn Regional Treatment Facility in Riverside County. Existing law provides for the AFDC-FC benefits program which provides for the needs of certain eligible children in foster care. Existing law also provides, until January 1, 2000, that any child otherwise eligible for AFDC-FC with federal financial participation who is placed in the pilot project facility shall be eligible for AFDC-FC benefits.~~

~~This bill would extend these provisions until January 1, 2004.~~

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

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

1 ~~SECTION 1. — Section 4094.8 of the Welfare and~~
2 *SECTION 1. Section 1569.698 of the Health and*
3 *Safety Code is amended to read:*

4 1569.698. (a) The State Fire Marshal has proposed
5 that the State Building Standards Commission adopt
6 building standards to provide for locked and secured
7 perimeters in residential care facilities for the elderly that
8 care for persons with dementia:

9 (1) It is acknowledged that these building standards
10 will not become effective until October 1, 1996.

11 (2) It is the policy of the State Building Standards
12 Commission that building standards be adopted
13 exclusively into the California Building Standards Code
14 and not into state statute.

15 (3) However, in recognition of the immediate need of
16 residential care facilities for the elderly caring for persons
17 with dementia to provide a secured environment, it is the
18 intent of the Legislature that the building standards for
19 locked and secured perimeters proposed by the State
20 Fire Marshal for adoption in the 1994 California Building



1 Standards Code, as set forth in Section 1569.699, be
2 effective upon the date this article becomes operative.

3 (b) (1) Upon the filing of emergency regulations with
4 the Secretary of State pursuant to subdivision (c), a
5 residential care facility for the elderly that cares for
6 people with dementia may utilize secured perimeter
7 fences or locked exit doors, if it meets the requirements
8 for additional safeguards required by those regulations.

9 (2) For the purposes of this article, dementia includes
10 Alzheimer’s disease and related disorders diagnosed by a
11 physician, that increases the tendency to wander and that
12 decreases hazard awareness and the ability to
13 communicate.

14 (3) It is the intent of the Legislature in enacting this
15 article that residential care facilities for the elderly have
16 options for the security of persons with dementia who are
17 residents of those facilities that are in addition to existing
18 security exceptions made for individual residents. It is the
19 further intent of the Legislature that these additional
20 options shall include the use of waivers of certain building
21 standards relating to fire safety to be issued by the state
22 department with the approval, of the State Fire Marshal,
23 to permit the care of a target group of persons with
24 dementia by means of secured perimeter fences, or the
25 use of locked exterior doors. Each waiver request shall
26 include a facility plan of operation that addresses
27 elements of care to be identified by the department in
28 regulations and demonstrates the facility’s ability to meet
29 the safety needs of persons with dementia.

30 (4) The department shall adopt regulations that
31 ensure that staff for secured perimeter facilities receive
32 appropriate and adequate training in the care of residents
33 with Alzheimer’s disease or other related dementia.

34 (5) Nothing in this section is intended to prohibit
35 residential care facilities for the elderly from accepting or
36 retaining persons with dementia whose needs can be fully
37 met using care options permitted by existing law and
38 regulations. *The department shall not impose special*
39 *physical plant requirements, or special restrictions on*
40 *items that residents may have in their possession, for*



1 *residents who are reasonably determined by the facility*
2 *not to require protective supervision.*

3 (6) It is not the intent of the Legislature to authorize
4 an increase in the level of care provided in a residential
5 care facility for the elderly or to establish a supplemental
6 rate structure based on the services provided in the
7 facility.

8 (7) All admissions to residential care facilities for the
9 elderly shall continue to be voluntary on the part of the
10 resident or with the lawful consent of the resident's legal
11 conservator.

12 (c) The department shall adopt regulations to
13 implement subdivision (b) in accordance with those
14 provisions of the Administrative Procedure Act
15 contained in Chapter 3.5 (commencing with Section
16 11340) of Part 1 of Division 3 of Title 2 of the Government
17 Code. The initial adoption of any emergency regulations
18 following the effective date of the act amending this
19 section during the 1995–96 Regular Legislative Session
20 shall be deemed to be an emergency and necessary for
21 the immediate preservation of the public peace, health
22 and safety, or general welfare. Emergency regulations
23 adopted pursuant to this subdivision shall remain in effect
24 for no more than 180 days.

25 (d) In addition to the security options authorized by
26 subdivision (b), residential care facilities for the elderly
27 that accept or retain as residents persons with dementia,
28 and that choose to utilize the security options of
29 egress-control devices of the time-delay type in addition
30 to secured perimeter fences or locked exit doors, shall
31 comply with Section 1569.699, or regulations adopted by
32 the State Building Standards Commission, whichever is
33 operative.

34 (e) Except as specified in Article 6.5 (commencing
35 with Section 1569.691), no residential care facility for the
36 elderly shall utilize special egress-control devices of the
37 time-delay type, secured perimeter fences, or locked exit
38 doors unless the facility meets the requirements of
39 Section 1569.699 or the Building Standards Commission
40 adopts building standards to implement this section.



1 (f) Any person who is not a conservatee and is entering
2 a locked or secured perimeter facility pursuant to this
3 section, shall sign a statement of voluntary entry. The
4 facility shall retain the original statement and shall send
5 a copy of the statement to the department.

6 ~~Institutions Code is amended to read:~~

7 ~~4094.8. (a) There is hereby authorized the operation~~
8 ~~of the Van Horn Regional Treatment Facility in Riverside~~
9 ~~County as a pilot project community care facility as~~
10 ~~defined in Section 1502 of the Health and Safety Code.~~
11 ~~The facility shall be operated at the election of~~
12 ~~participating counties, in a joint program, with 30 beds,~~
13 ~~at the request of, and sponsored by, one or more of the~~
14 ~~following counties: Riverside, San Bernardino, Orange,~~
15 ~~San Diego, and Los Angeles. Each of the sponsoring~~
16 ~~counties may utilize six or more beds in the facility at any~~
17 ~~one time.~~

18 ~~(b) The facility may seek a license from the State~~
19 ~~Department of Social Services as a community care~~
20 ~~facility in accordance with the California Community~~
21 ~~Care Facilities Act (Chapter 3 (commencing with~~
22 ~~Section 1500) of Division 2 of the Health and Safety~~
23 ~~Code). The facility operator shall be selected by~~
24 ~~participating counties in accordance with a competitive~~
25 ~~procurement.~~

26 ~~(c) The facility operator shall be required to comply~~
27 ~~with applicable licensing standards for group homes;~~
28 ~~except for those standards that prohibit operation of a~~
29 ~~facility with a secure perimeter.~~

30 ~~(d) The facility operator and the participating~~
31 ~~counties shall develop educational programs based on~~
32 ~~criteria that will meet the educational requirements and~~
33 ~~needs of the placements at the facility. Any educational~~
34 ~~program shall take place on the grounds of the facility.~~

35 ~~(e) All placements shall be limited to minors~~
36 ~~adjudicated by the juvenile court as wards of the court~~
37 ~~under Section 602. Although the Van Horn Regional~~
38 ~~Treatment Facility has a secured perimeter, all~~
39 ~~placements shall be voluntary, with the informed consent~~
40 ~~of the minor. Pursuant to voluntary placement, if a minor~~



1 does not wish to remain in the residential facility, the
2 minor shall have access to a telephone placement worker
3 for immediate removal. Any juvenile placed at the facility
4 shall have the right to seek and obtain an alternative
5 placement as directed by the juvenile court or the
6 participating county. Requests for alternative placement
7 shall be processed promptly so the alternative placement
8 occurs as soon as possible consistent with the best interests
9 of the juvenile and the availability of alternative
10 placements.

11 (f) The facility operator shall be paid for each child in
12 placement at the facility at the AFDC-FC rate
13 classification established by the State Department of
14 Social Services. If the facility operator operates the
15 program at an RCL 13 or RCL 14 level, the facility
16 operator shall comply with the program requirements of
17 Section 11462.01, except any provision that may prohibit
18 operation of a facility with a secure perimeter.

19 (g) (1) Notwithstanding the secure perimeter of the
20 facility or the availability of federal financial
21 participation, the facility operator may apply to the State
22 Department of Social Services to establish a rate and
23 receive payment as a group home.

24 (2) In order to establish the state's eligibility for
25 federal reimbursement for children in the program
26 established pursuant to this section, the State
27 Department of Social Services shall apply for all federal
28 waivers that may be required.

29 (3) If the department is unable to obtain the necessary
30 federal waiver pursuant to paragraph (2), the facility may
31 not be operated with a secure perimeter.

32 (h) County participation as a participating county
33 shall be voluntary.

34 (i) Razor wire shall not be used to secure the
35 perimeter of any facility.

36 (j) For purposes of this section, "secure perimeter"
37 means an external boundary of the facility, including yard
38 areas, that is functionally locked to the residents. If a
39 facility provides multiple levels of care or the physical
40 layout of the facility has separate and distinct sections,



1 each level or section licensed by the department may be
2 secure. The purpose of the secure perimeter is to provide
3 free movement in a safe area to residents within the
4 boundaries of the facility, including yard areas, and to
5 prevent impulsive, runaway behaviors.

6 (k) The department shall submit a report on the
7 provisions of this section to the Legislature.

8 (l) This section shall remain in effect only until
9 January 1, 2004, and as of that date is repealed, unless a
10 later enacted statute, that is enacted on or before January
11 1, 2004, deletes or extends that date.

12 SEC. 2. Section 11402.6 of the Welfare and Institutions
13 Code is amended to read:

14 11402.6. (a) Any child who is otherwise eligible for
15 AFDC-FC with federal financial participation who is
16 placed in a facility authorized by Section 4094.8 shall be
17 eligible for AFDC-FC under this chapter.

18 (b) This section shall remain in effect only until
19 January 1, 2004, and as of that date is repealed, unless a
20 later enacted statute, that is enacted before January 1,
21 2004, deletes or extends that date.

