

AMENDED IN SENATE AUGUST 20, 2003

AMENDED IN SENATE JULY 22, 2003

AMENDED IN SENATE JUNE 11, 2003

AMENDED IN ASSEMBLY MAY 1, 2003

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 528

**Introduced by Assembly Member Mullin
(Coauthors: Assembly Members Berg, Goldberg, and Steinberg)**

February 18, 2003

An act to amend Section 1569.2 of, and to add Section 1569.7 to, the Health and Safety Code, relating to Alzheimer's disease.

LEGISLATIVE COUNSEL'S DIGEST

AB 528, as amended, Mullin. Alzheimer's disease: dementia: residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires the director of the department to adopt regulations for these facilities.

This bill would provide that residential care facilities for the elderly that serve residents with Alzheimer's disease and other forms of dementia should include information on ~~sundown syndrome~~ *sundowning* as part of the training for direct care staff, and should include in the plan of operation a description explaining activities that

are available for residents to decrease the effects of ~~sundown syndrome~~ *sundowning*, including, but not limited to, increasing outdoor activities in appropriate weather conditions. This bill would define ~~sundown syndrome~~ *sundowning* to mean a condition in which persons with cognitive impairment ~~and elderly people~~ experience recurring confusion, disorientation, and increasing levels of agitation that coincide with the onset of late afternoon and early evening.

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

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

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) Alzheimer’s disease is a devastating disease that destroys
4 certain vital cells of the brain, and affects more than 1,500,000
5 Americans.

6 (b) Alzheimer’s disease and related disorders are responsible
7 for 50 percent of all nursing home admissions and Alzheimer’s
8 disease is the fourth leading cause of death in adults.

9 (c) Alzheimer’s disease has serious emotional, financial, and
10 social consequences for its victims and their families.

11 (d) It is important to provide for the best quality of life for those
12 affected by this disease by providing activities that are adapted for
13 the unique needs of persons with Alzheimer’s disease and other
14 forms of dementia, including activities designed to decrease the
15 ~~effects of “sundown syndrome.”~~ *effects of sundowning. With less*
16 *light, these individuals may lose visual clues that help them*
17 *compensate for their sensory impairments.*

18 SEC. 2. Section 1569.2 of the Health and Safety Code is
19 amended to read:

20 1569.2. As used in this chapter:

21 (a) “Administrator” means the individual designated by the
22 licensee to act on behalf of the licensee in the overall management
23 of the facility. The licensee, if an individual, and the administrator
24 may be one and the same person.

25 (b) “Care and supervision” means the facility assumes
26 responsibility for, or provides or promises to provide in the future,
27 ongoing assistance with activities of daily living without which the
28 resident’s physical health, mental health, safety, or welfare would



1 be endangered. Assistance includes assistance with taking
2 medications, money management, or personal care.

3 (c) “Department” means the State Department of Social
4 Services.

5 (d) “Director” means the Director of Social Services.

6 (e) “Health-related services” mean services that shall be
7 directly provided by an appropriate skilled professional, including
8 a registered nurse, licensed vocational nurse, physical therapist, or
9 occupational therapist.

10 (f) “Instrumental activities of daily living” means any of the
11 following: housework, meals, laundry, taking of medication,
12 money management, appropriate transportation, correspondence,
13 telephoning, and related tasks.

14 (g) “License” means a basic permit to operate a residential
15 care facility for the elderly.

16 (h) “Personal activities of daily living” means any of the
17 following: dressing, feeding, toileting, bathing, grooming, and
18 mobility and associated tasks.

19 (i) “Personal care” means assistance with personal activities of
20 daily living, to help provide for and maintain physical and
21 psychosocial comfort.

22 (j) “Protective supervision” means observing and assisting
23 confused residents, including persons with dementia, to safeguard
24 them against injury.

25 (k) “Residential care facility for the elderly” means a housing
26 arrangement chosen voluntarily by persons 60 years of age or over,
27 or their authorized representative, where varying levels and
28 intensities of care and supervision, protective supervision, or
29 personal care are provided, based upon their varying needs, as
30 determined in order to be admitted and to remain in the facility.
31 Persons under 60 years of age with compatible needs may be
32 allowed to be admitted or retained in a residential care facility for
33 the elderly as specified in Section 1569.316.

34 This subdivision shall be operative only until the enactment of
35 legislation implementing the three levels of care in residential care
36 facilities for the elderly pursuant to Section 1569.70.

37 (l) “Residential care facility for the elderly” means a housing
38 arrangement chosen voluntarily by persons 60 years of age or over,
39 or their authorized representative, where varying levels and
40 intensities of care and supervision, protective supervision,



1 personal care, or health-related services are provided, based upon
2 their varying needs, as determined in order to be admitted and to
3 remain in the facility. Persons under 60 years of age with
4 compatible needs may be allowed to be admitted or retained in a
5 residential care facility for the elderly as specified in Section
6 1569.316.

7 This subdivision shall become operative upon the enactment of
8 legislation implementing the three levels of care in residential care
9 facilities for the elderly pursuant to Section 1569.70.

10 (m) ~~“Sundown syndrome”~~ “*Sundowning*” means a condition
11 in which persons with cognitive impairment ~~and elderly people~~
12 experience recurring confusion, disorientation, and increasing
13 levels of agitation that coincide with the onset of late afternoon and
14 early evening. ~~With less light, these individuals lose visual clues~~
15 ~~that help them compensate for their sensory impairments.~~ *evening.*

16 (n) “Supportive services” means resources available to the
17 resident in the community that help to maintain their functional
18 ability and meet their needs as identified in the individual resident
19 assessment. Supportive services may include any of the following:
20 medical, dental, and other health care services; transportation;
21 recreational and leisure activities; social services; and counseling
22 services.

23 SEC. 3. Section 1569.7 is added to the Health and Safety
24 Code, to read:

25 1569.7. Residential care facilities for the elderly that serve
26 residents with Alzheimer’s disease and other forms of dementia
27 should include information on ~~sundown syndrome~~ *sundowning* as
28 part of the training for direct care staff, and should include in the
29 plan of operation a brief narrative description explaining activities
30 available for residents to decrease the effects of ~~sundown~~
31 ~~syndrome~~ *sundowning*, including, but not limited to, increasing
32 outdoor activities in appropriate weather conditions.

