

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1821

**Introduced by Assembly Member Gordon
(Coauthors: Assembly Members Brown, Chávez, Fox, Melendez,
Muratsuchi, and Salas)**

February 18, 2014

An act to add and repeal Chapter 5 (commencing with Section 1850) of Division 8 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1821, as amended, Gordon. Medical foster homes.

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans. Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure of residential care facilities for the elderly by the State Department of Social Services. Existing law exempts from these provisions specified facilities, including general acute care hospitals, clinics, and recovery houses for individuals with drug or alcohol addiction. Existing law authorizes the California State Auditor, upon the request by the Joint Legislative Audit Committee and to the extent funding is available, to audit a state or local governmental agency, as defined, or any other publicly created entity.

This bill would establish the Medical Foster Home Pilot Program and would, until January 1, 2018, authorize a United States Department of Veterans Affairs (USDVA) facility to establish a medical foster home that is not subject to licensure or regulation under the California Residential Care Facilities for the Elderly Act provided that specified federal requirements are ~~satisfied~~ and *satisfied*, the USDVA facility

establishing the home agrees to be subject to the jurisdiction of the California State Auditor, *and the USDVA obtains criminal background information for caregivers and specified individuals residing in the home.* The bill would state the intent of the Legislature that the California State Auditor, through a request to the Joint Legislative Audit Committee, conduct an audit evaluating the program created by this bill no sooner than January 1, 2016, as specified.

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. It is the intent of the Legislature to expand into
 2 California the United States Department of Veterans Affairs
 3 medical foster home program by authorizing the United States
 4 Department of Veterans Affairs facilities in the state to establish
 5 medical foster homes that are exempt from regulation under the
 6 California Residential Care Facilities for the Elderly Act.

7 SEC. 2. Chapter 5 (commencing with Section 1850) is added
 8 to Division 8 of the Military and Veterans Code, to read:

9
 10 CHAPTER 5. MEDICAL FOSTER HOME PILOT PROGRAM

11
 12 1850. This chapter shall be known and may be cited as the
 13 Medical Foster Home Pilot Program.

14 *1850.5. For purposes of this chapter, the following definitions*
 15 *shall apply:*

16 (a) *“Medical foster home” has the same meaning as that term*
 17 *is defined in Section 17.73 of Title 38 of the Code of Federal*
 18 *Regulations.*

19 (b) *“Medical foster home caregiver” means the primary person*
 20 *who provides care to a veteran resident in a medical foster home.*

21 (c) *“USDVA facility” means a United States Department of*
 22 *Veterans Affairs facility.*

23 (d) *“Veteran resident” has the same meaning as that term is*
 24 *defined in Section 17.73 of Title 38 of the Code of Federal*
 25 *Regulations.*

26 1851. ~~A United States Department of Veterans Affairs~~
 27 ~~(USDVA)~~ USDVA facility may establish a medical foster home
 28 program in this state. A medical foster home established pursuant

1 to that program is not subject to licensure or regulation under the
2 California Residential Care Facilities for the Elderly Act (Chapter
3 3.2 (commencing with Section 1569) of Division 2 of the Health
4 and Safety Code) if all of the following requirements are satisfied:

5 (a) The medical foster home meets the requirements of Sections
6 17.73 and 17.74 of Title 38 of the Code of Federal Regulations.

7 (b) The USDVA facility submits a proposal to establish a
8 medical foster home program to the Director of Home and
9 Community-Based Care in Geriatrics and Extended Care Services
10 in the Central Office of the USDVA and that director authorizes
11 the program.

12 (c) The USDVA facility establishing the foster home agrees to
13 be subject to the jurisdiction of the California State Auditor for
14 the purpose of evaluating the program created under this chapter.
15 Consistent with this agreement, the USDVA facility shall provide
16 data, information, and case files as requested by the California
17 State Auditor to perform all of his or her duties in evaluating the
18 program created under this chapter.

19 (d) *The United States Department of Veterans Affairs obtains*
20 *background information as required under Section 1853.*

21 1852. It is the intent of the Legislature that the California State
22 Auditor, through a request to the Joint Legislative Audit
23 Committee, conduct an audit that assesses and evaluates the pilot
24 program created by this chapter no sooner than January 1, 2016.
25 It is the intent of the Legislature that the audit be used to do both
26 of the following:

27 (a) Evaluate the success of the pilot program by confirming that
28 the USDVA facilities are meeting their goals and standards.

29 (b) Make recommendations regarding the continuation of the
30 program, including, but not limited to, recommendations regarding
31 changes or reforms needed for improvement of the program.

32 *1853. (a) For each medical foster home established under this*
33 *chapter, the United States Department of Veterans Affairs shall*
34 *submit to the Department of Justice fingerprint images and related*
35 *information required by the Department of Justice of both of the*
36 *following for the purposes of obtaining information as to the*
37 *existence and content of a record of state or federal convictions*
38 *and state or federal arrests and also information as to the existence*
39 *and content of a record of state or federal arrests for which the*

1 Department of Justice establishes that the individual is free on
2 bail or on his or her own recognizance pending trial or appeal:
3 (1) Medical foster home caregivers.
4 (2) Individuals, other than veteran residents, who are over 18
5 years of age and are residing in the medical foster home.
6 (b) When received, the Department of Justice shall forward to
7 the Federal Bureau of Investigation requests for federal summary
8 criminal history information submitted pursuant to this section.
9 The Department of Justice shall review the information returned
10 from the Federal Bureau of Investigation and shall compile and
11 disseminate a response to the United States Department of Veterans
12 Affairs.
13 (c) The Department of Justice shall provide a state or federal
14 level response to the United States Department of Veterans Affairs
15 pursuant to subdivision (p) of Section 11105 of the Penal Code.
16 (d) The United States Department of Veterans Affairs shall
17 request from the Department of Justice subsequent notification
18 service, as provided pursuant to Section 11105.2 of the Penal
19 Code, for the individuals described in subdivision (a).
20 (e) The Department of Justice shall charge a fee sufficient to
21 cover the reasonable costs of processing the request described in
22 this section.
23 (f) This section shall remain in effect until the date that the
24 United States Department of Veterans Affairs receives federal
25 authority to request criminal background checks of the individuals
26 described in this section, or January 1, 2018, whichever date
27 occurs first.
28 1855. This chapter shall remain in effect only until January 1,
29 2018, and as of that date is repealed, unless a later enacted statute,
30 that is enacted before January 1, 2018, deletes or extends that date.

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