

ASSEMBLY BILL

No. 1899

Introduced by Assembly Member Brown

February 19, 2014

An act to amend Section 1520 of, and to add Section 1538.4 to, the Health and Safety Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1899, as introduced, Brown. Residential care facilities for the elderly: quality of care.

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. A violation of these provisions is punishable as a misdemeanor.

Existing law sets forth the qualifications of a licensee.

This bill would make a person who has had his or her previous license revoked for abandonment of the facility ineligible for licensure for a period of 10 years following the revocation. Because a violation of this provision could be a crime, the bill would impose a state-mandated local program.

This bill would require the Director of Social Services to establish and maintain a telephone hotline and an Internet Web site dedicated for the purpose of receiving complaints regarding community care facilities. The bill would require the Internet Web site to include a listing, available to the public, of all final actions resulting in citation, suspension, or revocation taken against each licensee.

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.

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

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

1 SECTION 1. Section 1520 of the Health and Safety Code is
2 amended to read:
3 1520. Any person desiring issuance of a license for a
4 community care facility or a special permit for specialized services
5 under this chapter shall file with the department, pursuant to
6 regulations, an application on forms furnished by the department,
7 which shall include, but not be limited to:
8 (a) Evidence satisfactory to the department of the ability of the
9 applicant to comply with this chapter and of rules and regulations
10 promulgated under this chapter by the department.
11 (b) Evidence satisfactory to the department that the applicant
12 is of reputable and responsible character. The evidence shall
13 include, but not be limited to, a criminal record clearance pursuant
14 to Section 1522, employment history, and character references. If
15 the applicant is a firm, association, organization, partnership,
16 business trust, corporation, or company, like evidence shall be
17 submitted as to the members or shareholders thereof, and the person
18 in charge of the community care facility for which application for
19 issuance of license or special permit is made.
20 (c) Evidence satisfactory to the department that the applicant
21 has sufficient financial resources to maintain the standards of
22 service required by regulations adopted pursuant to this chapter.
23 (d) Disclosure of the applicant’s prior or present service as an
24 administrator, general partner, corporate officer, or director of, or
25 as a person who has held or holds a beneficial ownership of 10
26 percent or more in, any community care facility or in any facility
27 licensed pursuant to Chapter 1 (commencing with Section 1200)
28 or Chapter 2 (commencing with Section 1250).
29 (e) Disclosure of any revocation or other disciplinary action
30 taken, or in the process of being taken, against a license held or
31 previously held by the entities specified in subdivision (d). A
32 *person who has had his or her previous license revoked for*

1 *abandonment of the facility shall be ineligible for licensure for a*
2 *period of 10 years following the revocation.*

3 (f) A signed statement that the person desiring issuance of a
4 license or special permit has read and understood the community
5 care facility licensure statute and regulations that pertain to the
6 applicant's category of licensure.

7 (g) Any other information that may be required by the
8 department for the proper administration and enforcement of this
9 chapter.

10 (h) In implementing this section, the department shall give due
11 consideration to the functions of each separate licensing category.

12 (i) Failure of the applicant to cooperate with the licensing
13 agency in the completion of the application shall result in the denial
14 of the application. Failure to cooperate means that the information
15 described in this section and in regulations of the department has
16 not been provided, or not provided in the form requested by the
17 licensing agency, or both.

18 SEC. 2. Section 1538.4 is added to the Health and Safety Code,
19 to read:

20 1538.4. (a) The director shall establish and maintain a
21 telephone hotline and an Internet Web site dedicated for the
22 purpose of receiving complaints from members of the public
23 regarding community care facilities.

24 (b) The Internet Web site shall also include a listing, available
25 to the public, of all final actions resulting in citation, suspension,
26 or revocation taken against each licensee, aggregated both by the
27 licensee's name and by the facility's name. The actions shall be
28 listed in a manner that protects the privacy of the residents and the
29 confidentiality of resident information.

30 SEC. 3. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

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