

Senate Bill No. 1113

Passed the Senate August 31, 2000

Secretary of the Senate

Passed the Assembly August 29, 2000

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Section 1569.698 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1113, Haynes. 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 permit the department to impose certain special physical plant requirements, or special restrictions on items that residents may have in their possession, on facilities that accept residents who need protective supervision, as defined.

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

SECTION 1. Section 1569.698 of the Health and Safety Code is amended to read:

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



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

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

(3) However, in recognition of the immediate need of residential care facilities for the elderly caring for persons with dementia to provide a secured environment, it is the intent of the Legislature that the building standards for locked and secured perimeters proposed by the State Fire Marshal for adoption in the 1994 California Building Standards Code, as set forth in Section 1569.699, be effective upon the date this article becomes operative.

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

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

(3) It is the intent of the Legislature in enacting this article that residential care facilities for the elderly have options for the security of persons with dementia who are residents of those facilities that are in addition to existing security exceptions made for individual residents. It is the further intent of the Legislature that these additional options shall include the use of waivers of certain building standards relating to fire safety to be issued by the state department with the approval, of the State Fire Marshal, to permit the care of a target group of persons with dementia by means of secured perimeter fences, or the use of locked exterior doors. Each waiver request shall include a facility plan of operation that addresses elements of care to be identified by the department in



regulations and demonstrates the facility's ability to meet the safety needs of persons with dementia.

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

(5) Nothing in this section is 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.

(6) The department may make a determination to impose special plant requirements or special restrictions on items that residents may have in their possession or have access to as required by subparagraph (A) to (G), inclusive, of paragraph (5) of subdivision (a) of Section 87724 of Title 22 of California Code of Regulations. The department may impose these requirements and restrictions upon facilities that accept or retain any resident who needs protective supervision, as defined in subdivision (j) of Section 1569.2, due to impaired cognitive status. That determination shall not be based solely on a diagnosis of dementia. The decision to increase the level of protective supervision for a resident shall be made by the facility, the resident's physician, and the resident's family or conservator. This paragraph shall remain operative only until January 1, 2003.

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

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

(c) The department shall adopt regulations to implement subdivision (b) in accordance with those provisions of the Administrative Procedure Act contained in Chapter 3.5 (commencing with Section



11340) of Part 1 of Division 3 of Title 2 of the Government Code. The initial adoption of any emergency regulations following the effective date of the act amending this section during the 1995–96 Regular Legislative Session shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Emergency regulations adopted pursuant to this subdivision shall remain in effect for no more than 180 days.

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

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

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

(g) It is the intent of the Legislature that legislative staff develop a study of residential care facilities. The study shall review the appropriateness of the licensing category, data collection needs, resident care, staffing, revenue sources, and other related matters. If the study is undertaken, the Health and Human Services Agency, the State Department of Social Services, and the California Department of Aging shall assist in the development of the study. It is the intent of the Legislature that the study provide recommendations to



maintain, improve, and strengthen the social model residential care facilities as a viable options for all Californians. It is the intent of the Legislature that the study be completed by January 1, 2002.



Approved _____, 2000

Governor

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