EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:	Transmittal No. 00APX-05
___ All Day Care Evaluator Manual Holders _X_ All Residential Care Evaluator Manual Holders ___ All Evaluator Manual Holders	Date issued. December 2000

Subject:

Appendix – ACCF: 2000 Chaptered Legislation and Implementation

(Appendix Tab A – Adult Community Care Facilities and Residential Care Facilities for the Chronically Ill)

Reason For Change:

This transmits summaries of legislation chaptered in 2000 affecting Adult Community Care Facilities and Residential Care Facilities for the Chronically Ill. The summaries are divided into two sections as follows:

I. Immediate Action Required – Interim instructions are provided.

II. Information only – No action required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2001, unless otherwise indicated.

Filing Instructions:

___ REMOVE –

_X_ INSERT – the attached pages into Appendix A. Do not remove similar document from previous years.

Approved:

Carole Jacobi
CAROLE JACOBI, Chief
Policy Development Bureau

December 26, 2000
Date

Contact Person: Joan Regeleski Phone Number: (916) 324-3058

SUMMARY AND IMPLEMENATION PLANS
2000 CHAPTERED LEGISLATION

ADULT COMMUNITY CARE FACILITIES AND RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL

BILL NUMBER/AUTHOR	SUBJECT	PAGE
	ACTION REQUIRED	
AB 2034 (Steinberg)	Services to Homeless	1
SB 1896 (Ortiz)	Fire Safety Requirements for Facilities with Bedridden Clients	2-3
	INFORMATION ONLY – NO ACTION REQUIRED	
AB 2623 (Pacheco)	Criminal Record Information	4
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Unless otherwise noted, all new legislation becomes effective on January 1, 2001.

When conducting visits, LPAs should ensure that providers are aware of any new requirements.

ACTION REQUIRED

AB 2034 (STEINBERG), CHAPTER 617, STATUTES of 2000

Affects: Adult Residential Facilities, Residential Care Facilities for the Elderly

Subject: Services to Homeless

Summary: This legislation amends the Welfare and Institutions Code and provides funding to address the issues of the homeless and their unmet needs. Counties and cities that operate independent public mental health programs will provide health services and outreach to mentally ill adults who are homeless or at risk of becoming homeless. Many of the clients receiving services provided under the mandates of AB 2034 and AB 34 (passed in 1999) will reside in housing arrangements which do not require licensure by Community Care Licensing.

The housing arrangements for these individuals is negotiated by contract between the County Mental Health Department and a for-profit agency authorized to do outreach and placement of this population and individuals willing to provide room and board.

IMPLEMENTATION:

The legislation does not change licensing requirements nor does the statute exempt these housing arrangements from licensure. If licensing staff receive complaints from neighbors, clients, or family members about the facility and its operation, the LPA will make the required ten-day visit. If in the LPA's professional judgment, the arrangement appears to require a license, this decision will be discussed with the facility owner who has the option to discontinue those elements that make the operation subject to licensing. The LPA should follow the Evaluator Manual's procedures for "Operation Without a License " when appropriate. The housing arrangements funded under this legislation will vary and may include adult and elderly populations in the same setting.

In those cases where a Notice of Operation in Violation of Law is issued to an individual who is contracting to provide services to this population, the licensing office will forward a copy of the Notice to Shauneen Zupan, Policy Analyst at Mail Station 19-50. Shauneen will work directly with the Department of Mental Health on these specific cases regarding what constitutes care and supervision and the need for licensing under the current statute. Questions on housing arrangements for the homeless funded under the provisions of AB 2034 or AB 34 may be addressed to Shauneen at 916/324-4043.

SB 1896 (ORTIZ), CHAPTER 817, STATUTES OF 2000

Affects: Adult Residential Facilities, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly, Children's Residential Facilities

Subject: Fire Safety Requirements for Facilities with Bedridden Clients

Summary: This legislation adds Sections 1566.45, 1568.0832 and amends Section 1569.72 of the Health and Safety Code. These changes clarify that bedridden clients may be admitted to and remain in specific residential community care facilities that secure and maintain an appropriate fire clearance. The changes require the Department and the Office of the State Fire Marshal, in consultation with the Department of Developmental Services, to develop regulations to clarify fire safety and fire clearance requirements for care facilities.

The intent of this legislation is to allow bedridden persons to avoid institutionalization and be admitted to, and safely remain in, community-based residential care facilities that provide a home-like setting.

A bedridden client is a non-ambulatory person (as defined in Sections 80001(n)(2) and 87801(n)(1) of the regulations) who also

(1) requires assistance in turning and repositioning in bed;

or

(2) is unable to independently transfer to and from bed, except in facilities with appropriate and sufficient care staff, necessary mechanical devices, and safety precautions, as determined by the director in regulations.

The determination of bedridden status for persons with developmental disabilities will be made by the licensing agency, in consultation with the delegated representative of the Department of Developmental Services, after consulting the client's individual program plan. The determination of bedridden status for all other persons with disabilities, who are not developmentally disabled, will be made by the licensing agency.

For purposes of this definition, the bedridden status does not include being bedridden because of any illness that persists for 14 days or less.

IMPLEMENTATION:

Until final regulations are issued, licensing staff will use the statutory provision in the Health and Safety Code as the authority for citing and implementing. Effective January 1, 2001, licensing staff will use the following policies and procedures:

1. To admit/retain a client who is bedridden:

   - A bedridden fire clearance must be obtained.

   - At the request of the applicant/licensee, the licensing agency will submit a Fire Safety Inspection Request (Form Std 850) for a bedridden fire clearance on behalf of the applicant/licensee to the local fire authority.

   In the event of a factual dispute, either the licensee, the resident, the resident's representative, or local fire official may request a written opinion from the Office of the State Fire Marshal concerning the interpretation of the State Fire Marshal regulations. The State Fire Marshal will issue the written opinion within 45 days of the request.

1. Clients who reside in an Adult Residential Facility or Residential Care Facility for the Chronically Ill under a "non-ambulatory fire clearances" in existence on January 1, 2001, may remain in the facility under the existing fire clearance, provided the licensee can safely care for the client.

2. A licensee must notify the licensing agency if a new bedridden individual will be placed in the facility; or building modifications are planned that would affect the existing fire clearance. The licensing agency will determine whether a new bedridden fire clearance is required.

3. Any other changes to the status of the license, the licensee, the licensing category, the location of the facility will require a new bedridden fire clearance.

The Department Of Social Services will work with the Department of Developmental Services and the Office of the State Fire Marshal to develop and implement regulations consistent with the new statute and the California Building Code for fire and life safety. CCL will write and enforce the regulations with the aim of allowing clients to remain in home-like settings.

INFORMATION ONLY – NO ACTION REQUIRED

AB 2623 (PACHECO), CHAPTER 623, STATUTES OF 2000

Affects: Community Care Facilities, Residential Care Facilities for the Chronically Ill, Residential Care For The Elderly and Child Care Facilities

Subject: Criminal Record Information

Summary: This legislation adds Section 11105.75 to the Penal Code to require the Department of Justice (DOJ) to provide conviction information to the Department even if the information has not been verified with fingerprints. Before giving the conviction information to the Department, DOJ is required to compare all of an individual's identifying characteristics with those that appear in the criminal history to ensure that they are the same person. The Department will assume that the information it obtains in this way is accurate, and will process it the same way it processes any other criminal history information. If the Department takes an action based upon the non-fingerprint-verified information, the individual may appeal that action on the grounds that he/she is not the correct person.

SB 1992 (CHESBRO), CHAPTER 819, STATUTES OF 2000

Affects: Community Care Facilities, Residential Care Facilities for the Chronically Ill, Residential Care Facilities for the Elderly and Child Care Facilities

Subject: Fingerprint Clearances and Exemptions

Summary: This legislation adds the following convictions to the list of crimes for which the Department cannot grant an exemption:

- ✓ Torture
- ✓ Car jacking
- ✓ Willful poisoning knowing it will be taken by a human being
- ✓ Unlawfully using a loaded firearm on the grounds of a child care facility
- ✓ Arson causing great bodily injury
- ✓ Arson of an inhabited structure
- ✓ Sexual exploitation by a physician, psychotherapist, counselor, etc.

The statute provides the Department flexibility in all licensing categories to determine, by regulation, who may be exempt from background check requirements. The statute also allows the Department to cease or continue processing a license application when an applicant is awaiting trial. If there are adequate grounds to deny a license without the results of the trial, the Department may deny the license without waiting for the completion of the trial. Previously, if an individual was awaiting trial, the law required

the Department to cease all aspects of processing an application, including a denial, until the trial was completed. The statute also clarifies language regarding exemptions for medical professionals.