

# OLMSTEAD ADVISORY COMMITTEE LEGISLATION WATCH LIST

2013-14 Legislative Session

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The California Health and Human Services Agency (CHHS) compiles and updates a Legislation Watch List related to Olmstead implementation activities. The list is developed based on Olmstead Advisory Committee input.

Committee members are asked to submit information on bills that have a substantial impact on Olmstead implementation—whether advancing or impeding implementation—that should be included on the list.

The following Legislation Watch List helps to flag bills for the Secretary of CHHS as well as guide discussion at Committee meetings.

## ASSEMBLY BILLS

### **AB 485 Gomez (D)**

**Status:** Assembly – Dead. Failed deadline.

**Brief summary:**

**Date of last amendment:** 2/18/2014. **In-home supportive services.** Would have required the IHSS Statewide Authority to assume responsibility for collective bargaining in all 58 counties, effective January 1, 2015. Also, de-links the Statewide Authority from being contingent upon implementation and operation of the Coordinated Care Initiative.

### **AB 1454 Calderon, Ian (D)**

**Status:** Senate – Dead. Failed deadline.

**Brief summary:**

**Date of last amendment:** 5/23/2014. **Care facilities: regulatory visits.** Would require CDSS to conduct unannounced inspections of all Community Care Facilities on an annual basis and conduct more frequent unannounced visits under other specified circumstances.

### **AB 1523 Atkins (D)**

**Status:** Assembly – Chaptered 8/15/2014.

**Brief summary:**

**Date of last amendment:** 6/12/2014. **Residential care facilities for the elderly: liability insurance.** Would require all RCFEs to maintain either liability insurance of at least \$1 million or a bond of up to \$3 million.  
**Chapter message:** None.

### **AB 1552 Lowenthal (D)**

**Status:** Assembly – Vetoed.

**Brief summary:**

**Date of last amendment:** 8/4/2014. **Community-based adult services: adult day health care centers.** Would establish the Community-Based Adult Services (CBAS) program as a Medi-Cal benefit. The bill would require that CBAS providers be licensed as ADHC centers

and certified by the California Department of Aging as CBAS providers. The bill would require CBAS providers to meet specified licensing requirements and to provide care in accordance with specified regulations. The bill would require that those provisions be implemented only to the extent that federal financial participation is available. This bill contains other related provisions.

**Veto Message:** I am returning Assembly Bill 1552 without my signature. The bill would codify the Community-Based Adult Services benefit according to provisions stipulated in a settlement agreement reached in 2012. Currently, this benefit is authorized under an approved waiver by the federal government. The terms of the waiver may change, pending federal review. This important program will continue to help many thousands of frail adults remain independent. Codifying it now is premature. Sincerely, Edmund G. Brown Jr.

**AB 1554 Skinner (D)**

**Status:** Senate – Dead. Failed deadline.

**Brief summary:**

**Date of last amendment:** 6/26/2014. **Residential care facilities for the elderly.** Would require CDSS to begin investigations of complaints involving abuse, neglect, or serious harm to a resident living in an RCFE within 24 hours, complete investigations of these highest priority complaints within 30 days.

**AB 1558 Hernández, Roger (D)**

**Status:** Senate – Dead. Failed deadline.

**Brief summary:**

**Date of last amendment:** 6/5/2014. **California Health Data Organization: all-payer claims database.** Would request the University of California to establish the California Health Data Organization and would request the organization to collect data from payers, as specified, and establish an all-payer claims database. The bill would require certain private payers to submit claims data to the organization on utilization, payment, and cost sharing for services delivered to beneficiaries. This bill contains other related provisions and other existing laws.

**AB 1565 V. Manuel Pérez (D)**

**Status:** Assembly – Vetoed.

**Brief summary:**

**Date of last amendment:** 8/4/2014. **California Department of Aging: grants: LGBT veteran services.** Would authorize the Director of the California Department of Aging to provide grants, to the extent appropriations are made available, for nonprofit organizations with experience providing culturally competent services and training to provide training, outreach, and education to agencies, individuals, and other appropriate entities that provide services to veterans who are elder and lesbian, gay, bisexual, or transgender.

**Veto Message:** I am returning Assembly Bill 1565 without my signature. I appreciate the author's desire to focus on the needs of lesbian, gay, bisexual or transgender veterans, but creating a new grant program without a funding source is premature. If any funding is identified in the future for such a program, the California Department of Veterans Affairs would be a better entity for its administration. Sincerely, Edmund G. Brown Jr.

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| <b>AB 1570</b><br><b>Status:</b>                 | <b>Chesbro (D)</b><br>Assembly – Chaptered 9/28/2014   |
| <b>Brief summary:</b>                            | <p><b>Date of last amendment:</b> 8/22/2014. <b>Residential care facilities for the elderly.</b> Would, effective January 1, 2016, require the certification program for an applicant for licensure for a residential care facility to consist of 100 hours of course work and a state-administered examination of no less than 100 questions. The bill would require the examination to reflect the uniform core of knowledge required and would require the State Department of Social Services, no later than July 1, 2016, and every other year thereafter, to review and revise the examination to reflect changes in law and regulations in order to ensure the rigor and quality of the examination.</p> <p><b>Chapter Message: None.</b></p>   |
| <b>AB 1571</b><br><b>Status:</b>                 | <b>Eggman (D)</b><br>Senate – Dead. Failed deadline.   |
| <b>Brief summary:</b>                            | <p><b>Date of last amendment:</b> 6/26/2014. <b>Residential care facilities for the elderly: licensing and regulation.</b> Would require that CDSS establish an on-line RCFE Consumer Information system on its website to include specified, updated, and accurate license, ownership, survey and enforcement information on every licensed RCFE in California. Would also require licensees to disclose ownership of any other facilities or any previously owned facilities.</p>  |
| <b>AB 1744</b><br><b>Status:</b>                 | <b>Brown (D)</b><br>Assembly – Vetoed.   |
| <b>Brief summary:</b>                            | <p><b>Date of last amendment:</b> 8/21/2014. <b>California Department of Aging.</b> Would require the California Department of Aging, upon securing \$200,000 in nonstate funds from private sources for purposes of implementing the bill, to convene a blue-ribbon panel, comprised of at least 13 members, as specified, to make legislative recommendations to improve services for unpaid and family caregivers in California, as provided. The bill would require the committee to prepare a report of its findings and recommendations and provide it to the Legislature on or before July 1, 2016. The bill would make related findings and declarations.</p> <p><b>Veto Message:</b> I am returning Assembly Bill 1744 without my signature. The bill would require the California Department of Aging to establish and support a 13-member blue ribbon task force on unpaid family caregiving, using only non-state funds from private sources. The California State Plan on Aging, the California Plan for Alzheimer' s Disease, the significant reports and action plans developed by the 33 Area Agencies on Aging, the Alzheimer's Association, the AARP and so many others have produced ample evidence for knowledgeable and caring people to recommend ways to improve support for family caregivers. Establishing another task force in state law simply isn't necessary. Sincerely, Edmund G. Brown Jr.</p> |
| <b>AB 1759</b><br><b>Status:</b><br><b>Brief</b> | <b>Pan (D)</b><br>Gut and amend – 8/18/2014.<br>California Coastal Commission - Appointments.  |

**summary:**

**AB 1816 Yamada (D)**

**Status:** Senate – Dead. Failed deadline.

**Brief summary:**

**Date of last amendment:** 6/17/2014. **Long-term health care facilities.** Current law establishes procedures to be followed when the State Department of Public Health receives a written or oral complaint about a long-term health care facility. A complaint is defined to mean any notice to the department, other than a report from the facility, of an alleged violation of applicable requirements of state or federal law or any alleged facts that might constitute a violation. This bill, on or before July 1, 2015, would require the department to set a performance benchmark for completing its investigations within a defined number of days after receiving the complaint, not to exceed 60 working days.

**AB 1899 Brown (D)**

**Status:** Assembly – Chaptered. 9/28/2014.

**Brief summary:**

**Date of last amendment:** 8/22/2014. **Residential care facilities for the elderly.** Would make a person who has had his or her previous license revoked for abandoning a facility ineligible for licensure for 10 years after revocation. Would require CDSS to establish a telephone hotline and Internet website dedicated for receiving complaints regarding all community care facilities.

**Chapter Message: None.**

**AB 2044 Rodriguez (D)**

**Status:** Assembly – Chaptered. 9/28/2014.

**Brief summary:**

**Date of last amendment:** 8/21/2014. **Residential care facilities for the elderly.** Would require all RCFEs be subject to an annual unannounced visit, require an onsite inspection by the Department within 3 or 10 days after receiving complaints (depending on the severity of the complaint), require the RCFE to have at least one adult administrator or facility manager on-site 24 hours a day, among other provisions.

**Chapter Message: None.**

**AB 2171 Wieckowski (D)**

**Status:** Assembly – Chaptered. 9/28/2014.

**Brief summary:**

**Date of last amendment:** 8/22/2014. **Residential care facilities for the elderly.** Would implement a statutory bill of rights for RCFE residents, with respect to visitation, privacy, confidentiality, personalized care, autonomy, informed consent, among others. This bill would also provide residents with a private right of action so that they would have the opportunity to enforce their own rights.

**Chapter Message: None.**

**AB 2325 John A. Pérez (D)**

**Status:** Assembly - Vetoed.

**Date of last amendment:** 6/12/2014. **Medi-Cal: CommuniCal.** Would require the State Department of Health Care Services to establish the Medi-Cal Patient-Centered Communication program (CommuniCal), to be administered by a 3rd-party administrator, to, commencing July 1, 2015, provide and reimburse for medical interpretation services to Medi-Cal beneficiaries who are limited English proficient (LEP). This bill would establish the CommuniCal Program Fund in the State Treasury, which would consist of moneys dedicated to the CommuniCal program, to be used upon appropriation by the Legislature to the department solely to fund the CommuniCal program.

**Brief summary:**

**Veto Message:** Assembly Bill 2325 would require the Department of Health Care Services to establish the CommuniCal program to certify and restructure current interpreter services provided under Medi-Cal, and afford certified interpreters collective bargaining rights. Last year, I vetoed these same provisions because California had embarked on an unprecedented expansion of our Medi-Cal program and I did not believe it wise to introduce more complexity given the many unknowns the state was facing. Since then, our challenges have neither diminished in number or difficulty. We are still in the throes of managing new enrollments, new renewals and expanding provider networks. In reconsidering this measure, however, it appears that this bill contains more liabilities than were previously known. The provisions governing collective bargaining go above and beyond what public employees enjoy and potentially create new scopes of representation and litigation. To the extent that interpretation services under Medi-Cal are insufficient, we should work together on appropriate cost-effective initiatives to help patients in need. I'm weary at this time of adding significant new costs to the Medi-Cal program when already in the last two years Medi-Cal General Fund spending has grown almost \$2.5 billion. Sincerely, Edmund G. Brown Jr.

**AB 2632 Status:**

**Maienschein (R)**  
Assembly – Chaptered. 9/29/2014.

**Brief summary:**

**Date of last amendment:** 8/5/2014. **Care facilities.** Would prohibit the State Department of Social Services, with regard to care facilities, from issuing a criminal record clearance to a person who has been arrested for specified crimes or for any crime for which the department is prohibited from granting a criminal record exemption prior to the department's completion of an investigation of the incident to establish conduct by the person that may pose a risk to the health and safety of any person who is or may become a client.

**Chapter Message: None.**

## SENATE BILLS

**SB 577 Status:**

**Pavley (D)**  
Senate – Chaptered 9/18/2014.

**Brief summary:**

**Date of last amendment:** 8/21/2014. **Autism and other developmental disabilities: employment.** Would require the State Department of Developmental Services, contingent

upon receiving federal financial participation, to conduct a 4-year demonstration project to determine whether community-based vocational development services will increase employment outcomes for consumers and reduce purchase of service costs for working age adults, as specified. The bill would require the department to publish a notice on the department's Internet Web site when the demonstration project has been implemented, and to make determinations and notify the Legislature concerning the project's effectiveness, as specified, at the project's conclusion.

**Chapter Message: None.**

**SB 894** **Corbett (D)**  
**Status:** Assembly – Dead. Failed deadline.

**Brief summary:** **Date of last amendment:** 6/26/2014. **Residential care facilities for the elderly: revocation of license.** Would require CDSS to take any action necessary to minimize trauma for residents of an RCFE if the Department determines at any time during the relocation process that it is necessary to protect the residents or clients of the facility from physical or mental abuse, abandonment, or any substantial threat to health or safety. The bill would require DSS to check on the status of all transferred residents within 24 hours of transfer and contact the SLTCO to locate alternative placement sites. This bill would also require that the licensee, upon receipt of DSS's order of suspension, provide a 60-day written notice of license suspension to the resident or resident's designee within 24 hours, prohibit a licensee from accepting new residents, and pay a civil penalty if the licensee is in violation of any of these provisions. Finally, this bill would authorize a current or former resident to bring a civil action against any person, firm, partnership, or corporation that owns, operates, establishes, manages, conducts, or maintains an RCFE that violates the resident's rights.

**SB 895** **Corbett (D)**  
**Status:** Senate – Chaptered. 9/28/2014.

**Brief summary:** **Date of last amendment:** 8/22/2014. **Residential care facilities for the elderly: unannounced visits.** Would require CDSS to conduct unannounced inspections of most RCFEs at least once each year and conduct additional unannounced inspections under specified circumstances. The bill would also require the department to verify that a facility is in compliance no later than ten days after the notification of deficiencies in compliance and would require inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection on the department's Internet Web site or its district offices.

**Chapter Message: None.**

**SB 1153** **Leno (D)**  
**Status:** Senate – Chaptered. 9/28/2014.

**Brief summary:** **Date of last amendment:** 4/10/2014. **Residential care facilities for the elderly.** Would provide that RCFEs that fail to comply with critical health and safety regulations would be prevented from admitting new residents.

**Chapter Message: None.**

**SB 1382 Block (D)**

**Status:** Senate – Chaptered. 9/28/2014.

**Brief  
summary:**

**Date of last amendment:** 8/22/2014. **Residential care facilities for the elderly.** Current law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Current law sets forth the annual licensure fees to operate a residential care facility for the elderly and various other fees charged by the department. This bill would increase the annual licensure fees by 20% and would make related findings and declarations.

**Chapter Message: None.**