

~~These facilities must provide to each prospective resident an accurate written narrative description of the special programs and services prior to admission. The licensee must also make a reasonable effort to communicate information in the narrative description to a person who is unable to read it him/herself, including, but not limited to, reading the description out loud.~~

ACTION REQUIRED

SB 577 (KUEHL), CHAPTER 878, STATUTES OF 2003

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

Subject: Protection and Advocacy (P&A) Agency (P&A)

Summary: This legislation amends Section 1798.24b of the Civil Code, and Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of, and adds Section 4906 to, the Welfare and Institutions (W&I) Code, expanding the non-profit P&A agency's authority and rights to access to any facilities, disabled clients/residents and their records.

The expansion is a result of the amended definition of "disability" updating the federal reference to developmental disabilities, adding the federal reference to mental illness, and adding a reference to the federal Americans with Disabilities Act (ADA) and to the California Fair Employment and Housing Act. (W&I Code Section 4900(d) and (i))

Consistent with existing law, Effective January 1, 2004, if the P&A agency deems there is an imminent risk of harm to a client, the client's and/or facility records must be made available to them within 24-hours of the initial request. For investigations where the P&A agency has deemed there is not an imminent risk of harm, records must be made available within three days of the initial request.

Consistent with existing law, In addition, the P&A agency ~~isare now specifically~~ entitled to view and copy medical records, financial records, monitoring reports, or other reports, prepared or received by a member of the staff of a facility, program or service that is providing care, treatment or services.

Consistent with existing law, This legislation permits the P&A agency ~~has to~~ access to records of CCL investigations, including confidential information that is not part of the public file, ~~and ofte~~ death review teams.

IMPLEMENTATION:

~~Effective January 1, 2004 and U~~ntil training is available, licensing staff will implement as follows:

- Provide P&A with requested documents within 3 business days after the agency makes a written request or, within 24 hours when the agency determines there is a probable cause to believe an immediate hazard exists or there has been a death.

- In the event there is an unusual situation where it may be difficult to produce the requested records within 24 hours, licensing staff will work with the P&A agency to attempt to get an extension.

~~7 Licensees that advertise special care for persons with a health related condition must maintain documentation showing that the written narrative summary is provided to any individual requesting information about the services being advertised. The LPA must verify that the written narrative description coincides with the facility's current plan of operation and is confined to what the licensee is allowed to do under his/her license. The written narrative description must also be consistent with the facility's advertisement(s) on specialized care for health related conditions.~~