

Assembly Bill No. 749

CHAPTER 477

An act to add Section 1569.695 to the Health and Safety Code, relating to residential care facilities for the elderly.

[Approved by Governor September 28, 2008. Filed with Secretary of State September 28, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 749, Wolk. Residential care facilities for the elderly: emergency plans.

Existing law 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 a crime.

This bill would require, as of March 1, 2009, those facilities to have an emergency plan that includes specified provisions and is available, upon request, to residents onsite and available to local emergency responders. Additionally, the bill would require the department to confirm, during comprehensive licensing visits, that the plan is on file at the facility. By expanding the definition of a crime, this bill would create a state-mandated local program.

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.

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

SECTION 1. Section 1569.695 is added to the Health and Safety Code, to read:

1569.695. (a) In addition to any other requirement of this chapter, a residential care facility for the elderly shall have an emergency plan that shall include, but not be limited to, all of the following:

- (1) Evacuation procedures.
- (2) Plans for the facility to be self-reliant for a period of not less than 72 hours immediately following any emergency or disaster, including, but not limited to, a long-term power failure.
- (3) Transportation needs and evacuation procedures to ensure that the facility can communicate with emergency response personnel or can access the information necessary in order to check the emergency routes to be used at the time of an evacuation and relocation necessitated by a disaster.

- (4) Procedures that address, but are not limited to, all of the following:
 - (A) Provision of emergency power that could include identification of suppliers of backup generators.
 - (B) Responding to individual residents' needs in the event the emergency call buttons are inoperable.
 - (C) Process for communicating with residents, families, hospice providers, and others, as appropriate, that might include landline telephones, cellular telephones, or walkie-talkies.
 - (D) Assistance with, and administration of, medications.
 - (E) Storage and preservation of medications.
 - (F) The operation of assistive medical devices that need electric power for their operation, including, but not limited to, oxygen equipment and wheelchairs.
 - (G) A process for identifying residents with special needs, such as hospice, and a plan for meeting those needs.
- (b) Each facility subject to this section shall make the plan available upon request to residents onsite and available to local emergency responders.
- (c) The department's Community Care Licensing Division shall confirm, during comprehensive licensing visits, that the plan is on file at the facility.
- (d) Nothing in this section shall create a new or additional requirement for the department to evaluate the emergency plan. The department shall only verify that the plan is on file at the time of the comprehensive inspection.
- (e) This subdivision shall not apply to residential care facilities for the elderly that have obtained a certificate of authority to offer continuing care contracts, as defined in paragraph (5) of subdivision (c) of Section 1771.
- (f) This section shall become operative on March 1, 2009.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.