

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 1034 (Friedman) – As Amended April 2, 2019

SUBJECT: Health and care facilities: emergency and disaster plan

SUMMARY: Requires community care facilities that serve children or nonminor dependents, resource families, certified or licensed foster family homes, small family homes, community care facilities that serve adults, residential care facilities for persons with chronic life-threatening illness, and child care centers to have emergency and disaster plans. Specifically, **this bill:**

- 1) Requires, in addition to any other licensing requirements in current law, as specified, a community care facility that serves children or nonminor dependents to have an emergency and disaster plan that includes, but is not limited to, all of the following: evacuation procedures, transportation needs, the location of all utility shut-off valves and instructions for use, and a list containing the contact information of emergency response personnel, each child's authorized representative, and the local children's residential program office and each child's placement agency, as applicable.
- 2) Requires, in addition to any other licensing requirements in current law, a resource family, certified or licensed foster family home, or small family home to have an emergency and disaster plan that includes, but is not limited to, all of the following: evacuation procedures, identification of communication methods to be used in an emergency, the location of all utility shut-off valves and instructions for use, and a list containing the contact information of emergency response personnel, each child's authorized representative, and the local children's residential program office and each child's placement agency, as applicable.
- 3) Requires, in addition to any other licensing requirements in current law, as specified, a community care facility that serves adults and a residential community care facility for persons with chronic life-threatening illness to have an emergency and disaster plan that includes, but is not limited to, all of the following:
 - a) Evacuation procedures;
 - b) Transportation needs;
 - c) A list containing the contact information of emergency response personnel, each resident's authorized representative, the Community Care Licensing Division (CCLD) within the California Department of Social Services (CDSS), and transportation providers;
 - d) The location of all utility shut-off valves and instructions for use;
 - e) Process for communicating with residents, families, providers, and others, as appropriate;
 - f) Assistance with and administration of medications;
 - g) Storage and preservation of medications;

- h) Operation of assistive medical devices that operate on electric power;
 - i) A process for identifying residents with special needs; and,
 - j) Procedures for confirming the location of each resident during an emergency response.
- 4) Requires, for a community care facility that serves adults and for a residential community care facility for persons with chronic life-threatening illness that has an emergency and disaster plan that includes the use of a vehicle operated by the facility, the keys to the vehicle to be available to staff on all shifts.
- 5) Requires a community care facility that serves adults and a residential community care facility for persons with chronic life-threatening illness to:
- a) Have all of the following readily available to facility staff during an emergency, as specified: a resident roster that includes birthdates, an appraisal of each resident's needs and services plan, a medication list, and contact information for each resident's responsible party and physician;
 - b) Have a set of keys available to facility staff on each shift for access to specified areas and vehicles during an evacuation, and to have, by July 1, 2020, an evacuation chair at each stairwell;
 - c) Provide training on the plan, as specified, to each staff member upon hire and each year thereafter;
 - d) Review the plan annually and make updates as necessary, and secure a signature from the licensee or administrator to indicate that the review has taken place, as specified;
 - e) Make the plan available, with resident and employee information kept confidential, upon request to residents on-site, any responsible party for a resident, the local long-term care ombudsman, and local emergency responders.
- 6) Requires a community care facility that serves adults to conduct a quarterly drill for each shift, with the type of emergency covered in the drill varying from quarter to quarter, to include an evacuation drill involving residents at least once per year and, further, requires drills to be documented, as specified.
- 7) Requires a residential community care facility for persons with chronic life-threatening illness to conduct a quarterly drill for each shift, with the type of emergency covered in the drill varying from quarter to quarter, not to require actual evacuation of residents, and, further, requires drills to be documented, as specified.
- 8) Requires an applicant seeking a license for a new community care facility that serves adults or a new residential community care facility for persons with chronic life-threatening illness to submit the emergency and disaster plan with the initial license application.
- 9) Requires CDSS's CCLD to confirm, during annual licensing visits, that the emergency and disaster plan on file at a community care facility that serves adults or at a residential community care facility for persons with chronic life-threatening illness includes the required content.

- 10) Requires, in addition to any other licensing requirements in current law, as specified, a child care center licensee to have an emergency and disaster plan that includes, but is not limited to, all of the following: evacuation procedures, transportation needs, the location of all utility shut-off valves and instructions for use, and a list containing the contact information of emergency response personnel, each child's parent or authorized representative, and CCLD within CDSS.

EXISTING LAW:

- 1) Establishes the California Community Care Facilities Act to provide for the licensure and regulation of community care facilities. (Health and Safety Code [HSC] Section 1500 *et seq.*)
- 2) Defines "community care facility" to mean any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, individuals with physical disabilities or mental impairments and abused or neglected children. Includes within this definition, among a number of other facilities: adult day programs, foster family homes, small family homes, full-service adoption agencies, short-term residential therapeutic programs, and crisis nurseries. (HSC 1502 (a))
- 3) Requires residential care facilities for the elderly (RCFEs) to have an emergency and disaster plan containing a number of delineated items, to conduct quarterly drills, and to train staff on that plan, as specified. (HSC 1569.695)

FISCAL EFFECT: Unknown

COMMENTS:

Community care licensing: The CCLD within CDSS is charged with licensing and regulating a variety of community care facilities, defined in the California Health and Safety Code as "any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children" (HSC 1502). Community care facilities include an array of programs and settings, such as foster family agencies, foster family homes, adult day programs, social rehabilitation facilities, transitional shelters, group homes, runaway and homeless youth shelters, and others. CCLD also licenses and regulates facilities such as child care centers and residential care facilities for the elderly. There were approximately 72,000 CCLD-licensed facilities with the total capacity to serve almost 1.4 million Californians as of June 29, 2018.

Community care facility disaster preparedness and response: California has experienced a number of natural disasters in recent years. Fires, floods, and mudslides have been some of the most recent events afflicting the state, and, often, hitting its most vulnerable residents the hardest. Unfortunately, accompanying these events are occasional stories of latent, absent, or improper response on the part of community care facility administrators. Once such example comes from Santa Rosa, when, during the October 2017 Tubbs Fire, a number of elderly residents were left in two RCFEs when they should have been evacuated. In one of the facilities, four staff were found to not have been properly trained and to not have used (or, for at least one

employee, not to have known about) the emergency binder. Staff also had not participated in any drills. And, while there was a large-capacity bus on site, staff did not know where to locate the keys to the vehicle. In the end, family members of residents who had come to the facility, along with emergency responders, helped the remaining facility residents to evacuate using their own vehicles. In an 18-page legal notice, CDSS states that, “If these family members and emergency responders had not evacuated Villa Capri residents, more than 20 residents would have perished when Villa Capri burned to the ground after all staff left the facility.”

AB 3098 (Friedman), Chapter 348, Statutes of 2018, was adopted to help prevent situations like this by requiring RCFEs to have detailed emergency and disaster plans and to provide training on the plan to staff.

Need for this bill: This bill requires emergency and disaster plans to be developed and implemented for additional types of community care facilities, including community care facilities that serve children or nonminor dependents, resource families, certified or licensed foster family homes, small family homes, community care facilities that serve adults, residential care facilities for persons with chronic life-threatening illness, and child care centers.

According to the author, “California’s community care facilities serve some of our most vulnerable residents – young and old. While most expect these facilities to have emergency plans in place, in many cases, California law does not require detailed plans or training. [This bill] extends the same requirements that are in place for residential care facilities for the elderly to other licensed community care facilities. With comprehensive emergency and disaster plans and regular and thorough training for all staff, community care facilities can ensure that they are adequately prepared to respond to emergencies and keep Californians of all ages safe in the face of disaster.”

PRIOR LEGISLATION:

AB 3098 (Friedman), Chapter 348, Statutes of 2018, required RCFEs to have detailed emergency and disaster plans and to provide training on the plan to staff.

AB 749 (Wolk), Chapter 477, Statutes of 2008, required RCFEs licensed by the CDSS to have a specified emergency plan available to residents and local emergency responders and, further, required the DSS to confirm during licensing visits that the plan is on file at the facility.

AB 2101 (Wolk) of 2008 would have required RCFEs to develop emergency plans and makes specific requirements for providing notices to residents and potential residents in the event of rate increases. AB 2101 was held on the Assembly Appropriations Committee’s suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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