

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 665 (Eduardo Garcia) – As Amended April 12, 2021

**SUBJECT:** Residential care facilities for the elderly: resident rights: internet access

**SUMMARY:** Establishes provisions within the Residential Care Facility for the Elderly (RCFE) Resident's Bill of Rights relating to equipment and materials supplied by the licensed facility for use in certain activity programs, as specified. Specifically, **this bill:**

- 1) Establishes a RCFE resident's rights, in a facility with existing internet service, to have available at least one internet access tool with videoconferencing technology as part of the equipment and supplies provided to meet requirements of the resident's activity program, as specified.
- 2) Provides that the provisions describing a resident's right to an internet access tool do not limit the facility staff's authority to limit or deny access for security or staffing reasons.
- 3) Requires use of the internet access administered through these provisions to be administered in a manner that takes into account facility layout and staffing, as specified.
- 4) Makes technical changes.

**EXISTING LAW:**

- 1) Establishes the California Community Care Facilities Act (CCFA) and requires the California Department of Social Services (CDSS) to administer and license community care facilities providing nonmedical services, including Adult Residential Facilities (ARFs) and RCFEs, among others. (Health and Safety Code Section [HSC] 1500 et seq.)
- 2) Defines "residential facility" as any family home, group care facility, or similar facility determined by the department for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. (HSC 1502 (a)(1))
- 3) Defines a "residential care facility for the elderly" as a housing arrangement chosen voluntarily by persons 60 years of age or older, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. (HSC 1569.2 (o))
- 4) 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. (HSC 1502 (a))
- 5) Provides requirements for anyone seeking an RCFE license, including but not limited to filing with CDSS: evidence satisfactory to CDSS that the applicant is of reputable and

responsible character, as specified; evidence satisfactory to CDSS that the applicant has sufficient financial resources to maintain the standards of service required, as specified; disclosure of licensing and violation history, as specified; and, certain information related to other entities with ownership, administrative, or other business affiliations with the applicant. (HSC 1569.15)

- 6) Delineates the basic services a licensed RCFE is required to provide, as specified. (Welfare and Institutions Code Section [WIC] 1569.312)
- 7) Provides operating requirements for RCFEs relating to activities that develop the resident's full potential for independent living; further, requires facilities to supply materials and equipment to meet the needs of these activity programs, as specified. (22 California Code of Regulations 87219)
- 8) Establishes the "California RCFE Act", which requires facilities that provide personal care and supervision, protective supervision, or health-related services for persons 60 years of age or older who voluntarily choose to reside in that facility licensed by CDSS. (HSC 1569 *et seq.*)
- 9) States Legislative intent to adopt fundamental rights for all individuals residing in residential care facilities for the elderly and delineates specific rights to enhance each resident's autonomy. (HSC 1569.261)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Community Care Facilities:*** CCFA was enacted in 1973 and contains provisions for various community-based housing options for the elderly and disabled. The CCFA aimed to create a new system of community-based care for those who require additional supervision. These care facilities provide nonmedical services to individuals with disabilities, seniors, children in foster care, families who need early child education, and those with severe behavioral, emotional, or mental health disorders.

Facilities created under the CCFA are administered through CDSS. Within the department is the Community Care Licensing Division (CCLD), which is responsible for the facilities' direct oversight. The department is responsible for licensing facilities across programs and ensures regulatory compliance and enforcement when necessary. According to the state, the mission of the CCLD is to "promote the health, safety, and quality of life of each person in community care through the administration of an effective collaborative regulatory enforcement system."

**Residential Care Facility for the Elderly:** An RCFE is a specific type of facility established under the CCFA and licensed by CCLD that provides nonmedical care and supervision to individuals with certain daily living needs. RCFEs typically provide support to those 60 years or older who do not need 24-hour services, with populations that often have functional or cognitive impairments that limit their ability to live independently. An outside medical professional manages residents' medical conditions within RCFEs, and facility staff helps complete daily living tasks.

***Coronavirus Pandemic Impact on Aging Californians:*** In March 2020, Governor Gavin Newsom declared a state of emergency in response to the global COVID-19 pandemic. With over 500,000 deaths resulting from coronavirus across our country, the illness continues to impact every aspect of daily life. Seniors and those in communal living facilities have been particularly devastated by the effects of COVID-19. Due to various factors, including shared living spaces, underlying health conditions, and a shortage in the care workforce, California's elderly and the programs that support them have been particularly strained over the last year. Several regulations to mitigate the virus's spread have unfortunately resulted in increased senior isolation for both those residing in assisted living facilities and those aging in their community. Facilities have adapted visiting policies, reduced access to socialization activities, and made several other changes with the ultimate goal of keeping individuals' risk of exposure to COVID-19 as low as possible. The departments responsible for communal living facilities continue to partner with stakeholders and public health officials to update regulations and recommendations to serve their residents in these changing times.

***Need for this bill:*** This bill would require RCFE facilities with existing internet service to provide access to at least one internet access tool in the materials and equipment currently required for purposes of specified activity programs. Isolation has been shown to impact health outcomes throughout various age groups, with seniors quickly declining with decreased socialization. By requiring facilities that have internet service to offer access through the activities described in current regulations, individuals in RCFEs would have codified access to virtual social activities, which could result in decreased reports of isolation.

According to the author, "The COVID-19 pandemic has shown the importance of the internet for everyday life. Seniors in RCFEs without an internet access tool may face challenges in acquiring telehealthcare, government services, or connecting with loved ones. Our seniors cannot afford to lose access to the internet when they move to RCFEs. Studies have shown that people over the age of 60 experiencing loneliness are at greater risk of declining health and even death. During the pandemic, loneliness and isolation can be heightened for seniors living in RCFEs. While restricting physical contact and social interaction for residents can stop the spread of COVID-19, it places some residents at a greater risk for worsening physical and mental conditions. With an internet access tool, residents can safely connect with their family and engage in virtual community programs."

#### **RELATED AND PRIOR LEGISLATION:**

***AB 1300 (Voepel) of 2021,*** would enact the "Electronic Monitoring in Residential Care Facilities for the Elderly Act" to allow for use of a personal electronic monitoring device inside a resident's room, as specified. AB 1300 is pending in the Assembly Human Services Committee.

***AB 3138 (Waldron) of 2020,*** would have enacted the "Electronic Monitoring in Residential Care Facilities for the Elderly Act" to allow for use of a personal electronic monitoring device inside a resident's room, as specified. AB 3138 was held in the Assembly Aging and Long Term Care Committee.

***AB 2171 (Wieckowski) Chapter 702, Statutes of 2014,*** establishes a bill of rights for residents of RCFEs in order to strengthen a resident's right to make choices about his or her care, treatment, and daily life in the facility, ensure that the resident's choices are respected, and protect residents from physical or mental abuse, neglect, restraint, exploitation, or endangerment.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Assisted Living Association  
California Association of Long Term Care Medicine  
California Long-term Care Ombudsman Association  
LeadingAge California  
Retired Public Employees Association

**Opposition**

None on file

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