RN1716720 **AP 17**

**INTRODUCED BY SENIOR ASSEMBLY MEMBER BLOCH**

Legislative Counsel’s Digest

AP 17: SENIOR FACILITIES STUDY.

UNDER EXISTING LAW, THE STATE DEPARTMENT OF PUBLIC HEALTH LICENSES AND REGULATES HEALTH FACILITIES, INCLUDING SKILLED NURSING FACILITIES. EXISTING LAW, THE CALIFORNIA RESIDENTIAL CARE FACILITIES FOR THE ELDERLY ACT, PROVIDES FOR THE LICENSURE AND REGULATION OF RESIDENTIAL CARE FACILITIES FOR THE ELDERLY BY THE STATE DEPARTMENT OF SOCIAL SERVICES.

EXISTING LAW, THE MELLO-GRANLUND OLDER CALIFORNIANS ACT, ESTABLISHES THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN IN THE CALIFORNIA DEPARTMENT OF AGING. EXISTING LAW PROVIDES FOR THE LONG-TERM CARE OMBUDSMAN PROGRAM UNDER WHICH FUNDS ARE ALLOCATED TO LOCAL OMBUDSMAN PROGRAMS TO ASSIST ELDERLY PERSONS IN LONG-TERM CARE FACILITIES BY, AMONG OTHER THINGS, INVESTIGATING AND SEEKING TO RESOLVE COMPLAINTS AGAINST THESE FACILITIES.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION THAT WOULD AUTHORIZE A STUDY OF CARE AND STAFFING ISSUES RELATED TO SENIOR FACILITIES, INCLUDING, BUT NOT LIMITED TO, BOARDING HOME LICENSING, FACILITY AUDITS THROUGH THE LONG-TERM CARE OMBUDSMAN PROGRAM, AND LANGUAGE PROFICIENCY REQUIREMENTS FOR FACILITY STAFF.

VOTE MAJORITY.

AP 17: RELATING TO HEALTH FACILITIES

WHEREAS, THE STATE OF CALIFORNIA HAS MORE THAN 1,200 SKILLED NURSING FACILITIES AND MORE THAN 8,100 RESIDENTIAL CARE FACILITIES FOR THE ELDERLY, ALSO KNOWN AS ASSISTED LIVING FACILITIES OR BOARD AND CARE HOMES; AND

WHEREAS, IN 2014, 6.8 PERCENT OF CALIFORNIA’S POPULATION LIVED IN A LONG-TERM CARE FACILITY, WHICH INCLUDES, BUT IS NOT LIMITED TO, SKILLED NURSING FACILITIES; AND

WHEREAS, HEALTH DEFICIENCIES IN FACILITIES PUT THE LIVES OF ELDERLY RESIDENTS AT RISK. THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AGENCY REPORTED THAT, IN 2014, ONLY 2.2 PERCENT OF CALIFORNIA LONG-TERM CARE FACILITIES DID NOT HAVE A HEALTH DEFICIENCY; AND

WHEREAS, WHEN POSSIBLE, SKILLED NURSING FACILITIES AND FACILITIES FOR THE ELDERLY SHOULD STRIVE TO IMPROVE RESIDENTS’ LIVES SO THAT THEY MAY RETURN TO THEIR HOMES; AND

WHEREAS, CALIFORNIA LICENSES AND REGULATES SKILLED NURSING FACILITIES AND RESIDENTIAL CARE FACILITIES FOR THE ELDERLY, BUT DOES NOT LICENSE FACILITIES THAT DO NOT PROVIDE 24-HOUR SUPERVISION, LIKE BOARDING HOMES; AND

WHEREAS, THE STATE SHOULD STUDY THE EFFICACY OF LICENSING AND REGULATING ALL FACILITIES THAT HOUSE THE ELDERLY TO ENSURE RESIDENTS’ WELL-BEING AND FACILITATE RESIDENTS’ ABILITY TO RETURN HOME WHEN POSSIBLE; AND

WHEREAS, IN THE 2011–12 FISCAL YEAR, THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN (STATE OMBUDSMAN) RECEIVED AND INVESTIGATED 40,146 COMPLAINTS, OF WHICH 5,966 INVOLVED ABUSE OR NEGLECT; AND

WHEREAS, IN MANY CASES, RESIDENTS OF FACILITIES DO NOT HAVE FAMILY OR FRIENDS AND ARE DEPENDENT ON THE STATE OMBUDSMAN TO ACT AS AN ADVOCATE AND PROVIDE PROTECTIONS AGAINST ABUSE AND NEGLECT; AND

WHEREAS, WHILE THE STATE OMBUDSMAN IS MANDATED TO PROVIDE UNANNOUNCED FREQUENT VISITS TO FACILITIES, ONLY 56 PERCENT OF SKILLED NURSING FACILITIES AND 19 PERCENT OF RESIDENTIAL CARE FACILITIES FOR THE ELDERLY RECEIVE A VISIT FROM AN OMBUDSMAN THAT IS NOT IN RESPONSE TO A COMPLAINT; AND

WHEREAS, THE INCREASED PRESENCE OF AN OMBUDSMAN INCREASES THE REPORTING OF ABUSE AND NEGLECT, BUT INFREQUENT VISITS TO FACILITIES RESULTS IN ESCALATED INCIDENCES OF ABUSE AND NEGLECT THAT GO UNREPORTED OR UNRESOLVED, RESULTING IN DIRE AND LOW QUALITY OF CARE SITUATIONS; AND

WHEREAS, THE STATE SHOULD STUDY WHETHER REGULAR VISITS TO ALL TYPES OF SENIOR FACILITIES FROM AN OMBUDSMAN OR OTHER REGULAR AUDITS COULD REDUCE CASES OF ABUSE AND NEGLECT; AND

WHEREAS, FURTHER, ACCORDING TO THE UNITED STATES CENSUS BUREAU, IN 2011, 43.8 PERCENT OF CALIFORNIANS SPOKE A LANGUAGE OTHER THAN ENGLISH AT HOME AND 25 PERCENT OF THOSE CALIFORNIANS IDENTIFIED THAT THEY SPOKE ENGLISH “NOT WELL” OR “NOT AT ALL”; AND

WHEREAS, A UNIVERSITY OF CALIFORNIA, SAN FRANCISCO STUDY SHOWED THAT 43 PERCENT OF OLDER ADULTS FEEL LONELY, BUT ONLY 18 PERCENT LIVE ALONE; AND

WHEREAS, RESIDENTS OF SKILLED NURSING FACILITIES AND FACILITIES FOR THE ELDERLY MAY DEPEND ON STAFF FOR ASSISTANCE WITH READING OR WRITING; AND

WHEREAS, HOUSEKEEPING OR JANITORIAL STAFF AT SKILLED NURSING FACILITIES AND FACILITIES FOR THE ELDERLY MAY SPEND MORE TIME INTERACTING WITH RESIDENTS THAN THEIR CAREGIVERS, BUT THOSE STAFF MAY NOT BE ABLE TO SPEAK, READ, OR WRITE IN A PROFICIENT MANNER; AND

WHEREAS, THE STATE SHOULD STUDY WHETHER LANGUAGE PROFICIENCY REQUIREMENTS FOR ALL STAFF AT SKILLED NURSING FACILITIES AND FACILITIES FOR THE ELDERLY WOULD IMPROVE QUALITY OF LIFE FOR RESIDENTS; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR ASSEMBLY AND THE SENIOR SENATE, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2017 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT A STUDY BE UNDERTAKEN TO EXAMINE CARE AND STAFFING ISSUES AT SENIOR FACILITIES, INCLUDING, BUT NOT LIMITED TO, BOARDING HOME LICENSING, FACILITY AUDITS, AND LANGUAGE PROFICIENCY REQUIREMENTS FOR FACILITY STAFF, AND TO DETERMINE WHETHER CHANGES WOULD INCREASE CARE COSTS OR IMPROVE CARE FOR SENIORS; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE SPEAKER OF THE ASSEMBLY, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE GOVERNOR OF THE STATE OF CALIFORNIA.