

Date of Hearing: April 17, 2018

ASSEMBLY COMMITTEE ON AGING AND LONG-TERM CARE

Ash Kalra, Chair

AB 3098 (Friedman) – As Amended April 9, 2018

SUBJECT: Residential care facilities for the elderly: emergency plans.

SUMMARY: This bill requires a residential care facility for the elderly shall have an emergency plan. Specifically, **this bill:**

- 1) Requires a residential care facility for the elderly (RCFE) shall have an emergency plan.
- 2) Requires the emergency plan to include at least two shelter locations for housing residents during an evacuation, with one of the locations being outside of the immediate area.
- 3) Requires 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 short-term or long-term power failure.
- 4) Requires procedures for the storage and preservation of medications, including the storage of medications that require refrigeration.
- 5) Requires a licensee facility to provide training on the emergency plan to each staff member upon hire, and annually thereafter.
- 6) Requires that if the facility plans to shelter in place and one or more utilities, including water, sewer, gas, or electricity, is not available, the facility shall have a plan and supplies available to provide alternative resources during an outage.
- 7) Requires a licensee facility to review the plan annually, as specified, and to conduct drills for various emergency situations at least once every 3 months quarterly for each shift.
- 8) Requires the facility to make the emergency plan available on site to residents, and upon request, to any responsible party of a resident and the local long-term care ombudsman.
- 9) Encourages a facility to have the emergency plan reviewed by local emergency authorities.

EXISTING LAW:

- 1) Provides for the licensure and regulation of residential care facilities for the elderly by the California State Department of Social Services.
- 2) Requires a facility to have an emergency plan that includes specified provisions and is available, upon request, to resident's onsite and available to local emergency responders.
- 3) Exempts a facility that has obtained a certificate of authority to offer continuing care contracts from this requirement. A violation of these provisions is punishable as a misdemeanor.

FISCAL EFFECT: This bill has not yet been analyzed by a fiscal committee.

COMMENTS:

Author’s Statement: “California’s residential care facilities for the elderly serve tens of thousands older adults and adults with disabilities in communities across the state. While every facility is required to have a disaster plan in place whether they serve 6 or 600 residents, that plan is only effective if staff and residents know what to do during an emergency. AB 3098 is a straightforward bill that requires all facilities to hold drills on a regular basis to ensure that when disaster strikes, whether it’s a wildfire, earthquake, or a flood, everyone is ready.”

BACKGROUND:

California’s network of RCFEs consists of small homes serving a handful of residents to larger assisted living facilities that can house over 100 residents in communities across the state. Facilities provide a special combination of housing, personalized supportive services, and 24-hour staff designed to respond to the individual needs of those who require help with activities of daily living.

RCFEs are licensed through the California Department of Social Services and governed by a robust set of laws and regulations. The regulatory framework is designed to promote resident independence and self-direction to the greatest extent possible in a residential, non-medical setting. The oversight extends to how facilities function in the event of an emergency.

RCFEs are required to have thorough disaster plans in place prior to opening their doors to residents as part of their licensing process. During the wildfires and natural disasters in 2017, RCFEs in both Northern and Southern California had to put their preparedness plans to the test through full-scale evacuations and coordination with local emergency responders.

Argument in Support: In a letter from the California Assisted Living Association, LeadingAge California, and 6Beds, Inc., they state “RCFE staff and residents responded heroically to the unprecedented natural disasters California experienced last year. ... We are all grateful for everyone’s planning and hard work and seek to build on this experience.

“As we reflect on what contributed to a successful response and areas that could be strengthened, our organizations have identified approaches that should be incorporated statewide for all RCFEs. Appropriate emergency response varies depending upon type and scope of emergency, geographic location, facility size and building type, and instruction from local emergency personnel. What is consistent, however, is the value of advance planning, practice, and process. This bill represents a collaborative effort to build upon prior legislation and further strengthen emergency preparedness.”

Argument in Opposition: None.

REGISTERED SUPPORT / OPPOSITION:

Support

Alzheimer’s Association
California Assisted Living Association (CALA) – Co-Sponsor
LeadingAge California – Co-Sponsor

6Beds, Inc. – Co-Sponsor
County of San Diego

Opposition

None on file.

Analysis Prepared by: Barry Brewer / AGING & L.T.C. / (916) 319-3990