

CONCURRENCE IN SENATE AMENDMENTS

AB 2119 (Flora)

As Amended August 11, 2022

Majority vote

SUMMARY

Original Committee of Reference: M. & V.A.

Authorizes the California Department of Social Services (CDSS) to establish a program to issue licenses for medical foster homes for veterans as allowed under the United States Department of Veterans Affairs (USDVA) and delineates the administrative requirements for the program.

Senate Amendments

Current Committee Recommendation: Concur

- 1) State Legislative intent to authorize CDSS to license medical foster homes for veterans.
- 2) Define specified terms for the purposes of the medical foster care home program.
- 3) Authorize CDSS to establish a medical foster home for veterans program, subject to licensure and regulation by CDSS, as specified, no sooner than July 1, 2024.
- 4) Require a licensee to provide data, information, and case files to CDSS upon request, for the purpose of evaluating the program. Further, requires CDSS to develop criteria to evaluate how the medical foster home benefits veteran residents.
- 5) Require any person who operates, establishes, manages, conducts or maintains a medical foster home to be licensed by CDSS, as specified.
- 6) Provide the requirements for an application for a license of a medical foster home. Further provide that prior to licensure, applicants and specified individuals who have contact with the client shall be subject to and complete a background check, as specified.
- 7) Provide that CDSS may deny, suspend, or revoke a license under specified circumstances.
- 8) Provide that a license shall be forfeited when the licensee sells or transfers the home, surrenders the license, moves the home from one location to another, or dies, or if the USDVA revokes its approval of a medical foster home for veterans.
- 9) Establish inspection, complaint, and correction procedures for medical foster homes licensed under CDSS, as specified.
- 10) Delineate the requirements of CDSS in the administration and licensing of the medical foster home program, as specified.
- 11) Prohibit an unlicensed medical foster home for veterans from operating in the state. Further, provide penalties that a medical foster home will face if they fail to receive a license from CDSS or if specific circumstances occur that put the home residents at risk of harm.
- 12) Outline the training requirements for a medical foster home caregiver.

- 13) Provide that until regulations are adopted CDSS may implement and administer licensing of medical foster homes through the issuance of written directives, as specified

COMMENTS

Medical Foster Homes: The USDVA currently recognizes and approves medical foster homes as a placement for veterans that need caregiver assistance to complete daily living activities. A medical foster home is a privately owned residence that provides an alternative to nursing homes for veterans who are unable to remain in their own home due to medical necessity. Caregivers include couples, families, retirees, and widowed seniors. The VA Medical Foster Home Program is only available in areas where local VA hospitals have started a program and foster-home caregivers have been approved. Currently, about half of the VA medical centers elect to establish and maintain a medical foster home program. Some medical foster homes host more than one veteran, and each local program has guidelines on size limits and requirements of a home.

In order to participate in the medical foster home program, a veteran must be enrolled in a specific type of VA health plan known as the VA Home Based Primary Care. The USDVA is responsible for administering VA Home Based Primary Care, including training caregivers that participate. Caregivers in the medical foster home program are available to a veteran 24 hours a day, 7 days a week for assistance with daily living activities, and the USDVA provides the individual with their medical care through the VA Home Based Primary Care program. Veterans are responsible for the cost of services provided in a medical foster home and payment is made directly to the responsible caregiver.

California Medical Foster Homes: The federal medical foster homes program gives states the authority to implement the medical foster home program and the ability to decide whether to use an existing community care infrastructure or establish a new infrastructure to implement the program. California authorized the development of a statewide medical foster home pilot program in 2014 through AB 1821 (Gordon), Chapter 650, Statutes of 2014. AB 1821 included a sunset date of January 1, 2018, and a requirement that the State Auditor performs an audit of the program; however, the authority granted by AB 1821 was never exercised by the state, and the language was removed from code upon the sunset date.

Community Care Facilities Act (CCFA): The CCFA, enacted in 1973, contains the provisions for a variety of community-based housing options for the elderly and disabled. CCFA seeks to provide a new system of community-based care for those who require additional supervision and services that are determined to be nonmedical. Facilities established under CCFA provide care to individuals with disabilities, seniors, children in foster care, families who need early child education, and those with severe behavioral, emotional, or mental disorders.

Community Care Licensing Division (CCLD): Facilities created under the CCFA are administered through CCLD within CDSS. CCLD is responsible for the licensing of a variety of community care facilities. In addition to licensing, the division ensures regulatory compliance and enforcement when necessary. According to the division's website, the mission of 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." A variety of facilities fall under the purview of this division, including adult day programs, transitional shelters, group homes, foster family homes, homeless youth shelters, child care centers, and others.

Within CCLD, two different branches are involved in the regulation of community care providers. The Adult and Senior Care Program is responsible for monitoring the compliance of providers with Community Care Licensing laws and regulations regarding accommodations, care and supervision of residents, and quality of service. The Continuing Care Branch of CCLD has purview over CCRC application process and monitors facility financials and contractual obligations. All providers that offer continuing care contracts must first obtain a certificate of authority and a residential care facility for the elderly (RCFE) license.

Residential Care Facility for the Elderly: An RCFE, licensed by CCLD as a type of licensed residential facility, is categorized as providing nonmedical care and supervision to individuals with specific daily living needs. These facilities primarily offer support to those 60 years or older who do not need 24-hour services. RCFE populations often have functional and cognitive impairments that limit their ability to complete various living tasks, but their medical conditions are managed either by themselves or by an outside medical professional. An RCFE may additionally be licensed as a residential care facility, allowing them to take in residents who need a hospice level of care.

Need for this bill: This bill would authorize CDSS to establish a program for the licensure and administration of medical foster homes for veterans. Medical foster homes are offered through the USDVA as housing for veterans who need assistance with daily living and medical services but prefer not to enter a skilled nursing facility. As the cost of housing and medical care rise, the state must continue to implement reasonable options for those who want to age in their community. The USDVA offers the medical foster home program to meet this need for veterans; however, federal oversight of the homes and care providers is limited. As California has worked to strengthen its long-term care infrastructure over the last few years, the state has also developed strict regulations regarding the quality of care and the environment in which it is provided. To ensure consistency and that all Californians are able to age with dignity in a safe environment, our structure for a medical foster home program must be licensed by the same department responsible for the administration of other community care options. This bill will allow CDSS to develop a licensed medical foster home program to better serve vulnerable veterans' housing and care needs.

According to the Author

"[This bill] establishes the Medical Foster Home program and gives veterans options on how and where they would like to age. California families are ready and willing to open their homes to veterans, giving them the option to live out the rest of their days in a family setting rather than that of an institution. They are ready to serve those who have served, and [this bill] will make this possible."

Arguments in Support

None on file

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee, CDSS estimates annual General Fund costs of \$2.2 million in the first year and \$2.0 million ongoing to develop and implement the medical foster home licensing category.

VOTES**ASM MILITARY AND VETERANS AFFAIRS: 8-0-1**

YES: Ramos, Voepel, Boerner Horvath, Daly, Mathis, Muratsuchi, Petrie-Norris, Smith

ABS, ABST OR NV: Salas

ASM APPROPRIATIONS: 16-0-0

YES: Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

ASSEMBLY FLOOR: 76-0-2

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

ABS, ABST OR NV: Berman, O'Donnell

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ASM HUMAN SERVICES: 8-0-0

YES: Calderon, Davies, Arambula, Mia Bonta, Bryan, Stone, Villapudua, Waldron

UPDATED

VERSION: August 11, 2022

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FN: 0004172