ASSEMBLY BILL No. 550

Introduced by Assembly Members Flora and Berman

February 13, 2019

An act to add and repeal Chapter 5 (commencing with Section 1850) of Division 8 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as introduced, Flora. Veterans: Medical Foster Home Pilot Program.

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans. Existing law provides for the licensure of residential care facilities for the elderly, community care facilities, and residential care facilities for persons with chronic, life-threatening illness by the State Department of Social Services. Existing law exempts from the application of these provisions specified facilities, including general acute care hospitals and clinics. Existing law authorizes the California State Auditor, upon the request by the Joint Legislative Audit Committee and to the extent funding is available, to audit a state or local governmental agency, as defined, or any other publicly created entity.

This bill would establish the Medical Foster Home Pilot Program until January 1, 2023, under which a United States Department of Veterans Affairs (USDVA) facility may establish a medical foster home that is not subject to licensure or regulation as a residential care facility for the elderly, a community care facility, or a residential care facility for persons with chronic, life-threatening illness, pursuant to specified federal requirements. The bill would require a USDVA facility establishing the home to agree to be subject to the jurisdiction of the

California State Auditor, and would require a medical foster home caregiver or an individual, other than a veteran resident, who is over 18 years of age and is residing in the medical foster home to be a registered independent home care aid, as specified. The bill would state the intent of the Legislature that the California State Auditor, in response to a request to the Joint Legislative Audit Committee, conduct an audit evaluating the pilot program created by this bill no sooner than January 1, 2021, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to expand the United States Department of Veterans Affairs medical foster home program in California by authorizing the United States Department of Veterans Affairs facilities in the state to establish medical foster homes that are exempt from regulation under the California Residential Care Facilities for the Elderly Act, the California Community Care Facilities Act, and Chapter 3.01 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code.

SEC. 2. Chapter 5 (commencing with Section 1850) is added to Division 8 of the Military and Veterans Code, to read:

Chapter 5. Medical Foster Home Pilot Program

1850. This chapter shall be known and may be cited as the Medical Foster Home Pilot Program.

1851. The following definitions shall apply for purposes of this chapter:

(a) "Medical foster home" has the same meaning as that term is defined in Section 17.73 of Title 38 of the Code of Federal Regulations.

(b) "Medical foster home caregiver" means the primary person who provides care to a veteran resident in a medical foster home.

(c) "USDVA facility" means a United States Department of Veterans Affairs facility.

(d) "Veteran resident" has the same meaning as that term is defined in Section 17.73 of Title 38 of the Code of Federal Regulations.

1852. A USDVA facility may establish a medical foster home program in California pursuant to this chapter no sooner than June 1, 2020. A medical foster home established pursuant to that program is not subject to licensure or regulation under the California Residential Care Facilities for the Elderly Act (Chapter 3.2 (commencing with Section 1569) of Division 2 of the Health and Safety Code), the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code), or Chapter 3.01 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code if all of the following requirements are satisfied:

(a) The medical foster home meets the requirements of Sections 17.73 and 17.74 of Title 38 of the Code of Federal Regulations.

(b) The USDVA facility submits or has submitted a proposal to establish a medical foster home program to the Director of Home and Community-Based Care in Geriatrics and Extended Care Services in the Central Office of the USDVA and that director authorizes or has authorized the program.

(c) The USDVA facility establishing the foster home agrees to be subject to the jurisdiction of the California State Auditor for the purpose of evaluating the program created under this chapter. Consistent with this agreement, the USDVA facility shall provide data, information, and case files as requested by the California State Auditor to perform all of the California State Auditor's duties in evaluating the program created under this chapter.

(d) A medical foster home caregiver or an individual, other than a veteran resident, who is over 18 years of age and is residing in the medical foster home shall be a registered independent home care aid, pursuant to Chapter 13 of Division 2 of the Health and Safety Code (commencing with Section 1796.10).

1853. It is the intent of the Legislature that the California State Auditor, in response to a request to the Joint Legislative Audit Committee, conduct an audit that assesses and evaluates the pilot program created by this chapter no sooner than January 1, 2021. It is the intent of the Legislature that the audit be used to do both of the following:

(a) Evaluate the success of the pilot program by confirming that the USDVA facilities are meeting their goals and standards.

(b) Make recommendations to the Legislature regarding the continuation of the program, including, but not limited to,

recommendations regarding changes or reforms needed for improvement of the program.

1854. This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

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