

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 665**

---

---

**Introduced by Assembly Member Eduardo Garcia**

February 12, 2021

---

---

An act to amend Section ~~1569.312~~ 1569.269 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 665, as amended, Eduardo Garcia. Residential care facilities for the elderly: basic services: resident rights: internet access.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. A violation of these provisions is a misdemeanor. Existing law requires a licensed residential care facility for the elderly to provide specified basic services, including, but not limited to, care and supervision, and helping residents gain access to appropriate supportive services.

*The California Residential Care Facilities for the Elderly Act (act) requires the State Department of Social Services to license, inspect, and regulate residential care facilities for the elderly and imposes criminal penalties on a person who violates the act or who willfully or repeatedly violates any rule or regulation adopted under the act. The act enumerates specific rights and liberties for residents that are to be posted inside the facility and personally provided to each resident. These rights include, among others, being granted a reasonable level of personal privacy in accommodations, medical treatment, personal care and assistance, visits, communications, telephone conversations, use of the internet, and meetings of resident and family groups.*

This bill would add to basic services required for a licensed residential care facility for the elderly, by requiring a facility that has internet service for business administration or entertainment purposes to provide at least one common internet access tool with microphone and camera functions, to enable residents to participate in virtual visits or meetings in a manner that allows for discussion of personal or confidential information. *those rights the right to have available at least one internet access tool with videoconference technology as part of the equipment and supplies provided to meet the requirements of the facility's activity program, consistent with a specified regulation.* Because a violation of the bill would be a misdemeanor, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1        SECTION 1. Section 1569.312 of the Health and Safety Code  
2 is amended to read:  
3        1569.312. A facility required to be licensed under this chapter  
4 shall provide at least the following basic services:  
5        (a) Care and supervision, as defined in Section 1569.2.  
6        (b) Assistance with instrumental activities of daily living in the  
7 combinations that meet the needs of residents.  
8        (c) Helping residents gain access to appropriate supportive  
9 services, as defined, in the community.  
10      (d) Being aware of the resident's general whereabouts, although  
11 the resident may travel independently in the community.  
12      (e) Monitoring the activities of the residents while they are  
13 under the supervision of the facility to ensure their general health,  
14 safety, and well-being.  
15      (f) Encouraging the residents to maintain and develop their  
16 maximum functional ability through participation in planned  
17 activities.

1       (g) A facility that has internet service for business administration  
2 or entertainment purposes shall provide at least one common  
3 internet access tool, such as a computer, with microphone and  
4 camera functions to enable residents to participate in virtual visits  
5 or meetings in a manner that allows for discussion of personal or  
6 confidential information.

7       *SECTION 1. Section 1569.269 of the Health and Safety Code*  
8       *is amended to read:*

9       1569.269. (a) Residents of residential care facilities for the  
10 elderly shall have all of the following rights:

11       (1) To be accorded dignity in their personal relationships with  
12 staff, residents, and other persons.

13       (2) To be granted a reasonable level of personal privacy in  
14 accommodations, medical treatment, personal care and assistance,  
15 visits, communications, telephone conversations, use of the  
16 Internet, and meetings of resident and family groups.

17       (3) To confidential treatment of their records and personal  
18 information and to approve their release, except as authorized by  
19 law.

20       (4) To be encouraged and assisted in exercising their rights as  
21 citizens and as residents of the facility. Residents shall be free  
22 from interference, coercion, discrimination, and retaliation in  
23 exercising their rights.

24       (5) To be accorded safe, healthful, and comfortable  
25 accommodations, furnishings, and equipment.

26       (6) To care, supervision, and services that meet their individual  
27 needs and are delivered by staff that are sufficient in numbers,  
28 qualifications, and competency to meet their needs.

29       (7) To be served food of the quality and in the quantity necessary  
30 to meet their nutritional needs.

31       (8) To make choices concerning their daily life in the facility.

32       (9) To fully participate in planning their care, including the right  
33 to attend and participate in meetings or communications regarding  
34 the care and services to be provided in accordance with Section  
35 1569.80, and to involve persons of their choice in the planning  
36 process. The licensee shall provide necessary information and  
37 support to ensure that residents direct the process to the maximum  
38 extent possible, and are enabled to make informed decisions and  
39 choices.

1       (10) To be free from neglect, financial exploitation, involuntary  
2 seclusion, punishment, humiliation, intimidation, and verbal,  
3 mental, physical, or sexual abuse.

4       (11) To present grievances and recommend changes in policies,  
5 procedures, and services to the staff of the facility, the facility's  
6 management and governing authority, and to any other person  
7 without restraint, coercion, discrimination, reprisal, or other  
8 retaliatory actions. The licensee shall take prompt actions to  
9 respond to residents' grievances.

10     (12) To contact the State Department of Social Services, the  
11 long-term care ombudsman, or both, regarding grievances against  
12 the licensee. The licensee shall post the telephone numbers and  
13 addresses for the local offices of the State Department of Social  
14 Services and ombudsman program, in accordance with Section  
15 9718 of the Welfare and Institutions Code, conspicuously in the  
16 facility foyer, lobby, residents' activity room, or other location  
17 easily accessible to residents.

18     (13) To be fully informed, as evidenced by the resident's written  
19 acknowledgement, prior to or at the time of admission, of all rules  
20 governing residents' conduct and responsibilities. In accordance  
21 with Section 1569.885, all rules established by a licensee shall be  
22 reasonable and shall not violate any rights set forth in this chapter  
23 or in other applicable laws or regulations.

24     (14) To receive in the admission agreement a comprehensive  
25 description of the method for evaluating residents' service needs  
26 and the fee schedule for the items and services provided, and to  
27 receive written notice of any rate increases pursuant to Sections  
28 1569.655 and 1569.884.

29     (15) To be informed in writing at or before the time of admission  
30 of any resident retention limitations set by the state or licensee,  
31 including any limitations or restrictions on the licensee's ability  
32 to meet residents' needs.

33     (16) To reasonable accommodation of individual needs and  
34 preferences in all aspects of life in the facility, except when the  
35 health or safety of the individual or other residents would be  
36 endangered.

37     (17) To reasonable accommodation of resident preferences  
38 concerning room and roommate choices.

1       (18) To written notice of any room changes at least 30 days in  
2 advance unless the request for a change is agreed to by the resident,  
3 required to fill a vacant bed, or necessary due to an emergency.

4       (19) To share a room with the resident's spouse, domestic  
5 partner, or a person of resident's choice when both spouses,  
6 partners, or residents live in the same facility and consent to the  
7 arrangement.

8       (20) To select their own physicians, pharmacies, privately paid  
9 personal assistants, hospice agency, and health care providers, in  
10 a manner that is consistent with the resident's contract of admission  
11 or other rules of the facility, and in accordance with this act.

12      (21) To have prompt access to review all of their records and  
13 to purchase photocopies. Photocopied records shall be promptly  
14 provided, not to exceed two business days, at a cost not to exceed  
15 the community standard for photocopies.

16      (22) To be protected from involuntary transfers, discharges, and  
17 evictions in violation of state laws and regulations. Facilities shall  
18 not involuntarily transfer or evict residents for grounds other than  
19 those specifically enumerated under state law or regulations, and  
20 shall comply with enumerated eviction and relocation protections  
21 for residents. For purposes of this paragraph, "involuntary" means  
22 a transfer, discharge, or eviction that is initiated by the licensee,  
23 not by the resident.

24      (23) To move from a facility.

25      (24) To consent to have relatives and other individuals of the  
26 resident's choosing visit during reasonable hours, privately and  
27 without prior notice.

28      (25) To receive written information on the right to establish an  
29 advanced health care directive and, pursuant to Section 1569.156,  
30 the licensee's written policies on honoring those directives.

31      (26) To be encouraged to maintain and develop their fullest  
32 potential for independent living through participation in activities  
33 that are designed and implemented for this purpose, in accordance  
34 with Section 87219 of Title 22 of the California Code of  
35 Regulations.

36      (27) To organize and participate in a resident council that is  
37 established pursuant to Section 1569.157.

38      (28) To protection of their property from theft or loss in  
39 accordance with Sections 1569.152, 1569.153, and 1569.154.

1       (29) To manage their financial affairs. A licensee shall not  
2 require residents to deposit their personal funds with the licensee.  
3 Except as provided in approved continuing care agreements, a  
4 licensee, or a spouse, domestic partner, relative, or employee of a  
5 licensee, shall not do any of the following:

6       (A) Accept appointment as a guardian or conservator of the  
7 person or estate of a resident.

8       (B) Become or act as a representative payee for any payments  
9 made to a resident, without the written and documented consent  
10 of the resident or the resident's representative.

11     (C) Serve as an agent for a resident under any general or special  
12 power of attorney.

13     (D) Become or act as a joint tenant on any account with a  
14 resident.

15     (E) Enter into a loan or promissory agreement or otherwise  
16 borrow money from a resident without a notarized written  
17 agreement outlining the terms of the repayment being given to the  
18 resident.

19     (30) To keep, have access to, and use their own personal  
20 possessions, including toilet articles, and to keep and be allowed  
21 to spend their own money, unless limited by statute or regulation.

22     (31) *In a facility with existing internet service, to have available  
23 at least one internet access tool with videoconference technology  
24 as part of the equipment and supplies provided to meet the  
25 requirements of the activity program, consistent with Section 87219  
26 of Title 22 of the California Code of Regulations.*

27     (A) *This paragraph does not limit the authority of the facility  
28 staff to limit or deny access to the internet access tool for security  
29 or staffing reasons.*

30     (B) *Use of the internet access tool shall be administered in a  
31 manner that takes into account facility layout and staffing. This  
32 subparagraph shall not be construed to unreasonably limit  
33 residents' use of the internet access tool.*

34     (b) A licensed residential care facility for the elderly shall not  
35 discriminate against a person seeking admission or a resident based  
36 on sex, race, color, religion, national origin, marital status,  
37 registered domestic partner status, ancestry, actual or perceived  
38 sexual orientation, or actual or perceived gender identity.

39     (c) No provision of a contract of admission, including all  
40 documents that a resident or his or her the resident's representative

1 is required to sign as part of the contract for, or as a condition of,  
2 admission to a residential care facility for the elderly, shall require  
3 that a resident waive benefits or rights to which ~~he or she is they~~  
4 are entitled under this chapter or provided by federal or other state  
5 law or regulation.

6 (d) Residents' family members, friends, and representatives  
7 have the right to organize and participate in a family council that  
8 is established pursuant to Section 1569.158.

9 (e) The rights specified in this section shall be in addition to  
10 any other rights provided by law.

11 (f) The provisions of this section are severable. If any provision  
12 of this section or its application is held invalid, that invalidity shall  
13 not affect other provisions or applications that can be given effect  
14 without the invalid provision or application.

15 SEC. 2. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIIIIB of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.