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## EVALUATOR MANUAL TRANSMITTAL SHEET

<p><b><u>Distribution:</u></b></p> <p><input type="checkbox"/> All Child Care Evaluator Manual Holders</p> <p><input type="checkbox"/> All Residential Care Evaluator Manual Holders</p> <p><input checked="" type="checkbox"/> All Evaluator Manual Holders</p>	<p style="text-align: center;"><b><u>Transmittal No.</u></b></p> <p style="text-align: center;"><b>11APX-04</b></p> <hr/> <p style="text-align: center;"><b><u>Date Issued</u></b></p> <p style="text-align: center;"><b>March 2011</b></p>
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**Subject:**

2010 Chaptered Legislation  
Appendix A - Residential Care Facilities for the Elderly

**Reason for Change:**

This document transmits summaries of legislation chaptered in 2010 affecting Residential Care Facilities for the Elderly. The summaries are divided into two sections as follows:

1. Immediate Action Required - Interim instructions are provided.
2. Information Only - No action required by the Community Care Licensing Division

An index is attached to assist staff in locating specific bills. Statutes referenced in this document became operative on January 1, 2011.

**Filing Instructions:**

INSERT – 2010 Chaptered Legislation. Do not remove similar documents from the previous years.

**Approved:**

*Original signed by Thomas Stahl*

*03/22/2011*

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**THOMAS STAHL Chief**  
Policy Development Bureau  
Community Care Licensing Division

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Date

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# ACTION REQUIRED

## AB 1433 (Eng and Beall), Chapter 443, Statutes of 2010

**Affects:** Continuing Care Retirement Communities

**Subject:** Continuing Care Contracts: Residential Temporary Relocation

**Summary:** Assembly Bill (AB) 1433 added the definition of a “residential temporary relocation” as a relocation of one or more residents due to a change of use or major repairs or renovations that lasts at least nine months but that does not exceed 18 months without the written agreement of the resident. Providers will now be required to include in resident contracts the procedures to be followed to ensure that residential temporary relocations provide comparable levels of care, service, and living accommodations. Providers will also be required to have specific procedures for returning the relocated resident when the residential living units will be ready for occupancy.

**Implementation:** A letter to all continuing care providers and stakeholders was issued on December 1, 2010 instructing providers of the requirement to follow the procedures as outlined in Health & Safety Code (H&S) sections 1793.90 and 1793.91 in the event of a residential temporary relocation, as well as amend their contracts to include those procedures and add the required language in H&S sections 1788(a)(11) and 1788(a)(33)(C). Amended contracts are required to be submitted to, and approved by, the Department prior to use. Providers are advised that the contract amendment provisions do not act retroactively, but the process for residential temporary relocations described in the statutes may be required by the Department as a condition for any approval for any project involving “residential temporary relocation.”

# INFORMATION ONLY - NO ACTION REQUIRED

## **AB 2493 (Fuller), Chapter 97, Statutes of 2010**

**Subject:** Conservatee photographs

**Summary:** This legislation requires, upon the establishment of a conservatorship by the court and annually thereafter, that a conservator of a person ensures that a clear photograph of the conservatee is taken and preserved for the purpose of identifying the conservatee if he or she becomes missing.

## **AB 2619 (Block), Chapter 64, Statutes of 2010**

**Subject:** Elder/Dependent Adult Abuse: restitution, earnings withholding orders

**Summary:** This legislation requires the courts to issue an earnings withholding order for elder or dependent adult financial abuse, as defined, for a defendant who has been found liable for financial abuse of an elder or dependent adult.

## **AB 2683 (Hernandez), Chapter 604, Statutes of 2010**

**Affects:** Community Care Facilities (CCFs), Residential Care Facilities for Persons with Chronic Life-Threatening Illness (RCF-CIs), and Residential Care Facilities for the Elderly (RCFEs).

**Subject:** Optometry

**Summary:** This legislation authorizes the practice of optometry at a health facility or residential care facility, as defined, provided the optometrist meets specified requirements, including, but not limited to, those related to maintaining a nonresidential primary business office, patient access to, and disclosure of, patient records, and specified recordkeeping requirements. The legislation exempts from the address notification requirements to the board an optometrist who practices in a health facility or residential care facility and who meets the requirements. This legislation authorizes an assistant to fill prescription lenses and perform those additional duties in any setting where optometry or ophthalmology is practiced, under the direct responsibility and supervision of a physician and surgeon, optometrist, or ophthalmologist, respectively. The legislation defines "setting" for purposes of these provisions to include, without limitation, any facility licensed by the State Department of Public Health or the State Department of Social Services.

# INFORMATION ONLY - NO ACTION REQUIRED

## **SB 110 (Liu), Chapter 617, Statutes of 2010**

**Affects:** Community Care Facilities (CCFs), Residential Care Facilities for Persons with Chronic Life-Threatening Illness (RCF-CIs), and Residential Care Facilities for the Elderly (RCFEs).

**Subject:** Crime Victims with Disabilities Act of 2010.  
People with disabilities: victims of crime.

**Summary:** This legislation is intended to increase the prevention, investigation, and prosecution of crimes against people with disabilities. The legislation creates new reporting requirements for mandated reporters within the Department of Developmental Services, establishes new tracking requirements for crimes against persons with disabilities, adds dependent adult suspicious deaths to the purview of county interagency death review teams, and encourages new training programs for law enforcement personnel who investigate those crimes.

## **SB 1069 (Pavley), Chapter 512, Statutes of 2010**

**Affects:** Community Care Facilities (CCFs), Residential Care Facilities for Persons with Chronic Life-Threatening Illness (RCF-CIs), and Residential Care Facilities for the Elderly (RCFEs).

**Subject:** Physician Assistants

**Summary:** This legislation authorizes a physician assistant to sign and attest to any document evidencing any physical examination or similar task that might ordinarily be signed by his or her supervising physician when the performance of the examination or task and the execution of those documents are within the physician assistant's scope of practice.