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**SB-1352 Continuing care retirement communities.** (2023-2024)

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**Senate Bill No. 1352**

**CHAPTER 338**

An act to amend Section 1771.7 of the Health and Safety Code, relating to continuing care retirement communities.

[ Approved by Governor September 21, 2024. Filed with Secretary of State September 21, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1352, Wahab. Continuing care retirement communities.

Existing law requires the State Department of Social Services to regulate activities relating to continuing care contracts that govern care provided to a resident in a continuing care retirement community for the duration of the resident's life or a term in excess of one year. Existing law provides that all residents in residential living units, as defined to mean a living unit in a continuing care retirement community, shall have certain specified rights, such as the right to live in an environment that enhances personal dignity, maintains independence, and encourages self-determination, and the right to participate in activities that meet individual physical, intellectual, social, and spiritual needs. Under existing law, in addition to any statutory or regulatory bill of rights required to be provided to residents of residential care facilities for the elderly or skilled nursing facilities, a provider of continuing care retirement services is required to provide a copy of the rights specified for residents in residential living units to each resident at the time or before the resident signs a continuing care contract, and at any time when the resident is proposed to be moved to a different level of care. A violation of these provisions is subject to a civil penalty.

This bill would revise those provisions to expressly require a continuing care retirement community provider, at the time or before a resident signs a continuing care contract, and when the resident is proposed to be moved to a different level of care, to provide the resident with a copy of the above-described rights, a copy of the residential care facility for the elderly bill of rights, or, if the resident is moving into the continuing care retirement community's skilled nursing unit, a copy of the rights applicable to residents of skilled nursing facilities.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 1771.7 of the Health and Safety Code is amended to read:

**1771.7.** (a) A resident of a continuing care retirement community shall not be deprived of any civil or legal right, benefit, or privilege guaranteed by law, by the California Constitution, or by the United States Constitution, solely by reason of status as a resident of a community. In addition, because of the discretely different character of residential living unit programs that are a part of continuing care retirement communities, this section shall augment Chapter 3.9 (commencing with Section 1599), Sections 72527 and 87468 of Title 22 of the California Code of Regulations, and other applicable state and federal law and regulations.

(b) A prospective resident shall have the right to visit each of the different care levels and to inspect assisted living and skilled nursing home licensing reports including, but not limited to, the most recent inspection reports and findings of complaint investigations covering a period of no less than two years, before signing a continuing care contract.

(c) All residents in residential living units shall have all of the following rights:

- (1) To live in an attractive, safe, and well maintained physical environment.
- (2) To live in an environment that enhances personal dignity, maintains independence, and encourages self-determination.
- (3) To participate in activities that meet individual physical, intellectual, social, and spiritual needs.
- (4) To expect effective channels of communication between residents and staff, and between residents and the administration or provider's governing body.
- (5) To receive a clear and complete written contract that establishes the mutual rights and obligations of the resident and the continuing care retirement community.
- (6) To manage their financial affairs.
- (7) To be assured that all donations, contributions, gifts, or purchases of provider-sponsored financial products shall be voluntary, and may not be a condition of acceptance or of ongoing eligibility for services.
- (8) To maintain and establish ties to the local community.
- (9) To organize and participate freely in the operation of independent resident organizations and associations.

(d) A continuing care retirement community shall maintain an environment that enhances the residents' self-determination and independence. The provider shall do both of the following:

- (1) Encourage the formation of a resident association by interested residents who may elect a governing body. The provider shall provide space and post notices for meetings, and provide assistance in attending meetings for those residents who request it. In order to promote a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any continuing care retirement community personnel. The association may, among other things, make recommendations to management regarding resident issues that impact the residents' quality of life, quality of care, exercise of rights, safety and quality of the physical environment, concerns about the contract, fiscal matters, or other issues of concern to residents. The management shall respond, in writing, to a written request or concern of the resident association within 20 working days of receiving the written request or concern. Meetings shall be open to all residents to attend as well as to present issues. Executive sessions of the governing body shall be attended only by the governing body.
- (2) Establish policies and procedures that promote the sharing of information, dialogue between residents and management, and access to the provider's governing body. The provider shall biennially conduct a resident satisfaction survey that shall be made available to the resident association or its governing body, or, if neither exists, to a committee of residents at least 14 days before the next semiannual meeting of residents and the governing board of the provider required by subdivision (c) of Section 1771.8. A copy of the survey shall be posted in a conspicuous location at each facility.

(e) At the time or before the resident signs a continuing care contract, and at any time when the resident is proposed to be moved to a different level of care, the provider shall provide the resident a copy of the applicable bill of rights:

- (1) The bill of rights prescribed by this section.
- (2) The rights for residential care facilities for the elderly, as prescribed by Section 1569.269, and Sections 87468.1 and 87468.2 of Title 22 of the California Code of Regulations.
- (3) The rights for skilled nursing facility patients, as prescribed in subdivision (d) of Section 1599.61, if the resident is moving into the continuing care retirement community's skilled nursing unit.

(f) Each continuing care retirement community shall prominently post in areas accessible to the residents and visitors a notice that a copy of rights applicable to residents pursuant to this section and any governing regulation issued by the Continuing Care Contracts Branch of the State Department of Social Services is available upon request from the provider. The notice shall also state that the residents have a right to file a complaint with the Continuing Care Contracts Branch for any violation of those rights and shall contain information explaining how a complaint may be filed, including the telephone number and address of the Continuing Care Contracts Branch.

(g) The resident has the right to freely exercise all rights pursuant to this section, in addition to political rights, without retaliation by the provider.

(h) The department may, upon receiving a complaint of a violation of this section, request a copy of the policies and procedures along with documentation on the conduct and findings of any self-evaluations.

(i) Failure to comply with this section shall be grounds for the imposition of conditions on, suspension of, or revocation of the provisional certificate of authority or certificate of authority pursuant to Section 1793.21.

(j) Failure to comply with this section constitutes a violation of residents' rights. Pursuant to Section 1569.49 of the Health and Safety Code, the department shall impose and collect a civil penalty of not more than one hundred fifty dollars (\$150) per violation upon a continuing care retirement community that violates a right guaranteed by this section.