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AB-508 Residential care facilities for the elderly: direct care ratios. (2025-2026)

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Date Published: 04/24/2025 09:00 PM

AMENDED IN ASSEMBLY APRIL 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 508

Introduced by Assembly Member Aguiar-Curry

February 10, 2025

An act to add Section 1569.375 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 508, as amended, Aguiar-Curry. Residential care facilities for the elderly: direct care ratios.

Existing law, the California Residential Care Facilities for the Elderly Act, requires the State Department of Social Services to license, inspect, and regulate residential care facilities for the elderly (RCFEs), as defined, 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.

This bill would require each RCFE to calculate a direct care ratio, as defined, and maintain records of its direct care ratios for a minimum of 12 months. The bill would require RCFEs to disclose its direct care ratios to residents or to the resident's representatives upon admission and any time there is a rate increase, as specified. The bill would require these disclosures to be provided in writing and signed by the resident, the resident's representative, or the licensee or an employee of the licensee, as specified, to confirm receipt. The bill would require copies of the signed disclosure to be provided to the resident or the resident's representative. The bill would require each RCFE to make its direct care ratios available to the public by specified means, including, among others, by posting the daily direct care ratio on the facility's internet website. The bill would require the RCFE's internet website and any literature or internet website used to advertise the RCFE and the level of care provided by that facility to include a statement that direct care ratios are calculated on a daily basis, that direct care ratios are available to the public upon request for any given day within the prior 12 months, and that direct care ratios are required to be disclosed to residents or their representatives at the points of time described above. The bill would require each RCFE to post the daily direct care ratio in locations visible to all residents, including, but not limited to, the lunchroom or lobby of the facility. By expanding the definition of an existing crime, this bill would impose 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.

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

SECTION 1. Section 1569.375 is added to the Health and Safety Code, to read:

1569.375. (a) Each residential care facility for the elderly shall calculate a direct care ratio, as defined in subdivision (g), on a daily basis and maintain records of its daily direct care ratios for a minimum of 12 months.

(b) (1) Each residential care facility for the elderly shall disclose its direct care ratios to current residents or to the resident's representative at the following points in time:

(A) Upon admission, for any day within the prior 12 months requested by the resident or the resident's representative.

(B) Any time there is a rate increase, including rate increases due to inflation or due to changes in the resident's care needs. For purposes of this paragraph, the facility shall disclose an average of the direct care ratios for the 60 days prior to the effective date of the rate increase.

(2) A disclosure required by this subdivision shall be provided to the resident or the resident's representative in writing and include a statement that direct care ratios are calculated on a daily basis and that direct care ratios are available upon request for any given day within the prior 12 months. The disclosure shall be signed and dated by the resident or the resident's representative to confirm receipt. If the signature of the resident or resident's representative cannot be obtained, the licensee or an employee of the licensee shall sign the disclosure and verify that the disclosure was provided to the resident or resident's representative. A disclosure signed by the licensee or an employee of the licensee shall include the name of the signing individual and the date. Copies of the signed disclosure shall be provided to the resident or the resident's representative.

(c) Each residential care facility for the elderly shall make its direct care ratios available to the public by any of the following means, based on the preference of the requesting party:

(1) By posting the daily direct care ratio on the facility's internet website with the statement described in subdivision (e).

(2) Through verbal communication within 24 hours of request, including by telephone.

(3) Through written communication within two business days of request.

(A) A facility may provide written communication by email with the consent of the requester.

(B) An email that contains a photograph of the requested direct care ratio complies with this paragraph.

(d) A residential care facility for the elderly's internet website shall include a statement that direct care ratios are calculated on a daily basis, that direct care ratios are available to the public upon request for any given day within the prior 12 months, and that direct care ratios are required to be disclosed to residents or their representatives at the points of time described in subdivision (b).

(e) Any literature or internet website used to advertise a residential care facility for the elderly and the level of care provided by that facility shall also include the statement described in subdivision (d).

(f) To ensure that residents and their representatives stay informed of daily direct care ratios and to assist resident councils in advocating on behalf of residents pursuant to Section 1569.157 for any discrepancies between posted direct care ratios and the actual hours of direct care received, each residential care facility for the elderly shall post the daily direct care ratio in locations visible to all residents, including, but not limited to, the lunchroom or lobby of the facility.

(g) For purposes of this section, the following definitions shall apply:

(1) "Direct care ratio" means the number of hours worked by direct care staff on a specific day divided by the number of residents who received care at that facility that day.

(2) "Direct care staff" means the licensee, or employees of the licensee, who provide direct care to the facility's residents, including, but not limited to, assistance with activities of daily ~~living~~ *living, and who have completed the training requirements, or are exempt from the training requirements, specified in Section 1569.625.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of

the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.