



RECEIVED

MAR 21 1989

CITY ATTORNEY'S OFFICE



DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

HALL OF JUSTICE
813 SIXTH STREET
SACRAMENTO, CA
95814-2495

916-449-5121

JOHN P. KEARNS
CHIEF OF POLICE

15 March 1989

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: REQUEST FOR SUPPORT OF SENATE BILL 734

SUMMARY:

This bill would add sections 1527, 1528, 1567.5 and 1567.6 to the Health & Safety Code, relating to certain mental care facilities.

BACKGROUND:

The bill will require the State Department of Social Services to hold public hearings prior to the issuance or renewal of a license to operate a community care facility which serves or will serve mentally disabled persons, or wards of the juvenile court. It also mandates the department to notify the local land use planning agency and all property owners within 300 feet of the facility.

The bill will require the department to deny a permit to a community care facility which serves or will serve mentally disabled persons, or wards of the juvenile court when placed within 1/2 mile of an existing community care facility of the same type, without the approval of the city or county.

The bill will enable a City or County to review a community care facility which serves mentally disabled persons or wards of the juvenile court no more than once every 7 years. Upon a determination by the city council or county board of supervisors that continued operation of the facility presents a danger to the health or safety of the community, the department would be prohibited from renewing the license for that community care facility.

5

Law and Legislation Committee
Page Two

The bill will require the department to establish criteria for the admission of mentally disabled persons or wards of the juvenile court to a community care facility.

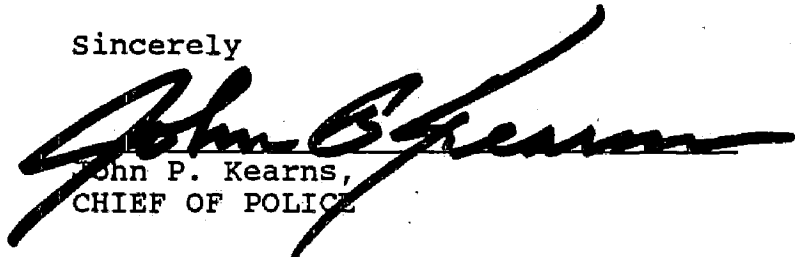
The bill will require the department to adopt regulations to require supervision of facility patients when the patients are temporarily away from the facility. It also requires education and training requirements for applicants for a license under these provisions and for all supervising personnel employed by a facility.

This bill will impose a state-mandated local program, as violations of the California Community Care Facilities Act are crimes.

RECOMMENDATIONS:

This bill places tighter regulations on health care facilities. These regulations are needed and I am requesting the Law and Legislation Committee offer support for this legislation by contacting our elected representatives and urging they vote for SB 734.

Sincerely



John P. Kearns,
CHIEF OF POLICE

REF: 3-33

JPK:al

Introduced by Senator Davis

February 28, 1989

An act to add Sections 1527, 1528, 1567.5, and 1567.6 to the Health and Safety Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 734, as introduced, Davis. Mental health.

Under existing law, the State Department of Social Services licenses community care facilities.

This bill would require the State Department of Social Services to hold a public hearing prior to the issuance or renewal of a license to operate a community care facility under the California Community Care Facilities Act which serves or will serve mentally disabled persons, or wards of the juvenile court and to notify the local land use planning agency and all property owners within 300 feet of the facility.

The bill would require the department to not permit a community care facility which serves or will serve mentally disabled persons, or wards of the juvenile court to be placed within 1/2 mile of an existing community care facility which serves mentally disabled persons or wards of the juvenile court, respectively without the approval of the city or county.

The bill would permit a community care facility which serves mentally disabled persons or wards of the juvenile court to be reviewed no more than once every 7 years by a city or county, and upon a determination by the city council or county board of supervisors that the continued operation of the facility presents a danger to the health or safety of the community, the department would be prohibited from renewing the license for that community care facility.

The bill would require the department to establish criteria for the admission of mentally disabled persons or wards of the juvenile court to a community care facility.

The bill would require the department to adopt regulations to require supervision of community care facility patients who are mentally disabled or wards of the juvenile court when the patients are temporarily away from the facility, and to require education and training requirements for applicants for a license under these provisions and for all supervising personnel employed by a facility which serves mentally disabled persons or wards of the juvenile court.

This bill would impose a state-mandated local program, as violations of the California Community Care Facilities Act are crimes.

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 1527 is added to the Health and
2 Safety Code, to read:

3 1527. (a) The state department shall hold a public
4 hearing 60 days prior to the issuance or renewal of a
5 license to operate a community care facility which serves
6 or will serve mentally disabled persons. The state
7 department shall provide 30 days' written notice of the
8 hearing to the local land use planning agency and all
9 property owners within 300 feet of the facility, where the
10 facility is, or is to be, located.

11 (b) The state department shall not permit a
12 community care facility which serves or will serve
13 mentally disabled persons to be placed within one-half
14 mile of an existing community care facility which serves
15 mentally disabled persons without the approval of the
16 city or county.

17 (c) A community care facility which serves mentally
18 disabled persons may be reviewed no more than once
19 every seven years by a city or county. Upon a
20 determination by the city council or county board of
21 supervisors that the continued operation of the facility
22 presents a danger to the health or safety of the
23 community, the city or county shall notify the state
24 department. The state department shall not renew the

1 license for any community care facility for which this
2 determination has been made.

3 SEC. 2. Section 1528 is added to the Health and Safety
4 Code, to read:

5 1528. (a) The state department shall establish
6 criteria for the admission of mentally disabled persons to
7 a community care facility.

8 (b) The state department shall adopt regulations to
9 require supervision of community care facility patients
10 who are mentally disabled when the patients are
11 temporarily away from the facility.

12 (c) The state department shall adopt regulations to
13 require education and training requirements for
14 applicants for a license under this chapter and for all
15 supervising personnel employed by a facility which
16 serves mentally disabled persons.

17 SEC. 3. Section 1567.5 is added to the Health and
18 Safety Code, to read:

19 1567.5. (a) The state department shall hold a public
20 hearing 60 days prior to the issuance or renewal of a
21 license to operate a community care facility which serves
22 or will serve wards of the juvenile court. The state
23 department shall provide 30 days' written notice of the
24 hearing to the local land use planning agency and all
25 property owners within 300 feet of the facility, where the
26 facility is, or is to be, located.

27 (b) The state department shall not permit a
28 community care facility which serves or will serve wards
29 of the juvenile court to be placed within one-half mile of
30 an existing community care facility which serves wards of
31 the juvenile court without the approval of the city or
32 county.

33 (c) A community care facility which serves wards of
34 the juvenile court may be reviewed no more than once
35 every seven years by a city or county. Upon a
36 determination by the city council or county board of
37 supervisors that the continued operation of the facility
38 presents a danger to the health or safety of the
39 community, the city or county shall notify the state
40 department. The state department shall not renew the

1 license for any community care facility for which this
2 determination has been made.

3 SEC. 4. Section 1567.6 is added to the Health and
4 Safety Code, to read:

5 1567.6. (a) The state department shall establish
6 criteria for the admission of wards of the juvenile court
7 to a community care facility.

8 (b) The state department shall adopt regulations to
9 require supervision of community care facility patients
10 who are wards of the juvenile court when the patients are
11 temporarily away from the facility.

12 (c) The state department shall adopt regulations to
13 require education and training requirements for
14 applicants for a license under this chapter and for all
15 supervising personnel employed by a facility which
16 serves mentally disabled persons.

17 SEC. 5. No reimbursement is required by this act
18 pursuant to Section 6 of Article XIII B of the California
19 Constitution because the only costs which may be
20 incurred by a local agency or school district will be
21 incurred because this act creates a new crime or
22 infraction, changes the definition of a crime or infraction,
23 changes the penalty for a crime or infraction, or
24 eliminates a crime or infraction. Notwithstanding Section
25 17580 of the Government Code, unless otherwise
26 specified in this act, the provisions of this act shall become
27 operative on the same date that the act takes effect
28 pursuant to the California Constitution.