



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/3/2015
Agenda Placement: 9C
Set Time: 9:30 AM PUBLIC HEARING
Estimated Report Time: 10 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Susan Ingalls for Minh Tran - County Counsel
County Counsel
REPORT BY: Carrie R. Gallagher, DEPUTY COUNTY COUNSEL IV - 259-8604
SUBJECT: Permits for Elder or Dependent Caregivers Ordinance (1st Reading)

RECOMMENDATION

First reading and intention to adopt an ordinance amending Napa County Code Chapter 5.60 (Permits for Elder and/or Dependent Adult Caregivers) to transfer responsibility for regulation of caregiver permit businesses to State Department of Social Services per Assembly Bill 1217; to require individual caregivers to obtain a tuberculosis test; and to extend the protection of elders and dependent adults by regulating caregiver referral agencies.

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

EXECUTIVE SUMMARY

The purpose of the proposed ordinance is to amend portions of Chapter 5.60 of the Napa County Code by deleting those sections that are specific to certain home caregiver businesses beginning January 1, 2016 when the State will implement specific regulations over these types of businesses. In addition, the proposed changes will also strengthen the County's protection over elders and dependent adults by requiring a tuberculosis test for all caregivers and making it unlawful for referral agencies to refer unpermitted caregivers into the homes of this vulnerable population.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public Comments.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.

7. Motion, second, discussion and vote on intention to adopt the ordinance.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

California State Assembly Bill AB 1217, the Home Care Services Protection Act (Act), will go into effect on January 1, 2016. The Act will provide for the licensure and regulation of home care organizations and the registration of home care aides. The Act will regulate and license elder and/or dependent adult home services businesses covered under Napa County Code Chapter 5.60 making certain provisions in the Napa County Code unnecessary. However, the Act does not regulate or license caregiver referral agencies thereby leaving our elder and/or dependent adults vulnerable. Therefore, there is a need for the County to address this issue by making it unlawful for a caregiver referral agency to refer unpermitted caregivers into the homes of this vulnerable population.

In addition, the Act allows for individual caregivers to register as home care aides after successfully completing the application process which includes, but is not limited to, a live scan background check; however, the Act does not make it mandatory for individual caregivers to be registered. Therefore, the County will still need to regulate individual caregivers until the State takes on this responsibility. With that in mind, the control and prevention of tuberculosis among the elderly must be addressed to protect the elderly and/or dependent adults in Napa County; therefore, requiring all caregivers to be free of tuberculosis prior to caring for our elderly and/or dependent adults is the best form of protection.

On September 28, 2015, the Napa County Commission on Aging reviewed and approved the changes outlined in this proposed ordinance to amend Chapter 5.60 of the Napa County Code. The Commission on Aging is recommending that the Board of Supervisors amend Chapter 5.60 to address the Act and to strengthen Napa County's protection over elder and/or dependent adults.

SUPPORTING DOCUMENTS

- A . Ordinance (red lined version)
- B . Ordinance (clean version)

CEO Recommendation: Approve

Reviewed By: Helene Franchi