



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 2/4/2020

Agenda Placement: 6D

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Thomas Zeleny for Jeffrey Brax - County Counsel  
County Counsel

**REPORT BY:** Meredith Trueblood, Paralegal - (707) 259-8152

**SUBJECT:** Amendment to Permits for Elder or Dependent Caregivers Ordinance (2nd Reading)

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### **RECOMMENDATION**

Second reading and intention to adopt an ordinance amending the Napa County Code Chapter 5.60 (Permits for Elder and/or Dependent Adult Caregivers) to transfer responsibility for managing the registration and background check process of individual caregivers from the County, except in special circumstances, to the California Department of Social Services (CDSS) via their Home Care Aide Registry.

**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 the requirement that caregivers obtain a locally issued permit and adding a mandate that all Napa County caregivers register through the California Department of Social Services (CDSS) Home Care Aide Registry. This change will transfer the responsibility for background checks and permit issuance from the County to CDSS, except in limited situations when a care recipient chooses to hire a caregiver denied registration through CDSS due to reasons set forth in the Health and Safety code section 1796.25.

In addition, the proposed amendment would require that all registered Napa County caregivers consent to having their first name, last name, birth day and birth month and personnel Home Care Registry ID number or limited permit holder designation, posted on the County website. This will provide law enforcement a mechanism to determine whether a caregiver is in compliance with the ordinance at any time of day or night.

Lastly, the requirement that caregivers provide proof that they have tested negative for tuberculosis will be changed from an annual requirement to a biennial requirement in order to align with the Home Care Aide Registry renewal

process. A summary of these changes is attached to this Agenda item.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed: Effective and Open Government

### **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**

The current background check process does not require fingerprinting and there is no mechanism for the County to receive subsequent arrest/conviction reports; consequently, a caregiver may commit a disqualifying crime that goes undetected until their permit is renewed. By mandating that Napa County caregivers register through the CDSS Home Care Aide Registry, caregivers will be required to pass a live scan (electronic fingerprint) criminal record screening through the DOJ and the FBI and CDSS will receive subsequent reports of arrests and convictions from the DOJ. If notified by the DOJ, CDSS will be responsible for updating the Home Care Aide Registry accordingly. Law enforcement and community members alike will be able to access this on-line database to verify the status of a caregiver in order to determine if they have successfully completed the registration requirements and passed the criminal background check. This requirement will significantly increase protections to our vulnerable elderly and dependent adults in addition to reducing the County's administrative responsibilities.

On July 22, 2019, 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 mandate the use of the CDSS Home Care Aide Registry in order to strengthen protections to vulnerable elderly and dependent adults. Staff plans to coordinate with the cities and Town of Yountville to make sure the changes to the ordinance are consistent in all jurisdictions.

### **Board of Supervisors Action**

The Board of Supervisors held a public hearing on January 14, 2020. After discussion, the Board unanimously passed a motion of intent to adopt the Ordinance.

Upon closing the public hearing, the Board read the title, waived reading the balance of the Ordinance, and declared its intention to adopt the Ordinance at the next regularly scheduled meeting. The Ordinance is now before the Board for formal adoption.

Attached for reference is the final version of the Ordinance.

### **Recommendation**

Staff and County Counsel recommend adoption of the Ordinance.

**SUPPORTING DOCUMENTS**

A . Caregiver Ordinance-CLEAN

CEO Recommendation: Approve

Reviewed By: Mary Booher