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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Shelli Brobst for Randolph F. Snowden - Director
Health & Human Services
REPORT BY: Shelli Brobst, Contracts Analyst, 253-4720
SUBJECT: Commission on Aging's Caregiver Fingerprinting Ad Hoc Committee Proposal

RECOMMENDATION

Discussion and possible action regarding the Napa County Commission on Aging's concept of promoting a type of required permit for individuals and businesses which provide services to elder and/or dependent adults at the respective elder's and/or dependent adult's home.

EXECUTIVE SUMMARY

Members of the Commission on Aging's Caregiver Fingerprinting Ad Hoc Committee will report on their efforts to promote an ordinance which would require all home services workers and businesses that serve elders and/or dependent adults within Napa County to obtain a permit, or some type of permit, as a condition of receiving compensation for their services. The proposed permit process would require background and fingerprinting screening for past criminal activity. Applicants convicted of certain violations would be prohibited from obtaining the permit. As an advisory body to the Board, the Napa County Commission on Aging is requesting the Board's authorization for the Commission to promote the permit concept to City and County officials throughout Napa County.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

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.

BACKGROUND AND DISCUSSION

The Napa County Commission on Aging was formed on September 12, 1977 by Napa County Board of Supervisors' Resolution Number 77-151. The Commission acts as an advisory body to the Napa County Board of Supervisors, serving as a coordinating body/clearinghouse for projects and activities which concern Napa County's older citizens. Over the past two years, members of the Commission's Caregiver Fingerprinting Ad Hoc Committee have been working on a plan to ensure the safety and security of all elders and/or dependent adults (persons with disabilities) who rely on others to care for them in their own homes.

Today, members of the Ad Hoc Committee will report on their efforts to establish a regulation requiring a type of required permit for home service workers and businesses which serve elders and/or dependent adults within Napa County. The proposed permitting process would require any individual or business seeking to provide personal and/or household services for an elder and/or dependent adult for compensation be screened and fingerprinted for past criminal activity. Individuals or businesses convicted of certain prior offenses would be prohibited from providing care. The proposed regulation would not apply to a county board of supervisors, a public authority, or a non-profit consortium which has been established to implement an In-Home Supportive Services Program as described in Welfare and Institutions Code sections 12301.6. et seq.

The Caregiver Fingerprinting Ad Hoc Committee believes that elders and dependent adults are deserving of special protection. If permits and background screening are required of masseuses, taxi and limousine drivers, then individuals and agencies that receive compensation to care for the County's most vulnerable population should also be required to obtain a permit as a condition of employment. Many elders and dependent adults have mental or physical impairments that make them less able to protect themselves, to understand and report criminal conduct, or to testify in court proceedings on their behalf. Crimes against elders and dependent adults are particularly destructive given the mental and physical impairments they face, especially because the victim's ability to recover from harm is significantly diminished. Perpetrators of crimes against elders and/or dependent adults specifically target elders and/or dependent adults.

As an advisory body to the Board, the Napa County Commission on Aging, on behalf of its Ad Hoc Committee, is requesting the Board's authorization to initiate dialogues with the County Executive Officer and with each City Manager within Napa County to promote the concept of a uniform home service worker and home service business type of permit which includes criminal background screening, fingerprinting and ongoing monitoring. Specifically, the Commission on Aging is requesting that the Board of Supervisors: (i) endorse a memorandum to be sent to each City Manager and to the County Executive Officer requesting a meeting to discuss a standardized program within Napa County for the issuance of permits for in-home care providers; (ii) approve a PowerPoint presentation for City and County officials which provides background and facts supporting a permitting process; and (iii) approve the presentation to City and County officials of a draft ordinance which could be used as a starting point for discussions by all jurisdictions on a way to standardize this initiative throughout Napa County. Copies of these documents are on file with the Clerk of the Board.

There are significant issues which need to be considered, discussed and resolved before this initiative can move forward and be implemented. For example: (i) Identifying the funding source for the staffing and administrative costs of operating and maintaining a registry. The Ad Hoc Committee currently projects the annual cost at about \$80,000. [Note: Staff has not verified this estimate.]; (ii) Deciding on the lead agency/organization which will issue the permits, maintain records, process fees and monitor enforcement; (iii) Determining any liability risks; (iv) It is highly probable the care recipient will conclude that if an individual has a County- or City-issued permit, then the permit-holder will be providing quality care. Related issues thus arise, including the provision of standardized training, qualifying exams, appropriate facilities and equipment, and of course, funding for the same. [Note: while the draft ordinance makes no mention of it, the PowerPoint presentation does present the concept of requiring the completion of a standardized Caregiver Education Program.]; and (v) Monitoring proposed legislation such as AB

853 which would enact the Home Care Services Act of 2007 and would provide for the licensure and regulation of home care organizations. This proposed bill would impose a civil penalty on an individual or entity that operates a home care organization without a license. Such legislation, if enacted, would have an impact on the proposed local ordinance under discussion.

Further County decisions regarding this effort to require a type of permit for home service workers and businesses which serve elders and/or dependent adults within Napa County will be dependent on: (i) the results of the dialogues between the Commission and the County Executive Officer and the City managers of the town and cities within Napa County, (ii) the fate of AB 853, and (iii) further staff work on the legal, workload, funding and liability risk aspects of the proposal.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Policy Issue

Reviewed By: Lorenzo Zialcita