



Agenda Date: 9/18/2007  
Agenda Placement: 9C

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Britt Ferguson for Nancy Watt - County Executive Officer  
County Executive Office  
**REPORT BY:** Britt Ferguson, Assistant County Executive Officer, 253-4406  
**SUBJECT:** Elder Care Permitting Proposal

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### **RECOMMENDATION**

County Executive Officer and Director of Health and Human Services request discussion and possible action on the following items regarding a proposal by the Commission on Aging to license/fingerprint caregivers who service elder or dependent adults ("elder care permitting proposal"):

1. A staff report on the elder care permitting proposal.
2. A proposal to create an ad hoc committee of the Board of Supervisors comprised of two Board members to review the elder care permitting proposal (Supervisor Dillon).

### **EXECUTIVE SUMMARY**

On March 27, 2007, the Board received a report from the Napa County Commission on Aging's Caregiver Fingerprinting Ad Hoc Committee concerning their efforts to promote an ordinance that would require all home services workers and businesses that serve elders and/or dependent adults within Napa County to obtain a permit as a condition of receiving compensation for services. The proposed permit process would require background and fingerprint screening for past criminal activity. The March 27 agenda item identified the potential cost of this program as approximately \$80,000. The Commission requested and received Board authorization to initiate dialogues with the County Executive Officer and City Managers to promote the concept of some sort of uniform permit. The Board asked the Commission to return with a report on its outreach to the various municipalities.

At the August 14, 2007 Board meeting, Supervisor Dillon indicated that the most recent cost estimate for the program had grown to approximately \$100,000 and requested that the Board establish an ad hoc subcommittee of the Board to study the elder care permitting proposal and report back to the full Board.

Staff will present a report to the Board today on the elder care permitting proposal. The Board will also consider Supervisor Dillon's proposal to establish an ad hoc subcommittee of the Board to review the elder care permitting proposal. If established that subcommittee can be tasked with addressing the questions/issues raised in the attached report.

**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**

Over the past two and half years, the Napa County Commission on Aging's Caregiver Fingerprinting Ad Hoc Committee has 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. On March 27, 2007 the Board received a report from the Commission's Ad Hoc Committee on its efforts to promote an ordinance that would require all home services workers, businesses, and the individuals working for the businesses that serve elders and/or dependent adults within Napa County to obtain a permit as a condition of receiving compensation for services. The proposed permitting process would require background and fingerprint screening for past criminal activity. Applicants convicted of certain violations would be prohibited from obtaining a permit. As currently, written, the proposed regulation would not apply to the County Board of Supervisors, a public authority, or a non-profit consortium established to implement an In-Home Supportive Services Program as described in Welfare and Institutions Code sections 12301.6. et seq. The Commission's Ad Hoc Committee estimated the cost of the permitting process at approximately \$80,000 per year.

The Commission's Ad Hoc Committee asserts that elders and dependent adults are deserving of special protection. This Committee noted that, while permits and background screening are required of masseuses, taxi and limousine drivers, they are not required for individuals and agencies receiving compensation to care for the County's most vulnerable population. 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 own behalf. Crimes against elders and dependent adults (like crimes against children) are particularly destructive given the mental and physical impairments they face, and 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.

At the March 27 Board meeting, the Commission on Aging specifically requested that the Board authorize it to initiate dialogues concerning this issue with the County Executive Officer and each City Manager to promote the concept of some sort of uniform permit in the unincorporated County and all cities. The March 27 Board agenda item also identified a number of significant issues that need to be considered and resolved before the initiative could move forward, including: (i) identifying the funding source for the staffing and administrative costs of operating and maintaining a registry of permit holders; (ii) identifying a lead agency/organization to issue the permits, maintain records, process fees and monitor enforcement; (iii) assessing any liability risks; (iv) ensuring that care recipients understand the need to evaluate the competence of caregivers, irrespective of whether they hold a permit; (v) provision of standardized training, qualifying exams, appropriate facilities and equipment, and funding for these functions; and (vi) monitoring proposed legislation that may mandate background screening. On March 27 the Board acknowledged the presentation and requested that the Commission return with a report on its outreach to the various municipalities.

At the Board's August 14, 2007 meeting, Supervisor Dillon indicated that the most recent cost estimate for this program is now approximately \$100,000. Supervisor Dillon requested that an agenda item be brought forward to appoint an ad hoc subcommittee of the Board to review the elder care permitting proposal and report back to the full Board.

Today, the Director of Health and Human Services will provide a staff report (copy attached) analyzing the proposal and identifying issues for Board consideration. The Board will also be considering Supervisor Dillon's proposal to appoint an ad hoc subcommittee of the Board to review the elder care permitting proposal. That subcommittee could address many of the questions and issues identified in the attached report. If such an ad hoc subcommittee is appointed, staff recommends that it be provided with staff support from the County Executive Office and the Health and Human Services Agency. It is not clear what the cost will be to create a Board subcommittee to review the elder care permitting proposal. Creating the ad hoc subcommittee will require a certain amount of staff time to support its work. While existing staff time is currently budgeted, the exact amount of staff time that will be needed to support the subcommittee cannot be determined at this time. Depending on issues raised or questions asked, it may be necessary to hire specialized consultants. It is anticipated that the ad hoc subcommittee would complete its work during the current fiscal year. The costs of implementing any resulting recommendations by the ad hoc subcommittee would need to be evaluated by the full Board at that time.

#### **SUPPORTING DOCUMENTS**

A . Napa County Caregiver Initiative - Staff Report

CEO Recommendation: Approve

Reviewed By: Karen Gratton