

THIRD READING

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Bill No: SB 991  
Author: Menjivar (D), et al.  
Amended: 5/14/26  
Vote: 21

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SENATE HUMAN SERVICES COMMITTEE: 4-0, 4/6/26

AYES: Becker, Laird, Pérez, Weber Pierson

NO VOTE RECORDED: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

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**SUBJECT:** Residential care facilities for the elderly: categorization of citations

**SOURCE:** California Long Term Care Ombudsman Association

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**DIGEST:** This bill requires the California Department of Social Services (CDSS), when it substantiates a violation in a residential care facility for the elderly (RCFE) that constitutes abuse, as defined in the residents of residential care facilities bill of rights, to categorize and cite the violation according to the specific type of abuse that has been substantiated. Requires CDSS to ensure that these categorized citations are reflected in any public-facing transparency, licensing, or enforcement databases maintained by CDSS.

**ANALYSIS:**

Existing Law:

- 1) Creates the Elder Abuse and Dependent Adult Civil Protection Act. (Welfare and Institutions Code [WIC] §15600 et seq.)
- 2) Creates the California RCFE Act. (Health and Safety Code [HSC] §1569 et seq.)
- 3) Defines RCFE as a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and

intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Allows persons under 60 years of age with compatible needs to be admitted or retained if a licensee determines that person is compatible, as defined. (HSC §1569.2)

- 4) Requires a person, firm, partnership, association, corporation, or state or local public agency to have a current valid license to operate, establish, manage, conduct, or maintain an RCFE. (HSC §1569.10)
- 5) Requires CDSS to inspect and license RCFEs. (HSC §1569.11)
- 6) Tasks the administrator of an RCFE with the responsibility to provide or ensure provision of services to residents with appropriate regard for the residents' physical and mental well-being and needs. (22 California Code of Regulation [CCR] 87405)
- 7) Establishes the Resident's Bill of Rights for residents of RCFEs, which lists 30 rights, including, but not limited to, the following:
  - a. To be encouraged and assisted in exercising their rights as citizens and residents of the facility; and to be free from interference, coercion, discrimination, and retaliation in exercising their rights.
  - b. To care, supervision, and services that meet their individual needs and are delivered by staff that are sufficient in numbers, qualifications, and competency to meet their needs.
  - c. To be free from neglect, financial exploitation, involuntary seclusion, punishment, humiliation, intimidation, and verbal, mental, physical, or sexual abuse.
  - d. To contact CDSS, the long-term care ombudsman, or both, regarding grievances against the licensee.
  - e. To be protected from involuntary transfers, discharges, and evictions in violation of state laws and regulations. (HSC §1569.269)
- 8) Requires every licensed RCFE to provide at least the following basic services:
  - a. Care and supervision.

- b. Assistance with instrumental activities of daily living in the combinations which meet the needs of residents.
- c. Helping residents gain access to appropriate supportive services, as defined, in the community.
- d. Being aware of the residents' general whereabouts, although the resident may travel independently in the community.
- e. Monitoring the activities of the residents while they are under supervision of the facility to ensure their general health, safety, and well-being.
- f. Encouraging the residents to maintain and develop their maximum functional ability through participation in planned activities. (HSC §1569.312)

This Bill:

- 1) Requires CDSS, when they substantiate a violation in a RCFE that constitutes abuse, as defined in the residents of RCFE bill of rights, to categorize and cite the violation according to the specific type of abuse that has been substantiated.
- 2) Requires CDSS to categorize and cite violations as one or more of the following: physical abuse; abandonment; abduction; financial abuse; isolation; mental suffering; neglect; or undue influence.
- 3) Provides that this categorization of cite violations does not limit CDSS's ability to assess civil penalties.
- 4) Provides that this section does not require CDSS to assess a civil penalty where none is otherwise authorized by law.
- 5) Provides that this section does not require CDSS to alter the elements required to substantiate abuse under existing law.
- 6) Requires CDSS to ensure that these categorized citations are reflected in any public facing transparency, licensing, or enforcement databases maintained by CDSS.
- 7) Makes the provisions of this bill operative July 1, 2027.

## Background

*Author's statement.* According to the author, “Currently, the way that elder and dependent adult abuse, neglect, and exploitation are categorized by CDSS is very broadly as a violation of residents’ rights rather than by the specific type of abuse found to have occurred. Examples could include a facility with rat infestations, residents wandering off without supervision, medications not properly administered, residents with bed sores, or facility staff fraudulently writing a \$30,000 check to themselves, and it would all be cited and categorized as a violation of residents' rights (i.e., the “right” to be free from abuse and neglect). This umbrella category obscures how often specific forms of abuse (physical, financial, etc.) occur in RCFEs. This limits the usefulness of the data and doesn’t give us an accurate depiction to inform our approach as a state to this vulnerable population. It also diminishes the experience of victims reporting these incidents and confuses consumers who are seeking information about which facilities have been found to abuse their residents. The need for Elder Abuse accountability is paramount, given that by 2040, the number of adults in institutional group settings is projected to increase by 51% according to a report by the Public Policy Institute of California. SB 991 will ensure that we are promoting consumer transparency and accountability in RCFEs by improving how substantiated reports of abuse and neglect are categorized by CDSS and their public facing licensing and enforcement databases.”

*Residential Care Facilities for the Elderly (RCFEs)* RCFEs, also known as assisted living facilities, are residential facilities that provide 24-hour nonmedical care and supervision for persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual who is 60 years of age or older. RCFEs provide housing, housekeeping, supervision, and personal care assistance with activities of daily living to individuals who need that level of care. These are nonmedical facilities that are designed for individuals who are unable to live by themselves, but who do not need 24-hour nursing care. As such, these facilities are not required to have nurses, certified nursing assistants or doctors on staff. RCFEs centrally store and distribute medications for residents to self-administer. Residents of RCFEs may have mental, behavioral, or physical health needs or a developmental disability that results in their inability to live independently. These facilities range in size from small facilities operating out of single family homes serving a handful of residents to larger buildings that can house over 100 residents.

As of February 2026, there are over 8,000 licensed senior care facilities with a total capacity of over 200,000. RCFEs are licensed and regulated by CDSS’s

Community Care Licensing Division (Division). The Division protects the health and safety of persons residing in RCFEs through its regulatory and enforcement programs. In addition to its licensing requirements, the Division conducts regular inspections of facilities to assess compliance with applicable laws and regulations. Violations can result in citations, fines and, in extreme cases, loss of a license to operate a facility.

*Continuing Care Retirement Communities (CCRC)* CCRCs offer people age 60 and older a full range of long-term care options that include independent living, assisted living, and skilled nursing care. This model allows senior residents to move from independence to high levels of care without leaving the community in which they reside. Typically, this is provided in a campus-like community setting, usually for a resident's lifetime, and always for at least one year. CCRCs require residents to sign a contract that sets forth the range of services, sometimes at an additional cost, depending on the type of contract, to be provided by the CCRC to the resident. CCRCs offer a broad range of contract options so that they have the flexibility to offer a range of services that meet their residents' varied needs. Each CCRC offers different options on costs of service, payment methods, services provided, and other elements, including lifestyle choices. All CCRCs must obtain an RCFE license and if they offer skilled nursing services, must hold a Skilled Nursing Facility License issued by the California Department of Public Health.

*Long-Term Care Complaint Process* Long-term care can take many forms and is licensed and overseen by various state level agencies. Each facility type has a complaint process and a public-facing online page for consumers and others to see how many complaints have been filed, as well as other information about those complaints. These processes and the information on the public-facing online pages are not uniform across different forms of long-term care.

As health care facilities, Skilled Nursing Facilities are licensed and overseen by the California Department of Public Health. Any person or organization may file a complaint against a Skilled Nursing Facility to the Licensing and Certification Division of the California Department of Public Health. Complaints can be filed about abuse, neglect, violations of rights, poor care, lack of staffing, unsafe conditions, mistreatment, improper charges, among other things.

The Community Care Licensing Division of the CDSS investigates complaints against RCFEs. Like Skilled Nursing Facilities, any person can file a complaint against an RCFE. Complaints can be filed about abuse, neglect, poor care, or eviction issues, among other things. The investigation must begin within 10

working days of receipt of the complaint. Investigation length can vary greatly depending on the severity of the case.

Once a complaint is filed, a Licensing Program Analyst (analyst) at the local Regional Office investigates the complaint. Findings of the initial investigation are documented on a LIC 856B, C, or D form—depending on if the complaint was substantiated, unsubstantiated or unfounded. If the analyst determines a violation of statutes or regulations has occurred, the analyst will issue a citation documenting the requirement that was violated, as well as if it was a Type A violation or a Type B violation. A Type A violation is a violation resulting in an immediate risk to the persons in care and requires corrections within 24 hours of the citation. A Type B violation is a violation that results in a potential risk to the persons in care and corrections are required within a reasonable time.

The Community Care Licensing Division cites violations of abuse as falling under Health and Safety Code Section 1569.269 (RCFE Residents' Bill of Rights) or California Code of Regulations Title 22 Section 87468.1 (a resident's right to be free from various forms of abuse). In addition to issuing citations for personal rights violations related to abuse, the Community Care Licensing Division follows mandatory reporting requirements when abuse is suspected or substantiated and a SOC 341 form is completed and submitted to relevant agencies, including law enforcement and the Department of Justice. The SOC 341 form includes the type of abuse broken down into the following categories: physical, sexual, financial, neglect, abandonment, isolation, abduction, psychological/mental and other. This bill seeks to include the specificity of complaints posted on the public CDSS website in a manner similar to the specificity of this form.

*Complaint Data Available to the Public* When looking for a facility for oneself or a family member, a likely concern is how safe the facility is. The state provides public information about violations at facilities, but the specificity of such information varies by type of facility. This occurs even in facilities that are co-located, like RCFEs and Skilled Nursing Facilities in CCRCs.

For example, when researching a specific facility in Sacramento with both a RCFE and SNF, the information available on the public facing state websites varies in accessibility and detail. The California Department of Public Health website shows that the statewide average for complaints/reported incidents is 39 and the facility in question had 117. The website also shows/lists the details of these complaints, including the intake received date, allegation category (e.g., physical environment, quality of care/treatment), allegation subcategory (e.g., facility staffing, facility not clean, employee to resident), investigation findings (if deficiencies are noted or

not), and intake type. This provides a clear picture for both residents and potential residents, lawmakers, and advocates to understand the types of allegations being made against the facility as well as what, if any, have been substantiated.

This contrasts with what is available for RCFEs. Looking at the same facility for the same calendar year, the CDSS website shows four complaint investigations. For each investigation it shows the number of allegations unfounded, substantiated, and unsubstantiated; the number of Type A and Type B citations; and dates of visits. Additional information is available on each complaint by clicking the most recent date of visit, which takes you to the complaint investigation report. This bill seeks to make the information available on the public facing website for RCFEs include more details like those available for Skilled Nursing Facilities.

#### Related/Prior Legislation:

AB 1911 (Reyes) of 2024 would have modified the current procedures for complaints against RCFEs to the CDSS. The bill would have required CDSS to investigate complaints within specified timelines and to provide written notifications to complainants. The bill would have provided a process for a complainant to appeal the outcome of an investigation. AB 1911 was held on the Senate Appropriations suspense file.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, Unknown ongoing General Fund costs, likely hundreds of thousands, for CDSS for state administration.

#### **SUPPORT:** (5/14/26)

California Long Term Care Ombudsman Association (Sponsor)

AARP

Alzheimer's Association

Alzheimer's Greater Los Angeles

Alzheimer's Orange County

Alzheimer's San Diego

California Advocates for Nursing Home Reform

California Alliance for Retired Americans

California Association for Adult Day Services

California Association of Area Agencies on Aging

California Coalition on Family Caregiving

California Elder Justice Coalition (CEJC)

California Health Advocates

Consumer Attorneys of California  
Council on Aging, Southern California  
Council on Aging-southern California Long-term Care Ombudsman Program,  
Disability Action Center  
Disability Rights California  
Disability Rights Education and Defense Fund  
El Dorado County Long-term Care Ombudsman Program  
Elder Law & Advocacy  
Empowered Aging  
Family Caregiver Alliance (FCA)  
Integrated Community Collaborative  
Justice in Aging  
Kern County Long-term Care Ombudsman Program  
Legal Assistance for Seniors  
Long Term Care Ombudsman Services of San Luis Obispo County  
Long Term Care Services of Ventura Co, Ombudsman  
Long-term Care Ombudsman Program  
Office of the State Long-term Care Ombudsman  
Ombudsman Services of San Mateo County, INC.  
Placer Independent Resource Services  
Retired Public Employees Association  
Riverside County, Psa 21  
San Francisco Long Term Care Ombudsman Felton Institute  
Senior Advocacy Services  
Silicon Valley Independent Living Center  
Wise and Healthy Aging

**OPPOSITION:** (5/14/26)

None received

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