

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY MAY 5, 2008

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2244

Introduced by Assembly Members Price and Soto

February 20, 2008

An act to add and repeal ~~Sections 1276.45 and 1276.46~~ *Section 1276.45* of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2244, as amended, Price. University of California hospitals: staffing.

Existing law provides for the inspection, licensure, and regulation of health facilities by the State Department of Public Health, including, among other facilities, general acute care hospitals, acute psychiatric hospitals, and special hospitals. A violation of the provisions regulating health facilities is a crime. Pursuant to the above authority, the department has adopted regulations that require hospitals to develop a written staffing plan that implement patient care requirements and staffing levels for registered nurses and other licensed and unlicensed personnel contained in those regulations.

This bill would, commencing January 1, 2010, require the department to establish a procedure for collection and review of the written staffing plans and other related information, as specified, from University of California hospitals, with the exception of documentation relating only to registered nurses. This bill would require University of California

hospitals to cooperate with the department in providing the above information.

~~This bill would, commencing January 1, 2010, authorize the State Public Health Officer to levy administrative penalties against a health facility for violation of the bill.~~

This bill would make its provisions inoperative on July 1, 2013, and would repeal it as of January 1, 2014.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Public health interests require that hospitals provide safe
4 staffing levels at health facilities licensed pursuant to subdivision
5 (a), (b), or (f) of Section 1250 of the Health and Safety Code.

6 ~~(b) The link between safe nurse staffing levels and quality
7 patient care is well-established. Section 1443.5 of Title 16 and
8 Sections 70053.2, 70215, and 70217 of Title 22 of the California
9 Code of Regulations address patient care and require hospitals to
10 meet nurse-to-patient ratios in specific hospital units that constitute
11 minimum nurse staffing requirements.~~

12 (c)

13 (b) Section 70217 of Title 22 of the California Code of
14 Regulations requires hospitals to implement a patient classification
15 system for determining the nursing care needs of patients and to
16 develop and implement written staffing plans that specify patient
17 care requirements and staffing levels for registered nurses and
18 other licenced and unlicensed personnel. The staffing plan must
19 include staffing requirements as determined by the patient
20 classification system for each patient care unit, documented on a
21 day-to-day, shift-by-shift basis. The reliability of the patient

1 classification system for validating staffing requirements is required
2 to be reviewed at least annually. If the review reveals that
3 adjustments are necessary in the patient classification system in
4 order to assure accuracy in measuring patient care needs, the
5 adjustments must be implemented within 30 days of that
6 determination.

7 ~~(d)~~

8 (c) Section 70217 of Title 22 of the California Code of
9 Regulations also requires hospitals to develop and document a
10 process by which all interested staff may provide input about the
11 patient classification system, the system's required revisions, and
12 the overall staffing plan.

13 ~~(e)~~

14 (d) Many staff, other than registered nursing personnel, provide
15 direct care, including respiratory therapists, phlebotomists,
16 radiology technicians, emergency room and surgical technicians,
17 lab technicians, vocational nurses, nursing assistants, and pharmacy
18 technicians.

19 ~~(f)~~

20 (e) Short or inadequate staffing undermines patient care in many
21 ways. Inadequate staffing may cause staff to have to simultaneously
22 cover multiple patients in different parts of the hospital, cause
23 delays in getting patient test results, lead to inaccurate or
24 misleading films and tests, and increase back and other injuries to
25 employees that affect their ability to continue to provide quality
26 care.

27 ~~(g)~~

28 (f) Inadequate staffing is a matter of statewide concern ~~and so~~
29 ~~Sections 1276.45 and 1276.46 are being added to the Health and~~
30 ~~Safety Code with the following purposes in mind:~~

31 ~~(1) To provide the department and the public with access to the,~~
32 ~~so Section 1276.45 is being added to the Health and Safety Code~~
33 ~~to provide the department and the public with access to the~~ written
34 staffing plans and actual staffing levels of the only general purpose
35 health care system owned and operated by a state entity.

36 ~~(2) To provide a factual foundation upon which the Legislature~~
37 ~~and the department may use to evaluate the need for minimum~~
38 ~~staffing requirements in classifications, other than nursing, and to~~
39 ~~evaluate the feasibility of developing and implementing these~~
40 ~~minimum requirements.~~

1 ~~(h)~~
 2 (g) The University of California owns and operates five
 3 academic medical centers. Collectively, the University of California
 4 medical centers comprise one of the state’s largest health care
 5 systems and the only general purpose health care system owned
 6 and operated by a state entity. With their tripartite mission of
 7 teaching, public service, and research, the University of California
 8 medical centers are a major resource for California. The fact that
 9 three of the five University of California medical centers are
 10 located in counties that have no county hospital demonstrates their
 11 importance.

12 ~~(i)~~
 13 (h) Due to the unique role University of California medical
 14 centers play as comprising the only general purpose health care
 15 system owned and operated by a state entity, they are in a unique
 16 position to provide the Legislature and the department with the
 17 information required by Section 1276.45 of the Health and Safety
 18 Code.

19 SEC. 2. Section 1276.45 is added to the Health and Safety
 20 Code, to read:

21 1276.45. (a) The State Department of Public Health shall
 22 establish a procedure for collection and review of the written
 23 staffing plans developed pursuant to Section 70217 of Title 22 of
 24 the California Code of Regulations by all University of California
 25 health facilities licensed pursuant to subdivision (a), (b), or (f) of
 26 Section 1250. The procedure developed by the department shall
 27 not apply to a review of documentation relating only to registered
 28 nurses. The procedure developed by the department shall include
 29 provision for collection and review of documentation relating to
 30 the following:

31 (1) Review of the reliability of the patient classification system
 32 as required by subdivision (e) of Section 70217 of Title 22 of the
 33 California Code of Regulations.

34 (2) Adjustments in the patient classification system determined
 35 to be necessary in light of the review conducted pursuant to
 36 subdivision (e) of Section 70217 of Title 22 of the California Code
 37 of Regulations and implementation of these adjustments.

38 (3) Staff input about the patient classification system, the
 39 system’s required revisions, and the overall staffing plan the
 40 University of California health facilities receive pursuant to the

1 process developed and documented pursuant to subdivision (h) of
2 Section 70217 of Title 22 of the California Code of Regulations.

3 (b) If the department deems it necessary to reduce the volume
4 of information collected and reviewed pursuant to subdivision (a),
5 the department may identify specific time periods for which the
6 information is to be collected and review that information as a
7 representative sample.

8 (c) A University of California health facility licensed pursuant
9 to subdivision (a), (b), or (f) of Section 1250 from which the
10 department collects information pursuant to subdivision (a) shall
11 be required to cooperate with the department in providing the
12 information.

13 (d) This section shall become operative on January 1, 2010.

14 (e) This section shall become inoperative on July 1, 2013, and,
15 as of January 1, 2014, is repealed, unless a later enacted statute,
16 that becomes operative on or before January 1, 2014, deletes or
17 extends the dates on which it becomes inoperative and is repealed.

18 ~~SEC. 3. Section 1276.46 is added to the Health and Safety~~
19 ~~Code, to read:~~

20 ~~1276.46. (a) The director, after appropriate notice and~~
21 ~~opportunity for hearing, may levy administrative penalties for a~~
22 ~~violation of Section 1276.45. When assessing administrative~~
23 ~~penalties against a University of California health facility pursuant~~
24 ~~to this section, the director shall determine the appropriate amount~~
25 ~~of the penalty for each violation. In making that determination,~~
26 ~~the director may consider any of the following factors:~~

27 ~~(1) The University of California health facility's history of~~
28 ~~violations.~~

29 ~~(2) The demonstrated willfulness of the violation.~~

30 ~~(3) The behavior of the facility with respect to the violation,~~
31 ~~including whether the facility mitigated any damage or injury from~~
32 ~~the violation.~~

33 ~~(b) A University of California health facility may appeal an~~
34 ~~administrative penalty levied pursuant to this section within 30~~
35 ~~days, consistent with Section 100171. The University of California~~
36 ~~health facility may also seek to adjudicate the validity of the~~
37 ~~violation or the penalty.~~

38 ~~(c) This section shall become operative on January 1, 2010.~~

39 ~~(d) This section shall become inoperative on July 1, 2013, and,~~
40 ~~as of January 1, 2014, is repealed, unless a later enacted statute,~~

1 ~~that becomes operative on or before January 1, 2014, deletes or~~
2 ~~extends the dates on which it becomes inoperative and is repealed.~~
3 ~~SEC. 4.~~
4 *SEC. 3.* No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.