

Assembly Bill No. 2400

CHAPTER 459

An act to add Section 1255.25 to the Health and Safety Code, relating to health care.

[Approved by Governor September 27, 2008. Filed with
Secretary of State September 27, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2400, Price. Hospitals: closure.

Under existing law, the State Department of Public Health is responsible for licensing and regulating health facilities, including hospitals. Existing law, with certain exceptions, requires a hospital that plans to reduce or eliminate emergency medical services to notify various entities at least 90 days before it takes that action.

This bill would, with a certain exception, require, not less than 30 days prior to closing a general acute care or psychiatric hospital, eliminating a supplemental service, as defined, or relocating the provision of a supplemental service to a different campus, the hospital to provide certain notice regarding the proposed closure, elimination, or relocation to the public and the applicable administering department, in accordance with certain procedures.

Under existing law, violation of the provisions relating to health facility licensure is a misdemeanor.

By changing the definition of a 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.

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

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

(a) A hospital is one means for ensuring quality and access to health care for all Californians.

(b) While there are other means for health care access, a hospital remains an essential institution for the entire health care system in California and for providing quality and affordable care.

(c) The closure of a hospital presents a severe burden for the residents of the community served by that hospital.

(d) The residents should not be deprived of medical attention or access to affordable health care due to the closure of a hospital.

(e) The closure of a hospital presents the state with a financial and health emergency that requires extraordinary measures as a response.

(f) Dramatic changes are underway in the delivery of health care, including numerous proposals to restructure the number and proportion of health care professionals and workers performing direct patient care, as well as changes in the level and type of services provided.

(g) Changes in delivery of care affect the health of the community and may have profound social consequences. For example, discharge from a health facility of new mothers within hours of giving birth, or of surgical patients in a few days or even hours, and treatment of cardiac, diabetic, and asthmatic patients in the outpatient setting, all shift the burden of care from the health provider to family and friends, or to unpaid caregivers who often lack the expertise to care for patients with complex needs.

(h) Many of these changes in the delivery of health care are occurring without public disclosure or discussion. If these changes were publicly disclosed, affected communities and groups, physicians, other interested health professionals, and public bodies could provide input about how best to maintain the safety of patient care and access to needed care while maximizing cost-effectiveness.

(i) It is the intent of the Legislature in enacting this act that those health providers proposing to restructure the delivery of health care shall disclose to the public the expected impact of the changes.

SEC. 2. Section 1255.25 is added to the Health and Safety Code, to read:

1255.25. (a) (1) Not less than 30 days prior to closing a health facility, as defined in subdivision (a) or (b) of Section 1250, or eliminating a supplemental service, as defined in Section 70067 of Chapter 1 of Division 5 of Title 22 of the California Code of Regulations, the facility shall provide public notice of the proposed closure or elimination of the supplemental service, including a notice posted at the entrance to all affected facilities and a notice to the department and the board of supervisors of the county in which the health facility is located.

(2) Not less than 30 days prior to relocating the provision of supplemental services to a different campus, a health facility, as defined in subdivision (a) or (b) of Section 1250, shall provide public notice of the proposed relocation of supplemental services, including a notice posted at the entrance to all affected facilities and notice to the department and the board of supervisors of the county in which the health facility is located.

(b) The notice required by paragraph (1) or (2) of subdivision (a) shall include all of the following:

(1) A description of the proposed closure, elimination, or relocation. The description shall be limited to publicly available data, including the number of beds eliminated, if any, the probable decrease in the number of personnel, and a summary of any service that is being eliminated, if applicable.

(2) A description of the three nearest available comparable services in the community. If the health facility closing these services serves Medi-Cal

or Medicare patients, this health facility shall specify if the providers of the nearest available comparable services serve these patients.

(3) A telephone number and address for each of the following, where interested parties may offer comments:

(A) The health facility.

(B) The parent entity, if any, or contracted company, if any, that acts as the corporate administrator of the health facility.

(C) The chief executive officer.

(c) Notwithstanding subdivisions (a) and (b), this section shall not apply to county facilities subject to Section 1442.5.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.