

ASSEMBLY BILL

No. 215

Introduced by Assembly Members Feuer and Smyth

February 3, 2009

An act to add Section 1418.21 to the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 215, as introduced, Feuer. Long-term health care facilities: ratings.

Existing law provides for the licensure and regulation by the State Department of Public Health of health care facilities, including long-term health care facilities. Existing law creates the State Health Facilities Citation Penalties Account in the Special Deposit Fund, with the moneys in this account to be used, upon appropriation, for prescribed purposes.

This bill would require a long-term health care facility to post, in accordance with prescribed requirements, the overall facility rating information determined by the federal Centers for Medicare and Medicaid Services. Violation of this requirement would be a class B violation, as defined, with the proceeds from fines collected to be deposited into the State Health Facilities Citation Penalties Account. The bill would require the department to report to the Legislature and Governor on the results of the postings.

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

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

1 SECTION 1. Section 1418.21 is added to the Health and Safety
2 Code, to read:
3 1418.21. (a) A long-term health care facility shall post the
4 overall facility rating information determined by the federal Centers
5 for Medicare and Medicaid Services (CMS) in accordance with
6 the following requirements:
7 (1) The information shall be posted in at least the following
8 locations, in the facility:
9 (A) An area accessible and visible to members of the public.
10 (B) An area used for employee breaks.
11 (C) An area used by residents for communal functions, such as
12 dining, resident council meetings, or activities.
13 (2) The information shall be posted on a white or light-colored
14 sheet of paper that is at least 8 ½” x 11” in size, in a clear and easily
15 readable font of at least 20 point, and shall include all of the
16 following:
17 (A) The full name and full address of the facility.
18 (B) The overall star rating given by CMS to that facility. The
19 star rating shall be designated with the same number of star
20 symbols assigned by the CMS rating. The stars shall be at least
21 one inch tall or, if no star symbol is available, “[the number of
22 stars given by CMS to the facility] STARS” in capital letters may
23 be substituted using a clear, easily readable font of at least one
24 inch tall print.
25 (C) Directly beneath the stars or number of stars information
26 the text “out of five stars” shall be present.
27 (D) The address of the CMS Internet Web site where a detailed
28 explanation of the posted rating may be obtained.
29 (3) A copy of the most recent CMS report on the facility shall
30 be maintained at the facility, and shall be made available to
31 residents or the public upon request.
32 (b) By July 1, 2012, the department shall provide to the
33 Legislature and the Governor a report on the results of posting
34 these ratings. The report shall make recommendations for
35 legislative, regulatory, or fiscal initiatives that would further the
36 goal of improving the transparency of long-term health care. The
37 report shall specifically address all of the following:

1 (1) The number of facilities whose ratings have improved since
2 the enactment of this section.

3 (2) The number of facilities whose ratings have declined since
4 the enactment of this section.

5 (3) The number of facilities that appealed the rating initially
6 given by CMS.

7 (4) Recommended changes to the program.

8 (5) Other information the department deems necessary or
9 appropriate.

10 (c) Violation of this section shall constitute a class B violation,
11 as defined in subdivision (e) of Section 1424 and, notwithstanding
12 Section 1290, shall not constitute a crime. Fines from a violation
13 of this section shall be deposited into the State Health Facilities
14 Citation Penalties Account, created pursuant to Section 1417.2.

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