

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY MARCH 19, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 215

Introduced by Assembly Members Feuer and Smyth

(Principal coauthors: Assembly Members Huffman and Lieu)

(Principal coauthor: Senator Florez)

**(Coauthors: Assembly Members ~~Carter~~, Ammiano, Carter, Fletcher,
Jeffries, Knight, and Silva)**

(Coauthor: Senator DeSaulnier)

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 amended, 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, *commencing January 1, 2011*, 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.

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 that has been
4 certified for purposes of Medicare or Medicaid and provides skilled
5 nursing care shall post the overall facility rating information
6 determined by the federal Centers for Medicare and Medicaid
7 Services (CMS) in accordance with the following requirements:
8 (1) The information shall be posted in at least the following
9 locations, in the facility:
10 (A) An area accessible and visible to members of the public.
11 (B) An area used for employee breaks.
12 (C) An area used by residents for communal functions, such as
13 dining, resident council meetings, or activities.
14 (2) The information shall be posted on a white or light-colored
15 sheet of paper that is at least 8 ½” x 11” in size
16 that includes all of the following, in the following order:
17 (A) The full name of the facility, in a clear and easily readable
18 font of at least 30 point.
19 (B) The full address of the facility in a clear and easily readable
20 font of at least 20 point.
21 (C) The most recent overall star rating given by CMS to that
22 facility, except that a facility shall have ~~five~~ *seven* business days
23 from the date when it receives a different rating from the CMS to
24 include the updated rating in the posting. The star rating shall be
25 aligned in the center of the page. The star rating shall be expressed
26 as the number that reflects the number of stars given to the facility
27 by the CMS. The number shall be in a clear and easily readable
28 font of at least three inches print. Directly below the number shall
29 be the same number of star symbols of at least one-half inch print.
30 (D) Directly below the star symbols shall be the following text
31 in a clear and easily readable font of at least 30 point:
32 “The above number of stars is out of five stars.”
33 (E) Directly below the text described in subparagraph (D) shall
34 be the following text in a clear and easily readable font of at least
35 20 point:

1 ~~“The federal Centers for Medicare and Medicaid Services gave~~
2 ~~the above rating to this facility. A detailed explanation of this rating~~
3 ~~is maintained at this facility and will be made available upon~~
4 ~~request.”~~

5 ~~“This information can also be accessed online at the Nursing~~
6 ~~Home Care Compare Web site at www.medicare.gov/NHcompare.”~~

7 *“This facility is reviewed annually and has been licensed by the*
8 *State of California and certified by the federal Centers for*
9 *Medicare and Medicaid Services (CMS). CMS rates facilities that*
10 *are certified to accept Medicare or Medicaid. CMS gave the above*
11 *rating to this facility. A detailed explanation of this rating is*
12 *maintained at this facility and will be made available upon request.*
13 *This information can also be accessed online at the Nursing Home*
14 *C o m p a r e I n t e r n e t W e b s i t e a t*
15 *<<http://www.medicare.gov/NHcompare>>. Like any information,*
16 *the Five-Star Quality Rating System has strengths and limits. The*
17 *criteria upon which the rating is determined may not represent all*
18 *of the aspects of care that may be important to you. You are*
19 *encouraged to discuss the rating with facility staff. The Five-Star*
20 *Quality Rating System was created to help consumers, their*
21 *families, and caregivers compare nursing homes more easily and*
22 *help identify areas about which you may want to ask questions.*
23 *Nursing home ratings are assigned based on ratings given to health*
24 *inspections, staffing, and quality measures. Some areas are*
25 *assigned a greater weight than other areas. These ratings are*
26 *combined to calculate the overall rating posted here.”*

27 (3) A copy of the most recent CMS report on the facility shall
28 be maintained at the facility, and shall be made available to
29 residents or the public upon request.

30 (4) The requirements of this section shall be in addition to any
31 other posting or inspection report availability requirements.

32 (b) Violation of this section shall constitute a class B violation,
33 as defined in subdivision (e) of Section 1424 and, notwithstanding
34 Section 1290, shall not constitute a crime. Fines from a violation
35 of this section shall be deposited into the State Health Facilities
36 Citation Penalties Account, created pursuant to Section 1417.2.

37 (c) *This section shall be operative on January 1, 2011.*

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