

ASSEMBLY BILL

No. 641

Introduced by Assembly Member Feuer

February 16, 2011

An act to amend Section 1417.2 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 641, as introduced, Feuer. Health facilities: civil penalties.

Existing law establishes the State Health Facilities Citation Penalties Account into which moneys derived from civil penalties for violations of state law are deposited. Moneys in this account may be used, upon appropriation by the Legislature, for the protection of health or property of residents of long-term health care facilities, as specified.

This bill would make a technical, nonsubstantive change to these provisions.

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

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

- 1 SECTION 1. Section 1417.2 of the Health and Safety Code is
- 2 amended to read:
- 3 1417.2. (a) Notwithstanding Section 1428, moneys collected
- 4 as a result of state and federal civil penalties imposed under this
- 5 chapter or federal law shall be deposited into accounts that are
- 6 hereby established in the Special Deposit Fund created pursuant
- 7 to Section 16370 of the Government Code. These accounts are
- 8 titled the State Health Facilities Citation Penalties Account, into

1 which moneys derived from civil penalties for violations of state
2 law shall be deposited, and the Federal Health Facilities Citation
3 Penalties Account, into which moneys derived from civil penalties
4 for violations of federal law shall be deposited. Moneys from these
5 accounts shall be used, notwithstanding Section 16370 of the
6 Government Code, upon appropriation by the Legislature, in
7 accordance with state and federal law for the protection of health
8 or property of residents of long-term health care facilities,
9 including, but not limited to, the following:

10 (1) Relocation expenses incurred by the department, in the event
11 of a facility closure.

12 (2) Maintenance of facility operation pending correction of
13 deficiencies or closure, ~~such as~~ *including, but not limited to,*
14 temporary management or receivership, in the event that the
15 revenues of the facility are insufficient.

16 (3) Reimbursing residents for personal funds lost. In the event
17 that the loss is a result of the actions of a long-term health care
18 facility or its employees, the revenues of the facility shall first be
19 used.

20 (4) The costs associated with informational meetings required
21 under Section 1327.2.

22 (b) Notwithstanding subdivision (a), the balance in the State
23 Health Facilities Citation Penalties Account shall not, at any time,
24 exceed ten million dollars (\$10,000,000).

25 (c) Moneys from the Federal Health Facilities Citation Penalties
26 Account, in the amount not to exceed one hundred thirty thousand
27 dollars (\$130,000), may also be used, notwithstanding Section
28 16370 of the Government Code, upon appropriation by the
29 Legislature, in accordance with state and federal law for the
30 improvement of quality of care and quality of life for long-term
31 health care facilities residents pursuant to Section 1417.3.

32 (d) The department shall post on its Internet Web site, and shall
33 update on a quarterly basis, all of the following regarding the funds
34 in the State Health Facilities Citation Penalties Account and the
35 Federal Health Facilities Citation Penalties Account:

36 (1) The specific sources of funds deposited into the account.

37 (2) The amount of funds in the account that have not been
38 allocated.

39 (3) A detailed description of how funds in the account have
40 been allocated and expended, including, but not limited to, the

- 1 names of persons or entities that received the funds, the amount
- 2 of salaries paid to temporary managers, and a description of
- 3 equipment purchased with the funds. However, the description
- 4 shall not include the names of residents.

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