

AMENDED IN ASSEMBLY JUNE 8, 2011

AMENDED IN SENATE MAY 3, 2011

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 484

Introduced by Senator Rubio

February 17, 2011

An act to amend Section 6254.14 of the Government Code, *and to add Section 5023.8 to the Penal Code*, relating to ~~public records~~ *the Department of Corrections and Rehabilitation*.

LEGISLATIVE COUNSEL'S DIGEST

SB 484, as amended, Rubio. Public records: health care services contract ~~records~~. *records: health care spending*.

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(1) *The* Public Records Act provides that records of the Department of Corrections and Rehabilitation that relate to health care services contract negotiations, and that reveal the deliberative processes, discussions, communications, or other portion of the negotiations, are not subject to disclosure until one year after the contract is fully executed, except that the portion of a contract that contains the rates of payment is not open to inspection until 3 years after a contract or amendment is fully executed. The entire contract or amendment is immediately open to inspection by the Joint Legislative Audit Committee and the Bureau of State Audits, subject to specified conditions.

The act also exempts from disclosure under its provisions, records the disclosure of which is exempted or prohibited under provisions of the Evidence Code relating to privilege.

This bill would include the Legislative Analyst's Office among those entities authorized to inspect the entire contract or amendment, subject to those specified conditions. It would specify that this authorization applies notwithstanding a provision of the Evidence Code permitting an owner of a trade secret to invoke a privilege against disclosure of that secret.

(2) Existing law authorizes the Department of Corrections and Rehabilitation to enter into contracts with providers of health care services to provide health care services to inmates. Existing law states that it is the intent of the Legislature that the department operate in the most cost-effective and efficient manner possible when purchasing health care services for inmates.

This bill would require the department to develop targets and implement a plan based on those targets to achieve a reduction in prison health care spending while maintaining an adequate level of care. The bill would require the department to seek ways of achieving a goal of spending no more per inmate on health care than the state pays per patient for Medi-Cal services by 2015. The bill would, beginning January 1, 2013, and ending January 1, 2017, require the department to provide an annual report to the Legislature to provide updates on attaining this goal.

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 6254.14 of the Government Code is
2 amended to read:
3 6254.14. (a) (1) Except as provided in Sections 6254 and
4 6254.7, nothing in this chapter shall be construed to require
5 disclosure of records of the Department of Corrections and
6 Rehabilitation that relate to health care services contract
7 negotiations, and that reveal the deliberative processes, discussions,
8 communications, or any other portion of the negotiations,
9 including, but not limited to, records related to those negotiations
10 such as meeting minutes, research, work product, theories, or
11 strategy of the department, or its staff, or members of the California
12 Medical Assistance Commission, or its staff, who act in
13 consultation with, or on behalf of, the department.

1 (2) Except for the portion of a contract that contains the rates
2 of payment, contracts for health services entered into by the
3 Department of Corrections and Rehabilitation or the California
4 Medical Assistance Commission on or after July 1, 1993, shall be
5 open to inspection one year after they are fully executed. In the
6 event that a contract for health services that is entered into prior
7 to July 1, 1993, is amended on or after July 1, 1993, the
8 amendment, except for any portion containing rates of payment,
9 shall be open to inspection one year after it is fully executed.

10 (3) Three years after a contract or amendment is open to
11 inspection under this subdivision, the portion of the contract or
12 amendment containing the rates of payment shall be open to
13 inspection.

14 (4) Notwithstanding any other provision of law, including, but
15 not limited to, Section 1060 of the Evidence Code, the entire
16 contract or amendment shall be open to inspection by the Joint
17 Legislative Audit Committee, the Bureau of State Audits, and the
18 Legislative Analyst's Office. The Joint Legislative Audit
19 Committee, the Bureau of State Audits, and the Legislative
20 Analyst's Office shall maintain the confidentiality of the contracts
21 and amendments until the contract or amendment is fully open to
22 inspection by the public.

23 (5) It is the intent of the Legislature that confidentiality of health
24 care provider contracts, and of the contracting process as provided
25 in this subdivision, is intended to protect the competitive nature
26 of the negotiation process, and shall not affect public access to
27 other information relating to the delivery of health care services.

28 (b) The inspection authority and confidentiality requirements
29 established in subdivisions (q), (v), and (y) of Section 6254 for
30 the Legislative Audit Committee shall also apply to the Bureau of
31 State Audits and the Legislative Analyst's Office.

32 *SEC. 2. Section 5023.8 is added to the Penal Code, to read:*

33 *5023.8. (a) Using 2010 statewide prison health care costs as*
34 *the baseline, the Department of Corrections and Rehabilitation*
35 *shall develop targets and shall implement a plan based on those*
36 *targets to achieve a reduction in prison health care spending while*
37 *maintaining an adequate level of care. When setting these targets,*
38 *the department shall seek ways of achieving a goal of spending*
39 *no more per inmate on health care than the state pays per patient*
40 *for Medi-Cal services by 2015. Progress made toward meeting*

1 *that goal shall be reviewed as part of the annual budget process*
2 *for the department's budget.*

3 *(b) The department shall report to the Legislature by January*
4 *1, 2013, and annually by January 1 thereafter, to provide updates*
5 *on accomplishing the goal specified in subdivision (a).*

6 *(c) (1) The requirement for submitting a report imposed under*
7 *subdivision (b) is inoperative on January 1, 2017, pursuant to*
8 *Section 10231.5 of the Government Code.*

9 *(2) A report to be submitted pursuant to subdivision (b) shall*
10 *be submitted in compliance with Section 9795 of the Government*
11 *Code.*

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