

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 620

Introduced by Assembly Member Buchanan

February 20, 2013

An act to add Sections 1279.8, 1507.15, and 1584.5 to the Health and Safety Code, relating to health and care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 620, as amended, Buchanan. Health and care facilities: missing patients and participants.

Existing law provides for the licensure and regulation of the health facilities, as defined. Existing law requires certain types of health facilities, such as acute care hospitals and skilled nursing facilities, to develop, implement, and comply with a patient safety plan for the purpose of improving the health and safety of patients and reducing preventable patient safety events, as specified. A person who violates the provisions governing health facilities is guilty of a misdemeanor, as specified.

The Community Care Facilities Act provides for the licensure and regulation of community care facilities, as defined, including facilities that provide adult day programs. A person who violates the act is guilty of a misdemeanor.

Existing law, the California Adult Day Health Care Act, provides for the licensure and regulation of adult day health care centers, as defined. A person who ~~negligently~~ *negligently*, repeatedly, or willfully violates the act is guilty of a misdemeanor.

This bill would require specified health facilities, including various kinds of intermediate care facilities, congregate living health facilities,

and nursing facilities, community care facilities offering adult day programs; and adult day health care centers to develop, implement, comply with, and review annually a safety plan for the purpose of addressing issues that arise when a patient or participant is missing from the facility. The bill would require the plan to include a requirement that an administrator of the facility, *or his or her designee*, inform *designated* relatives or caretakers, or both, who are authorized to receive information regarding that patient or participant, and local law enforcement when a patient or participant is missing from the facility. Because *negligent, repeated, or willful* violations of these provisions would be misdemeanors, the 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.

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

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

1 SECTION 1. Section 1279.8 is added to the Health and Safety
2 Code, to read:

3 1279.8. Every health facility, as defined in subdivision (d), (e),
4 (g), (h), (i), (k), or (m) of Section 1250, shall develop, implement,
5 comply with, and review annually a patient safety plan for the
6 purpose of addressing issues that arise when a patient is missing
7 from the facility. The plan shall include a requirement that an
8 administrator of the facility, *or his or her designee*, inform
9 *designated* relatives or caretakers, or both, who are authorized to
10 receive information regarding that patient, and local law
11 enforcement when a patient is missing from the facility.

12 SEC. 2. Section 1507.15 is added to the Health and Safety
13 Code, to read:

14 1507.15. Every community care facility that provides an adult
15 day program shall develop, implement, comply with, and review
16 annually, a participant safety plan for the purpose of addressing
17 issues that arise when an adult day program participant is missing
18 from the facility. The plan shall include a requirement that an

1 administrator of the facility, *or his or her designee*, inform
2 *designated* relatives or caretakers, or both, who are authorized to
3 receive information regarding that participant, and local law
4 enforcement when an adult day program participant is missing
5 from the facility.

6 SEC. 3. Section 1584.5 is added to the Health and Safety Code,
7 to read:

8 1584.5. Every adult day health care center shall develop,
9 implement, comply with, and review annually a participant safety
10 plan for the purpose of addressing issues that arise when an adult
11 day health care participant is missing from the facility. The plan
12 shall include a requirement that an administrator of the facility, *or*
13 *his or her designee*, inform *designated* relatives or caretakers, or
14 both, who are authorized to receive information regarding that
15 participant, and local law enforcement when an adult day health
16 care participant is missing from the facility.

17 SEC. 4. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.