

Assembly Bill No. 620

CHAPTER 674

An act to add Sections 1279.8, 1507.15, 1569.317, and 1584.5 to the Health and Safety Code, relating to health and care facilities.

[Approved by Governor October 9, 2013. Filed with
Secretary of State October 9, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 620, 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 residential facilities and facilities that provide adult day programs. A person who violates the act is guilty of a misdemeanor.

Existing law, the California Residential Care Facilities for the Elderly Act, requires the State Department of Social Services to license and regulate residential care facilities for the elderly, as defined. 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, by the State Department of Public Health. A person who 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 skilled nursing facilities, community care facilities providing adult residential care or offering adult day programs, residential care facilities for the elderly, and adult day health care centers to develop and comply with an absentee notification plan for the purpose of addressing issues that arise when a patient, resident, or participant, as applicable, is missing from the facility. The bill would require the plan to include and be limited to a requirement that an administrator of the facility, or his or her designee, inform the patient's, resident's, or participant's authorized representative when that patient, resident, or participant is missing from the facility, except under specified circumstances, and the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement.

Because 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.

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

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

1279.8. (a) Every health facility, as defined in subdivision (c), (d), (e), (g), (h), (i), or (m) of Section 1250, shall, for the purpose of addressing issues that arise when a patient is missing from the facility, develop and comply with an absentee notification plan as part of the written plans and procedures that are required pursuant to federal or state law. The plan shall include and be limited to the following: a requirement that an administrator of the facility, or his or her designee, inform the patient's authorized representative when that patient is missing from the facility and the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a patient is missing from the facility.

(b) This section shall not apply to state hospitals under the jurisdiction of the State Department of State Hospitals when the executive director of the state hospital, or his or her designee, determines that informing the patient's authorized representative that a patient is missing will create a risk to the safety and security of the state hospital.

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

1507.15. Every community care facility that provides adult residential care or offers an adult day program shall, for the purpose of addressing issues that arise when an adult resident or an adult day program participant is missing from the facility, develop and comply with an absentee notification plan for each resident or participant. The plan shall be part of the written Needs and Services Plan. The plan shall include and be limited to the following: a requirement that an administrator of the facility, or his or her designee, inform the resident's or participant's authorized representative when that resident or participant is missing from the facility and the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a resident or participant is missing from the facility.

SEC. 3. Section 1569.317 is added to the Health and Safety Code, to read:

1569.317. Every residential care facility for the elderly, as defined in Section 1569.2, shall, for the purpose of addressing issues that arise when a resident is missing from the facility, develop and comply with an absentee notification plan as part of the written record of the care the resident will

receive in the facility, as described in Section 1569.80. The plan shall include and be limited to the following: a requirement that an administrator of the facility, or his or her designee, inform the resident's authorized representative when that resident is missing from the facility and the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a resident is missing from the facility.

SEC. 4. Section 1584.5 is added to the Health and Safety Code, to read:

1584.5. Every adult day health care center shall, for the purpose of addressing issues that arise when an adult day health care participant is missing from the facility, develop and comply with an absentee notification plan, as part of the individual plan of care, as defined in Section 1570.7. The plan shall include and be limited to the following: a requirement that an administrator of the facility, or his or her designee, inform the participant's authorized representative when that participant is missing from the facility and the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a participant is missing from the facility.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.