

ASSEMBLY BILL

No. 839

Introduced by Assembly Member Mansoor

February 21, 2013

An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 839, as introduced, Mansoor. Health facilities.

Existing law provides for the licensure and regulation by the State Department of Public Health of health facilities, defined to mean any facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, as specified.

This bill would make a technical, nonsubstantive change to that provision.

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 1250 of the Health and Safety Code is
- 2 amended to read:
- 3 1250. As used in this chapter, "health facility" means ~~any a~~
- 4 facility, place, or building that is organized, maintained, and
- 5 operated for the diagnosis, care, prevention, and treatment of
- 6 human illness, physical or mental, including convalescence and
- 7 rehabilitation and including care during and after pregnancy, or
- 8 for any one or more of these purposes, for one or more persons,

1 to which the persons are admitted for a 24-hour stay or longer, and
2 includes the following types:

3 (a) “General acute care hospital” means a health facility having
4 a duly constituted governing body with overall administrative and
5 professional responsibility and an organized medical staff that
6 provides 24-hour inpatient care, including the following basic
7 services: medical, nursing, surgical, anesthesia, laboratory,
8 radiology, pharmacy, and dietary services. A general acute care
9 hospital may include more than one physical plant maintained and
10 operated on separate premises as provided in Section 1250.8. A
11 general acute care hospital that exclusively provides acute medical
12 rehabilitation center services, including at least physical therapy,
13 occupational therapy, and speech therapy, may provide for the
14 required surgical and anesthesia services through a contract with
15 another acute care hospital. In addition, a general acute care
16 hospital that, on July 1, 1983, provided required surgical and
17 anesthesia services through a contract or agreement with another
18 acute care hospital may continue to provide these surgical and
19 anesthesia services through a contract or agreement with an acute
20 care hospital. The general acute care hospital operated by the State
21 Department of Developmental Services at Agnews Developmental
22 Center may, until June 30, 2007, provide surgery and anesthesia
23 services through a contract or agreement with another acute care
24 hospital. Notwithstanding the requirements of this subdivision, a
25 general acute care hospital operated by the Department of
26 Corrections and Rehabilitation or the Department of Veterans
27 Affairs may provide surgery and anesthesia services during normal
28 weekday working hours, and not provide these services during
29 other hours of the weekday or on weekends or holidays, if the
30 general acute care hospital otherwise meets the requirements of
31 this section.

32 A “general acute care hospital” includes a “rural general acute
33 care hospital.” However, a “rural general acute care hospital” shall
34 not be required by the department to provide surgery and anesthesia
35 services. A “rural general acute care hospital” shall meet either of
36 the following conditions:

37 (1) The hospital meets criteria for designation within peer group
38 six or eight, as defined in the report entitled Hospital Peer Grouping
39 for Efficiency Comparison, dated December 20, 1982.

1 (2) The hospital meets the criteria for designation within peer
2 group five or seven, as defined in the report entitled Hospital Peer
3 Grouping for Efficiency Comparison, dated December 20, 1982,
4 and has no more than 76 acute care beds and is located in a census
5 dwelling place of 15,000 or less population according to the 1980
6 federal census.

7 (b) "Acute psychiatric hospital" means a health facility having
8 a duly constituted governing body with overall administrative and
9 professional responsibility and an organized medical staff that
10 provides 24-hour inpatient care for mentally disordered,
11 incompetent, or other patients referred to in Division 5
12 (commencing with Section 5000) or Division 6 (commencing with
13 Section 6000) of the Welfare and Institutions Code, including the
14 following basic services: medical, nursing, rehabilitative,
15 pharmacy, and dietary services.

16 (c) (1) "Skilled nursing facility" means a health facility that
17 provides skilled nursing care and supportive care to patients whose
18 primary need is for availability of skilled nursing care on an
19 extended basis.

20 (2) "Skilled nursing facility" includes a "small house skilled
21 nursing facility (SHSNF)," as defined in Section 1323.5.

22 (d) "Intermediate care facility" means a health facility that
23 provides inpatient care to ambulatory or nonambulatory patients
24 who have recurring need for skilled nursing supervision and need
25 supportive care, but who do not require availability of continuous
26 skilled nursing care.

27 (e) "Intermediate care facility/developmentally disabled
28 habilitative" means a facility with a capacity of 4 to 15 beds that
29 provides 24-hour personal care, habilitation, developmental, and
30 supportive health services to 15 or fewer persons with
31 developmental disabilities who have intermittent recurring needs
32 for nursing services, but have been certified by a physician and
33 surgeon as not requiring availability of continuous skilled nursing
34 care.

35 (f) "Special hospital" means a health facility having a duly
36 constituted governing body with overall administrative and
37 professional responsibility and an organized medical or dental staff
38 that provides inpatient or outpatient care in dentistry or maternity.

39 (g) "Intermediate care facility/developmentally disabled" means
40 a facility that provides 24-hour personal care, habilitation,

1 developmental, and supportive health services to persons with
2 developmental disabilities whose primary need is for
3 developmental services and who have a recurring but intermittent
4 need for skilled nursing services.

5 (h) “Intermediate care facility/developmentally
6 disabled-nursing” means a facility with a capacity of 4 to 15 beds
7 that provides 24-hour personal care, developmental services, and
8 nursing supervision for persons with developmental disabilities
9 who have intermittent recurring needs for skilled nursing care but
10 have been certified by a physician and surgeon as not requiring
11 continuous skilled nursing care. The facility shall serve medically
12 fragile persons with developmental disabilities or who demonstrate
13 significant developmental delay that may lead to a developmental
14 disability if not treated.

15 (i) (1) “Congregate living health facility” means a residential
16 home with a capacity, except as provided in paragraph (4), of no
17 more than 12 beds, that provides inpatient care, including the
18 following basic services: medical supervision, 24-hour skilled
19 nursing and supportive care, pharmacy, dietary, social, recreational,
20 and at least one type of service specified in paragraph (2). The
21 primary need of congregate living health facility residents shall
22 be for availability of skilled nursing care on a recurring,
23 intermittent, extended, or continuous basis. This care is generally
24 less intense than that provided in general acute care hospitals but
25 more intense than that provided in skilled nursing facilities.

26 (2) Congregate living health facilities shall provide one of the
27 following services:

28 (A) Services for persons who are mentally alert, persons with
29 physical disabilities, who may be ventilator dependent.

30 (B) Services for persons who have a diagnosis of terminal
31 illness, a diagnosis of a life-threatening illness, or both. Terminal
32 illness means the individual has a life expectancy of six months
33 or less as stated in writing by his or her attending physician and
34 surgeon. A “life-threatening illness” means the individual has an
35 illness that can lead to a possibility of a termination of life within
36 five years or less as stated in writing by his or her attending
37 physician and surgeon.

38 (C) Services for persons who are catastrophically and severely
39 disabled. A person who is catastrophically and severely disabled
40 means a person whose origin of disability was acquired through

1 trauma or nondegenerative neurologic illness, for whom it has
2 been determined that active rehabilitation would be beneficial and
3 to whom these services are being provided. Services offered by a
4 congregate living health facility to a person who is catastrophically
5 disabled shall include, but not be limited to, speech, physical, and
6 occupational therapy.

7 (3) A congregate living health facility license shall specify which
8 of the types of persons described in paragraph (2) to whom a
9 facility is licensed to provide services.

10 (4) (A) A facility operated by a city and county for the purposes
11 of delivering services under this section may have a capacity of
12 59 beds.

13 (B) A congregate living health facility not operated by a city
14 and county servicing persons who are terminally ill, persons who
15 have been diagnosed with a life-threatening illness, or both, that
16 is located in a county with a population of 500,000 or more persons,
17 or located in a county of the 16th class pursuant to Section 28020
18 of the Government Code, may have not more than 25 beds for the
19 purpose of serving persons who are terminally ill.

20 (C) A congregate living health facility not operated by a city
21 and county servicing persons who are catastrophically and severely
22 disabled, as defined in subparagraph (C) of paragraph (2) that is
23 located in a county of 500,000 or more persons may have not more
24 than 12 beds for the purpose of serving persons who are
25 catastrophically and severely disabled.

26 (5) A congregate living health facility shall have a
27 noninstitutional, homelike environment.

28 (j) (1) "Correctional treatment center" means a health facility
29 operated by the Department of Corrections and Rehabilitation, the
30 Department of Corrections and Rehabilitation, Division of Juvenile
31 Facilities, or a county, city, or city and county law enforcement
32 agency that, as determined by the department, provides inpatient
33 health services to that portion of the inmate population who do not
34 require a general acute care level of basic services. This definition
35 shall not apply to those areas of a law enforcement facility that
36 houses inmates or wards who may be receiving outpatient services
37 and are housed separately for reasons of improved access to health
38 care, security, and protection. The health services provided by a
39 correctional treatment center shall include, but are not limited to,
40 all of the following basic services: physician and surgeon,

1 psychiatrist, psychologist, nursing, pharmacy, and dietary. A
2 correctional treatment center may provide the following services:
3 laboratory, radiology, perinatal, and any other services approved
4 by the department.

5 (2) Outpatient surgical care with anesthesia may be provided,
6 if the correctional treatment center meets the same requirements
7 as a surgical clinic licensed pursuant to Section 1204, with the
8 exception of the requirement that patients remain less than 24
9 hours.

10 (3) Correctional treatment centers shall maintain written service
11 agreements with general acute care hospitals to provide for those
12 inmate physical health needs that cannot be met by the correctional
13 treatment center.

14 (4) Physician and surgeon services shall be readily available in
15 a correctional treatment center on a 24-hour basis.

16 (5) It is not the intent of the Legislature to have a correctional
17 treatment center supplant the general acute care hospitals at the
18 California Medical Facility, the California Men's Colony, and the
19 California Institution for Men. This subdivision shall not be
20 construed to prohibit the Department of Corrections and
21 Rehabilitation from obtaining a correctional treatment center
22 license at these sites.

23 (k) "Nursing facility" means a health facility licensed pursuant
24 to this chapter that is certified to participate as a provider of care
25 either as a skilled nursing facility in the federal Medicare Program
26 under Title XVIII of the federal Social Security Act (42 U.S.C.
27 Sec. 1395 et seq.) or as a nursing facility in the federal Medicaid
28 Program under Title XIX of the federal Social Security Act (42
29 U.S.C. Sec. 1396 et seq.), or as both.

30 (l) Regulations defining a correctional treatment center described
31 in subdivision (j) that is operated by a county, city, or city and
32 county, the Department of Corrections and Rehabilitation, or the
33 Department of Corrections and Rehabilitation, Division of Juvenile
34 Facilities, shall not become effective prior to, or if effective, shall
35 be inoperative until January 1, 1996, and until that time these
36 correctional facilities are exempt from any licensing requirements.

37 (m) "Intermediate care facility/developmentally
38 disabled-continuous nursing (ICF/DD-CN)" means a homelike
39 facility with a capacity of four to eight, inclusive, beds that
40 provides 24-hour personal care, developmental services, and

1 nursing supervision for persons with developmental disabilities
2 who have continuous needs for skilled nursing care and have been
3 certified by a physician and surgeon as warranting continuous
4 skilled nursing care. The facility shall serve medically fragile
5 persons who have developmental disabilities or demonstrate
6 significant developmental delay that may lead to a developmental
7 disability if not treated. ICF/DD-CN facilities shall be subject to
8 licensure under this chapter upon adoption of licensing regulations
9 in accordance with Section 1275.3. A facility providing continuous
10 skilled nursing services to persons with developmental disabilities
11 pursuant to Section 14132.20 or 14495.10 of the Welfare and
12 Institutions Code shall apply for licensure under this subdivision
13 within 90 days after the regulations become effective, and may
14 continue to operate pursuant to those sections until its licensure
15 application is either approved or denied.

16 (n) "Hospice facility" means a health facility licensed pursuant
17 to this chapter with a capacity of no more than 24 beds that
18 provides hospice services. Hospice services include, but are not
19 limited to, routine care, continuous care, inpatient respite care, and
20 inpatient hospice care as defined in subdivision (d) of Section
21 1339.40, and is operated by a provider of hospice services that is
22 licensed pursuant to Section 1751 and certified as a hospice
23 pursuant to Part 418 of Title 42 of the Code of Federal Regulations.