

ASSEMBLY BILL

No. 1312

Introduced by Assembly Member Brown

February 22, 2013

An act to amend Section 1275 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1312, as introduced, Brown. Health facilities: health care standards.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. Existing law requires the department to adopt, amend, or repeal any reasonable rules and regulations as may be necessary and proper to carry out the purposes and intent of the provisions governing the licensure of health facilities and to enable the department to exercise its powers and perform its duties.

This bill would authorize the department to, without taking regulatory action, update references in regulations to health care standards of practice developed by recognized state or national associations by posting on its Internet Web site in accordance with specified notice, public comment, and hearing requirements.

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 1275 of the Health and Safety Code is
- 2 amended to read:

1 1275. (a) (1) The ~~state~~ department shall adopt, amend, or
 2 repeal, in accordance with Chapter 3.5 (commencing with Section
 3 11340) of Part 1 of Division 3 of Title 2 of the Government Code
 4 and Chapter 4 (commencing with Section 18935) of Part 2.5 of
 5 Division 13, any reasonable rules and regulations as may be
 6 necessary or proper to carry out the purposes and intent of this
 7 chapter and to enable the ~~state~~ department to exercise the powers
 8 and perform the duties conferred upon it by this chapter, not
 9 inconsistent with any ~~statute of this state~~ other law including, but
 10 not limited to, the ~~State~~ California Building Standards Law, ~~Part~~
 11 (~~Part 2.5~~ (commencing with Section 18901) of Division ~~13~~ 13).

12 AH

13 (2) All regulations in effect on December 31, 1973, which were
 14 adopted by the State Board of Public Health, the State Department
 15 of Public Health, the State Department of Mental Hygiene, or the
 16 State Department of Health relating to licensed health facilities
 17 shall remain in full force and effect until altered, amended, or
 18 repealed by the director or pursuant to Section 25 or other
 19 provisions of law.

20 (b) Notwithstanding this section or any other provision of law,
 21 the Office of Statewide Health Planning and Development shall
 22 adopt and enforce regulations prescribing building standards for
 23 the adequacy and safety of health facility physical plants.

24 (c) The building standards adopted by the State Fire Marshal,
 25 and the Office of Statewide Health Planning and Development
 26 pursuant to subdivision (b), for the adequacy and safety of
 27 freestanding physical plants housing outpatient services of a health
 28 facility licensed under subdivision (a) or (b) of Section 1250 shall
 29 not be more restrictive or comprehensive than the comparable
 30 building standards established, or otherwise made applicable, by
 31 the State Fire Marshal and the Office of Statewide Health Planning
 32 and Development to clinics and other facilities licensed pursuant
 33 to Chapter 1 (commencing with Section 1200).

34 (d) Except as provided in subdivision (f), the licensing standards
 35 adopted by the ~~state~~ department under subdivision (a) for outpatient
 36 services located in a freestanding physical plant of a health facility
 37 licensed under subdivision (a) or (b) of Section 1250 shall not be
 38 more restrictive or comprehensive than the comparable licensing
 39 standards applied by the ~~state~~ department to clinics and other

1 facilities licensed under Chapter 1 (commencing with Section
2 1200).

3 (e) Except as provided in subdivision (f), the state agencies
4 specified in subdivisions (c) and (d) shall not enforce any standard
5 applicable to outpatient services located in a freestanding physical
6 plant of a health facility licensed pursuant to subdivision (a) or (b)
7 of Section 1250, to the extent that the standard is more restrictive
8 or comprehensive than the comparable licensing standards applied
9 to clinics and other facilities licensed under Chapter 1
10 (commencing with Section 1200).

11 (f) All health care professionals providing services in settings
12 authorized by this section shall be members of the organized
13 medical staff of the health facility to the extent medical staff
14 membership would be required for the provision of the services
15 within the health facility. All services shall be provided under the
16 respective responsibilities of the governing body and medical staff
17 of the health facility.

18 (g) For purposes of this section, “freestanding physical plant”
19 means any building which is not physically attached to a building
20 in which inpatient services are provided.

21 (h) *Notwithstanding any other law, the department may, without*
22 *taking regulatory action pursuant to Chapter 3.5 (commencing*
23 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
24 *Government Code, update references in the California Code of*
25 *Regulations to health care standards of practice developed by*
26 *recognized state or national associations by posting those*
27 *standards on the department’s Internet Web site. Notice of the*
28 *department’s proposed adoption of health care standards shall be*
29 *posted on its Internet Web site for at least 45 days. Public comment*
30 *shall be accepted by the department for at least 30 days after the*
31 *conclusion of the 45-day posting period. If a member of the public*
32 *requests a public hearing during the public comment period, the*
33 *hearing shall be held and comments shall be considered prior to*
34 *the adoption of the health care standards. If no member of the*
35 *public requests a public hearing, the department shall consider*
36 *any comments received during the public comment period prior*
37 *to the adoption of the health care standards. Written responses to*
38 *public comments shall not be required.*

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