

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1312**

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**Introduced by Assembly Member Brown**

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1312, as amended, Brown. Health facilities: health care ~~standards~~. *standards of practice*.

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~~ *adopted by a* recognized state or national ~~associations~~ *association, when the state or national association and its outdated standards are already named in the regulations,* by posting on its Internet Web site in accordance with specified notice, public comment, and hearing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:

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

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19 repealed by the director or pursuant to Section 25 or other  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

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

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

35 (d) Except as provided in subdivision (f), the licensing standards  
36 adopted by the department under subdivision (a) for outpatient  
37 services located in a freestanding physical plant of a health facility  
38 licensed under subdivision (a) or (b) of Section 1250 shall not be

1 more restrictive or comprehensive than the comparable licensing  
2 standards applied by the department to clinics and other facilities  
3 licensed under Chapter 1 (commencing with Section 1200).

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

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

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

22 (h) Notwithstanding any other law, the department may, without  
23 taking regulatory action pursuant to Chapter 3.5 (commencing  
24 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
25 Government Code, update references in the California Code of  
26 Regulations to health care standards of practice ~~developed~~ *adopted*  
27 *by a recognized state or national association when*  
28 *the same state or national association and its outdated standards*  
29 *are already named in the California Code of Regulations. The*  
30 *department may accomplish this by posting ~~those standards~~ the*  
31 *name of the state or national association, the title of the health*  
32 *care standards of practice, and the version of the updated health*  
33 *care standards of practice to be adopted* on the department’s  
34 Internet Web site. Notice of the department’s proposed adoption  
35 of *the state or national association’s* health care standards of  
36 *practice* shall be posted on its Internet Web site for at least 45  
37 days. Public comment shall be accepted by the department for at  
38 least 30 days after the conclusion of the 45-day posting period. If  
39 a member of the public requests a public hearing during the public  
40 comment period, the hearing shall be held and comments shall be

1 considered prior to the adoption of the *state or national*  
2 *association's* health care standards *of practice*. If no member of  
3 the public requests a public hearing, the department shall consider  
4 any comments received during the public comment period prior  
5 to the adoption of the health care standards. Written responses to  
6 public comments shall not be required.

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