

AMENDED IN SENATE AUGUST 24, 2015

AMENDED IN SENATE JULY 16, 2015

AMENDED IN SENATE JULY 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1177**

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**Introduced by Assembly Members Gomez, Burke, and Low**

February 27, 2015

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An act to add and repeal Section 1204.2 of the Health and Safety Code, relating to primary care clinics.

LEGISLATIVE COUNSEL'S DIGEST

AB 1177, as amended, Gomez. Primary care clinics: written transfer agreements.

Existing regulations require primary care clinics to maintain a written transfer agreement with one or more nearby hospitals and other facilities as appropriate to meet medical emergencies. Existing law authorizes certain clinics to request that the State Department of Public Health waive this requirement.

This bill would provide that a licensed primary care clinic is not required to enter into a written transfer agreement pursuant to those provisions as a condition of licensure, except as provided for a primary care clinic where anesthesia is used in compliance with the community standard of practice, in doses that, when administered, have the probability of placing a patient at risk for loss of the patient's life-preserving protective reflexes. The bill would exempt a primary care clinic from the above-referenced hospital transfer agreement requirement if the clinic submits to the State Department of Public Health competent evidence, as defined, that documents its attempt to

obtain a written transfer agreement from at least 2 local hospitals, except as provided. The bill would impose similar requirements upon an alternative birth center licensed as a primary care clinic, as specified. *The bill would require a primary care clinic, except as specified, to send with each patient at the time of transfer, or in the case of an emergency, as promptly as possible, copies of all medical records related to the patient’s transfer; and would require the medical records to include, among other things, current medical findings and a brief summary of the course of treatment provided prior to the patient’s transfer.* The bill would require the department to ~~amend~~ repeal its regulations to conform to these changes.

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 1204.2 is added to the Health and Safety  
 2 Code, to read:  
 3 1204.2. (a) ~~(1)~~ Notwithstanding any other law, including, but  
 4 not limited to, Section 75047 of Title 22 of the California Code of  
 5 Regulations, and except as provided in ~~paragraph (2)~~, *subdivision*  
 6 *(c)*, a primary care clinic described in subdivision (a) of Section  
 7 1204 that is licensed pursuant to this chapter shall not be required  
 8 to enter into a written transfer agreement with a nearby hospital  
 9 as a condition of licensure.  
 10 ~~(2) (A) A primary care clinic where anesthesia is used in~~  
 11 ~~compliance with the community standard of practice, in doses that,~~  
 12 ~~when administered, have the probability of placing a patient at risk~~  
 13 ~~for loss of the patient’s life-preserving protective reflexes, shall~~  
 14 ~~have a written transfer agreement with a local accredited or licensed~~  
 15 ~~general acute care hospital.~~  
 16 ~~(B) A primary care clinic described in subparagraph (A) is~~  
 17 ~~exempt from the requirements of subparagraph (A) if that clinic~~  
 18 ~~submits to the department any competent evidence that documents~~  
 19 ~~its attempt to obtain a written transfer agreement from at least two~~  
 20 ~~local hospitals that have elected not to enter into a transfer~~  
 21 ~~agreement with that primary care clinic. If the primary care clinic~~  
 22 ~~determines that there are not two hospitals that are reasonably~~  
 23 ~~accessible by road travel for purposes of providing patients with~~  
 24 ~~emergency medical care, the primary care clinic shall only be~~

1 required to submit competent evidence to the department that  
2 documents its attempt to obtain a written transfer agreement from  
3 one local hospital.

4 (C) For the purposes of this section, “competent evidence”  
5 means evidence that is relevant and of such a nature that it can be  
6 received by a court of law, and includes, but is not limited to, an  
7 affidavit of someone with the legal authority to bind the clinic  
8 operation.

9 (b) (1) *A primary care clinic shall send with each patient at*  
10 *the time of transfer, or in the case of an emergency, as promptly*  
11 *as possible, copies of all medical records related to the patient’s*  
12 *transfer. To the extent practicable and applicable to the patient’s*  
13 *transfer, the medical records shall include current medical*  
14 *findings, diagnoses, laboratory results, medications provided prior*  
15 *to transfer, a brief summary of the course of treatment provided*  
16 *prior to transfer, ambulation status, nursing and dietary*  
17 *information, name and contact information for the treating*  
18 *physician at the clinic, and as appropriate, pertinent administrative*  
19 *and demographic information related to the patient, including*  
20 *name and date of birth.*

21 (2) *The requirements in paragraph (1) shall not apply if the*  
22 *primary care clinic has entered into a written transfer agreement*  
23 *with a local hospital that provides for the transfer of medical*  
24 *records.*

25 (D)

26 (c) An alternative birth center that is licensed under this chapter  
27 as a primary care clinic, as a condition of licensure, shall be  
28 required to maintain a written transfer agreement with a local  
29 hospital. The transfer agreement shall include provisions for  
30 communication and transportation to meet medical emergencies.  
31 Essential personal, health, and medical information shall either  
32 accompany the patient upon transfer or be transmitted immediately  
33 by telephone to the receiving facility. This section does not modify  
34 or supersede the requirements imposed on alternative birth centers  
35 described in Section 1204.3.

36 (b) ~~This section does not require a primary care clinic to have~~  
37 ~~a hospital transfer agreement with a local hospital, if that clinic~~  
38 ~~provides only the following types of analgesia and sedation~~  
39 ~~services:~~

40 (1) ~~Local anesthesia.~~

1     ~~(2) Peripheral nerve blocks.~~

2     ~~(3) A combination of both local anesthesia and peripheral nerve~~  
3 ~~blocks.~~

4     ~~(4) Conscious sedation, as defined in Section 1647.1 of the~~  
5 ~~Business and Professions Code.~~

6     ~~(e)~~

7     ~~(d) The State Department of Public Health, no later than July~~  
8 ~~1, 2016, shall amend repeal Section 75047 of Chapter 7 of Division~~  
9 ~~5 of Title 22 of the California Code of Regulations to be consistent~~  
10 ~~with this section. Regulations.~~

11     ~~(d)~~

12     ~~(e) This section shall remain in effect only until January 1, 2018,~~  
13 ~~and as of that date is repealed, unless a later enacted statute, that~~  
14 ~~is enacted before January 1, 2018, deletes or extends that date.~~

15     SEC. 2. Section 1204.2 is added to the Health and Safety Code,  
16 to read:

17     1204.2. (a) ~~(1)~~Notwithstanding any other law, and except as  
18 provided in ~~paragraph (2)~~, *subdivision (c)*, a primary care clinic  
19 described in subdivision (a) of Section 1204 that is licensed  
20 pursuant to this chapter shall not be required to enter into a written  
21 transfer agreement with a nearby hospital as a condition of  
22 licensure.

23     ~~(2) (A) A primary care clinic where anesthesia is used in~~  
24 ~~compliance with the community standard of practice, in doses that,~~  
25 ~~when administered, have the probability of placing a patient at risk~~  
26 ~~for loss of the patient's life-preserving protective reflexes, shall~~  
27 ~~have a written transfer agreement with a local accredited or licensed~~  
28 ~~acute general care hospital.~~

29     ~~(B) A primary care clinic described in subparagraph (A) is~~  
30 ~~exempt from the requirements of subparagraph (A) if it submits~~  
31 ~~to the department any competent evidence that documents its~~  
32 ~~attempts to obtain a written transfer agreement from at least two~~  
33 ~~local hospitals that have elected to not enter into a transfer~~  
34 ~~agreement with that primary care clinic. If the primary care clinic~~  
35 ~~determines that there are not two hospitals that are reasonably~~  
36 ~~accessible by road travel for purposes of providing patients with~~  
37 ~~emergency medical care, the primary care clinic shall only be~~  
38 ~~required to submit competent evidence to the department that~~  
39 ~~documents its attempt to obtain a written transfer agreement from~~  
40 ~~one local hospital.~~

1 ~~(C) For the purposes of this section, “competent evidence”~~  
2 ~~means evidence that is relevant and of such a nature that it can be~~  
3 ~~received by a court of law, and includes, but is not limited to, an~~  
4 ~~affidavit of someone with the legal authority to bind the clinic~~  
5 ~~operation.~~

6 *(b) (1) A primary care clinic shall send with each patient at*  
7 *the time of transfer, or in the case of an emergency, as promptly*  
8 *as possible, copies of all medical records related to the patient’s*  
9 *transfer. To the extent practicable and applicable to the patient’s*  
10 *transfer, the medical records shall include current medical*  
11 *findings, diagnoses, laboratory results, medications provided prior*  
12 *to transfer, a brief summary of the course of treatment provided*  
13 *prior to transfer, ambulation status, nursing and dietary*  
14 *information, name and contact information for the treating*  
15 *physician at the clinic, and as appropriate, pertinent administrative*  
16 *and demographic information related to the patient, including*  
17 *name and date of birth.*

18 *(2) The requirements in paragraph (1) shall not apply if the*  
19 *primary care clinic has entered into a written transfer agreement*  
20 *with a local hospital that provides for the transfer of medical*  
21 *records.*

22 ~~(D)~~

23 *(c) An alternative birth center that is licensed under this chapter*  
24 *as a primary care clinic, as a condition of licensure, shall be*  
25 *required to maintain a written transfer agreement with a local*  
26 *hospital. The transfer agreement shall include provisions for*  
27 *communication and transportation to meet medical emergencies.*  
28 *Essential personal, health, and medical information shall either*  
29 *accompany the patient upon transfer or be transmitted immediately*  
30 *by telephone to the receiving facility. This section does not modify*  
31 *or supersede the requirements imposed on alternative birth centers*  
32 *described in Section 1204.3.*

33 ~~(b) This section does not require a primary care clinic to have~~  
34 ~~a hospital transfer agreement with a nearby hospital, if that clinic~~  
35 ~~provides only the following types of analgesia and sedation~~  
36 ~~services:~~

37 ~~(1) Local anesthesia.~~

38 ~~(2) Peripheral nerve blocks.~~

39 ~~(3) A combination of both local anesthesia and peripheral nerve~~  
40 ~~blocks.~~

1 ~~(4) Conscious sedation, as defined in Section 1647.1 of the~~  
2 ~~Business and Professions Code.~~  
3 ~~(e) This section shall become operative on January 1, 2018.~~  
4 ~~(d)~~

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7 **CORRECTIONS:**  
8 **Text—Page 6.**  
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