

ASSEMBLY BILL

No. 1947

Introduced by Assembly Member Chiu

February 12, 2016

An act to amend Section 1218.1 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1947, as introduced, Chiu. Health facilities: affiliate clinic: licensing.

Existing law requires any person, firm, association, partnership, or corporation desiring a license for a clinic or a special permit for special services to file with the State Department of Public Health a verified application on forms prescribed and furnished by the department. A clinic corporation, on behalf of a primary care clinic that has held a valid, unrevoked, and unsuspended license for at least the immediately preceding 5 years, with no demonstrated history of repeated or uncorrected violations of specified provisions that pose immediate jeopardy to a patient, and that has no pending action to suspend or revoke its license, is authorized to file an affiliate clinic application to establish a primary care clinic at an additional site or a mobile health care unit. The department, upon receipt of the completed affiliate clinic application submitted by the clinic corporation, is required to approve a license for the affiliate clinic, without the necessity of first conducting an initial onsite survey, if specified conditions are satisfied.

This bill would require the centralized application unit to publish on the department's Internet Web site current checklists and instructions concerning how to complete an application for a new affiliate clinic

license, as well as how to report changes to an existing affiliate primary care clinic.

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 1218.1 of the Health and Safety Code is
2 amended to read:

3 1218.1. (a) A clinic corporation on behalf of a primary care
4 clinic that has held a valid, unrevoked, and unsuspended license
5 for at least the immediately preceding five years, with no
6 demonstrated history of repeated or uncorrected violations of this
7 chapter or a regulation adopted under this chapter that pose
8 immediate jeopardy to a patient, as defined in subdivision (f), and
9 that has no pending action to suspend or revoke its license, may
10 file an affiliate clinic application under this section to establish a
11 primary care clinic at an additional site or a mobile health care
12 unit, either of which shall hereafter be referred to as the affiliate
13 clinic. The department, upon receipt of the completed affiliate
14 clinic application submitted by the clinic corporation, shall approve
15 a license for the affiliate clinic, without the necessity of first
16 conducting an initial onsite survey, if all of the following conditions
17 are met:

18 (1) The clinic corporation that operates the existing licensed
19 primary care clinic, which shall hereafter be referred to as the
20 parent clinic, has submitted a completed affiliate clinic application
21 and the associated application fee.

22 (2) The parent and affiliate clinics' corporate officers, as
23 specified in Section 5213 of the Corporations Code, are the same.

24 (3) The parent and affiliate clinics are owned and operated by
25 the same nonprofit organization with the same board of directors.

26 (4) The parent and affiliate clinics have the same medical
27 director or directors and medical policies, procedures, protocols,
28 and standards.

29 (b) The affiliate clinic application shall consist solely of a simple
30 form and required supporting documents giving the following
31 information:

32 (1) The name and address of the clinic corporation's
33 administrative office.

- 1 (2) The name and contact information of the clinic corporation's
2 chief executive officer or executive director.
- 3 (3) The name and address of the new affiliate primary care clinic
4 site or the location of the new affiliate mobile health care unit.
- 5 (4) The name and contact information of the administrator of
6 the new affiliate primary care clinic site or mobile health care unit.
- 7 (5) The expected days and hours of operation and the services
8 to be provided at the new affiliate primary care clinic site or mobile
9 health care unit.
- 10 (6) Evidence that the new affiliate mobile health care unit meets
11 the requirements of the Mobile Health Care Services Act (Chapter
12 9 (commencing with Section 1765.101)).
- 13 (7) The type and the manufacturer of the new affiliate mobile
14 health care unit and the proposed area or areas where the new
15 affiliate mobile health care unit will be providing services.
- 16 (8) To the extent otherwise required by law, evidence of
17 compliance with the minimum construction standards for adequacy
18 and safety of the new affiliate clinic's physical plant, pursuant to
19 the OSHPD 3 requirements of the most recent version of the
20 California Building Code applicable to clinics and subdivision (b)
21 of Section 1226. The compliance may be established in the form
22 prescribed by Section 1226.3.
- 23 (9) Evidence of fire clearance for the new affiliate clinic site.
- 24 (10) A copy of the lease or purchase agreement for the new
25 affiliate clinic site.
- 26 (11) A copy of the transfer agreement between the new affiliate
27 clinic and a local hospital.
- 28 (12) A current list of clinic corporation board members.
- 29 (c) The affiliate clinic application shall be signed by an officer
30 of the clinic corporation's board of directors or the clinic
31 corporation's chief executive officer or executive director.
- 32 (d) The department shall issue a clinic license under this section
33 within 30 days of receipt of a completed affiliate clinic application.
34 If approved, a clinic license shall be issued within seven days of
35 approval. If the department determines that an applicant does not
36 meet the conditions stated in subdivision (a), it shall identify, in
37 writing and with particularity, the grounds for that determination,
38 and shall instead process the application in accordance with the
39 time specified in Section 1218.

1 (e) Nothing in this section shall prohibit the department from
2 conducting a licensing inspection of the affiliate clinic at any time
3 after receipt of the completed affiliate clinic application.

4 (f) For purposes of this section, “immediate jeopardy to a
5 patient” means a situation in which the clinic’s noncompliance
6 with one or more requirements of licensure has caused, or is likely
7 to cause, serious injury, harm, impairment, or death to a patient.

8 (g) *The centralized application unit shall publish on the*
9 *department’s Internet Web site current checklists and instructions*
10 *concerning how to complete an application for a new affiliate*
11 *clinic license issued under this section, as well as how to report*
12 *changes to an existing affiliate primary care clinic.*