

ASSEMBLY BILL

No. 2341

Introduced by Assembly Member Lackey

February 18, 2016

An act to amend Section 1252 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2341, as introduced, Lackey. Health facilities: special services.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health and prohibits a health facility from providing a special service without the approval of the department. Under existing law, a violation of these provisions is a crime. Existing law defines a “special service” to mean a functional division, department, or unit of a health facility that is organized, staffed, and equipped to provide a specific type of patient care and that has been identified by regulations of the department and for which the department has established special standards for quality of care. Under existing law, “special services” includes physical therapy services, occupational therapy services, or speech pathology and audiology services provided by a nursing facility to outpatients.

This bill would additionally define “special services” to mean special services as may be approved by the department for nursing facilities and skilled nursing facilities that are not identified in regulations of the department, if the licensee can demonstrate to the department that the special service will operate in accordance with a minimum standard of care. The bill would require a licensee applying to the department for approval of special services that are not identified by regulations of the department to submit an application and other information, as specified.

By expanding the application of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1252 of the Health and Safety Code is
2 amended to read:

3 1252. (a) ~~“Special—~~*Except as specified in subdivision (b),*
4 *“special service”* means a functional division, department, or unit
5 of a health facility that is organized, staffed, and equipped to
6 provide a specific type or types of patient care and that has been
7 identified by regulations of the state department and for which the
8 state department has established special standards for quality of
9 care. “Special service” does not include a functional division,
10 department, or unit of a nursing facility, as defined in subdivision
11 (k) of Section 1250, that is organized, staffed, and equipped to
12 provide inpatient physical therapy services, occupational therapy
13 services, or speech pathology and audiology services to residents
14 of the facility if these services are provided solely to meet the
15 federal Centers for Medicare and Medicaid Services certification
16 requirements. “Special service” includes physical therapy services,
17 occupational therapy services, or speech pathology and audiology
18 services provided by a nursing facility, as defined in subdivision
19 (k) of Section 1250, to outpatients.

20 (b) *Notwithstanding subdivision (a), “special service” also*
21 *means special services as may be approved by the department for*
22 *nursing facilities and skilled nursing facilities that are not*
23 *identified by regulations of the department, if the licensee can*
24 *demonstrate to the satisfaction of the department that the special*
25 *service will operate in accordance with a minimum standard of*
26 *quality of care. Approved special services shall be listed on the*
27 *facility license. Failure to maintain the agreed upon minimum*
28 *standard of quality of care shall result in approval for the special*

1 *service being terminated. A licensee applying to the department*
2 *for approval of special services that are not identified by*
3 *regulations of the department pursuant to this subdivision shall*
4 *submit all the following information for the department's*
5 *consideration:*

6 *(1) A completed application on forms prescribed by the*
7 *department, with additional documentation or data, as required*
8 *by the department, that clearly identifies the scope of the special*
9 *service proposed to be provided.*

10 *(2) The hours of operation for the special service.*

11 *(3) Whether the service is to be provided solely to the residents*
12 *of the facility or also on an outpatient basis. If the service is to be*
13 *provided on an outpatient basis, the licensee shall specify the*
14 *population to be served.*

15 *(4) A copy of the special service policies and procedures for*
16 *review and approval.*

17 *(5) The minimum staffing levels and qualifications for the*
18 *proposed special service, sufficient to meet the needs of the*
19 *residents and patients.*

20 *(6) Identification of the equipment and supplies necessary to*
21 *meet the needs of residents and patients receiving care in the*
22 *special service.*

23 *(7) Identification of an appropriate space within the facility to*
24 *be used to provide the special service. A special service that is*
25 *provided on an outpatient basis shall not be provided in a space*
26 *that would require outpatients to transverse areas where resident*
27 *sleeping rooms are located.*

28 *(8) Confirmation that the applicable building, zoning, and fire*
29 *safety standards for the proposed use of the special service space*
30 *are met.*

31 ~~(b)~~

32 *(c) This section does not limit the department's ability to*
33 *evaluate compliance with the therapy requirements for nursing*
34 *facilities and skilled nursing facilities established in Title 22 of*
35 *the California Code of Regulations during investigations or*
36 *inspections, including, but not limited to, inspections conducted*
37 *pursuant to Section 1422, or to limit the department's ability to*
38 *enforce the therapy requirements.*

39 SEC. 2. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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