

AMENDED IN ASSEMBLY AUGUST 31, 2015

AMENDED IN SENATE MAY 5, 2015

AMENDED IN SENATE APRIL 23, 2015

**SENATE BILL**

**No. 145**

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**Introduced by Senator Pan**

January 27, 2015

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An act to add Section ~~1262.3~~ 100235 to the Health and Safety Code, relating to health ~~facilities~~ care.

LEGISLATIVE COUNSEL'S DIGEST

SB 145, as amended, Pan. ~~Health facilities: patient transporting.~~  
*Robert F. Kennedy Farm Workers Medical Plan.*

*Existing state law requires, for the 2015–16 fiscal year, the State Department of Health Care Services to provide a grant to a health benefit plan that is funded by contributions from agricultural employers, as specified, upon an appropriation of funds for this purpose. Under existing federal law, the Robert F. Kennedy Farm Workers Medical Plan is a nonprofit voluntary employees beneficiary association that provides payments for health care and other benefits to its members.*

*This bill would require the department to annually reimburse the Robert F. Kennedy Farm Workers Medical Plan up to \$3,000,000 per year for claim payments that exceed \$70,000 made by the plan on behalf of an eligible employee or dependent for a single episode of care on or after September 1, 2016. The bill would require the department to make the reimbursement payment within 60 days after it receives specified claims data from the plan.*

~~Existing law provides for the licensure and regulation of health facilities by the State Department of Health Care Services. A violation of these provisions is a crime.~~

~~Existing law requires each hospital to have in effect a written discharge planning policy and process that requires appropriate arrangements for posthospital care and a process that requires that each patient be informed, orally or in writing, of the continuing care requirements following discharge from the hospital, as specified.~~

~~Existing law also prohibits a hospital from causing the transfer of homeless patients from one county to another county for the purpose of receiving supportive services from a social service agency, health care service provider, or nonprofit social service agency within the other county, without prior notice and authorization, as specified.~~

~~This bill would prohibit a general acute care hospital, acute psychiatric hospital, or special hospital from causing a patient who, in the judgment of the attending physician or other licensed health care professional, acting within the scope of his or her practice, is at risk of serious injury or death as a result of clinical alcohol intoxication, to be transported to another location except when the patient is either medically stabilized or appropriately transferred to another health facility pursuant to another provision of law. The bill would authorize the department, if it determines that a hospital has violated the requirements of the bill, to determine further that the violation is an immediate jeopardy violation pursuant to specified law and regulations, and to assess penalties accordingly.~~

~~By expanding the scope of an existing crime, this bill would result in 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-no*.~~

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

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

1 (a) *The Robert F. Kennedy Farm Workers Medical Plan is a*  
2 *joint labor-management health plan for farm workers organized*  
3 *under Section 302(c)(5) of the federal Labor Management*  
4 *Relations Act of 1947.*

5 (b) *This plan has been in existence for more than 45 years and*  
6 *has provided vital health services to farm workers and their*  
7 *families, enabling them to lead healthier lives, make better use of*  
8 *their available income, and achieve self-sufficiency.*

9 (c) *The plan has focused on primary and preventive care and*  
10 *has significantly alleviated the burden on publicly funded health*  
11 *resources in the plan's coverage areas.*

12 (d) *The plan has saved the state significant sums of money that*  
13 *would have otherwise been expended to provide health care.*

14 (e) *The Legislature has determined that the plan is the most*  
15 *efficient and least expensive means to deliver health care services*  
16 *to farm workers and their families within the plan's coverage*  
17 *areas. Thus, it is in the state's interest to expand the range of*  
18 *health care services provided by the plan without threatening the*  
19 *plan's financial viability.*

20 SEC. 2. *Section 100235 is added to the Health and Safety Code,*  
21 *to read:*

22 100235. (a) *The department shall annually reimburse the*  
23 *Robert F. Kennedy Farm Workers Medical Plan for claim payments*  
24 *that exceed seventy thousand dollars (\$70,000) made by the plan*  
25 *on behalf of an eligible employee or dependent for a single episode*  
26 *of care on or after September 1, 2016. This reimbursement shall*  
27 *not exceed three million dollars (\$3,000,000) per year.*

28 (b) *To seek reimbursement, commencing after September 1,*  
29 *2017, and annually thereafter, the plan shall submit to the*  
30 *department completed data, verified by an independent certified*  
31 *public accountant, for claims paid by the plan for services during*  
32 *the preceding year from September 1 to August 31, inclusive.*

33 (c) (1) *If the department receives claims data from the plan*  
34 *pursuant to subdivision (b), the department shall analyze that data*  
35 *to determine the aggregate amount of claims that exceed seventy*  
36 *thousand dollars (\$70,000) paid by the plan on behalf of an eligible*  
37 *employee or dependent for any separate episode of care.*

38 (2) *No later than 60 days after the department receives claims*  
39 *data submitted by the plan, the department shall reimburse the*

1 *plan the amount determined pursuant to paragraph (1), up to the*  
2 *amount of three million dollars (\$3,000,000) per year.*

3 ~~SECTION 1. Section 1262.3 is added to the Health and Safety~~  
4 ~~Code, to read:~~

5 ~~1262.3. (a) A general acute care hospital, acute psychiatric~~  
6 ~~hospital, or special hospital shall not cause a patient who, in the~~  
7 ~~judgment of the attending physician or other licensed health care~~  
8 ~~professional, acting within his or her scope of practice, is at risk~~  
9 ~~of serious injury or death as a result of clinical alcohol intoxication,~~  
10 ~~to be transported to another location, including, but not limited to,~~  
11 ~~police custody, a correctional facility, or a county jail, except when~~  
12 ~~the patient is medically stabilized, as defined in subdivision (j) of~~  
13 ~~Section 1317.1, or appropriately transferred to another licensed~~  
14 ~~health facility pursuant to another law.~~

15 ~~(b) If the department determines that a hospital has violated~~  
16 ~~subdivision (a), the department may determine that the violation~~  
17 ~~is an immediate jeopardy violation pursuant to Section 1280.3 and~~  
18 ~~regulations promulgated thereunder, and may assess penalties~~  
19 ~~accordingly.~~

20 ~~(c) Nothing in this section shall be construed to contradict any~~  
21 ~~other law related to workplace violence prevention, including, but~~  
22 ~~not limited to, workplace violence standards adopted by the~~  
23 ~~Occupational Safety and Health Standards Board.~~

24 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
25 ~~Section 6 of Article XIII B of the California Constitution because~~  
26 ~~the only costs that may be incurred by a local agency or school~~  
27 ~~district will be incurred because this act creates a new crime or~~  
28 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
29 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
30 ~~the Government Code, or changes the definition of a crime within~~  
31 ~~the meaning of Section 6 of Article XIII B of the California~~  
32 ~~Constitution.~~