

Introduced by Senator Bates

February 25, 2015

An act to add Section 1727.8 to the Health and Safety Code, relating to home health agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 390, as introduced, Bates. Home health agencies: skilled nursing services.

Existing law provides for the licensure and regulation by the State Department of Public Health of home health agencies, which are private or public organizations that provide or arrange for the provision of skilled nursing services to persons in their temporary or permanent place of residence. "Skilled nursing services," for purposes of a home health agency, means services provided by a registered nurse or a licensed vocational nurse.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of the practice of nursing by the Board of Registered Nursing.

Existing law, the Vocational Nursing Practice Act, provides for the licensure and regulation of the practice of licensed vocational nursing by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

This bill would require registered nurses and licensed vocational nurses who provide skilled nursing services for a home health agency to perform their duties consistent with the Nursing Practice Act and the Vocational Nursing Practice Act, respectively. The bill would prohibit registered nurses or licensed vocational nurses who otherwise meet the qualifications of the provisions relating to home health agencies from being required to have a minimum period of professional nursing experience prior to providing skilled nursing services for a home health

agency, provided that the nurse has successfully completed specified training. Because a violation of the provisions relating to home health agencies is a misdemeanor, the 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 1727.8 is added to the Health and Safety
2 Code, to read:

3 1727.8. (a) (1) A registered nurse shall perform duties
4 consistent with the Nursing Practice Act (Chapter 6 (commencing
5 with Section 2700) of Division 2 of the Business and Professions
6 Code). A registered nurse shall meet all qualifications established
7 by the home health agency for the services provided and any
8 additional qualifications required by home health agency licensure
9 regulations.

10 (2) Notwithstanding paragraph (1), a registered nurse who
11 otherwise meets the qualifications of this chapter shall not be
12 required to have a minimum period of professional nursing
13 experience prior to providing skilled nursing services for a home
14 health agency, provided that the registered nurse has successfully
15 completed a skills and competency training program, administered
16 by a licensed home health agency. The skills and competency
17 training program shall include at least 80 hours of clinical
18 orientation, didactic, simulation, and hands-on training in the
19 patient's home.

20 (b) (1) A licensed vocational nurse shall perform duties
21 consistent with the Vocational Nursing Practice Act (Chapter 6.5
22 (commencing with Section 2840) Division 2 of the Business and
23 Professions Code). A licensed vocational nurse shall meet the
24 qualifications established by the home health agency for the
25 services provided and any additional qualifications required by
26 home health agency licensure regulations.

1 (2) Notwithstanding paragraph (1), a licensed vocational nurse
2 who otherwise meets the qualifications of this chapter shall not be
3 required to have a minimum period of professional nursing
4 experience prior to providing skilled nursing services for a home
5 health agency, provided that the licensed vocational nurse has
6 successfully completed a skills and competency training program,
7 administered by a licensed home health agency. The skills and
8 competency training program shall include at least 80 hours of
9 clinical orientation, didactic, simulation, and hands-on training in
10 the patient's home.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIIIIB of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.