

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 672**

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**Introduced by Senator Hernandez**

February 27, 2015

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An act to amend Section ~~103577~~ of the ~~Health and Safety Code, relating to vital records.~~ *1157 of the Evidence Code, relating to evidence.*

LEGISLATIVE COUNSEL'S DIGEST

SB 672, as amended, Hernandez. ~~Certified records of live birth; homeless persons; fees.~~ *Discovery: pharmacy review committees.*

*Existing law exempts from discovery as evidence the proceedings and records of specified organized committees of health care professionals and review committees having the responsibility of evaluation and improvement of the quality of care.*

*This bill would extend this exemption, for purposes of civil proceedings only, to the proceedings and records of pharmacy organized committees and review committees, as described above.*

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, duties as State Registrar relating to the uniform administration of provisions relating to vital records and health statistics. Existing law requires the State Registrar, local registrar, or county recorder to, upon request and payment of the required fee, supply to an applicant a certified copy of the record of a birth, fetal death, death, marriage, or marriage dissolution registered with the official. Existing law authorizes the issuance of certain records without payment of the fee.

Existing law, on and after July 1, 2015, requires each local registrar or county recorder to issue, without a fee, a certified record of live birth

~~to any person who can verify his or her status as a homeless person or a homeless child or youth, as defined.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

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

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

1     SECTION 1. Section 1157 of the Evidence Code is amended  
2     to read:

3     1157. (a) Neither the proceedings nor the records of organized  
4     committees of medical, medical-dental, podiatric, registered  
5     dietitian, psychological, marriage and family therapist, licensed  
6     clinical social worker, professional clinical counselor, *pharmacy*,  
7     or veterinary staffs in hospitals, or of a peer review body, as defined  
8     in Section 805 of the Business and Professions Code, having the  
9     responsibility of evaluation and improvement of the quality of care  
10    rendered in the hospital, or for that peer review body, or medical  
11    or dental review or dental hygienist review or chiropractic review  
12    or podiatric review or registered dietitian review *or pharmacist*  
13    *review* or veterinary review or acupuncturist review committees  
14    of local medical, dental, dental hygienist, podiatric, dietetic,  
15    *pharmacy*, veterinary, acupuncture, or chiropractic societies,  
16    marriage and family therapist, licensed clinical social worker,  
17    professional clinical counselor, or psychological review committees  
18    of state or local marriage and family therapist, state or local  
19    licensed clinical social worker, state or local licensed professional  
20    clinical counselor, or state or local psychological associations or  
21    societies having the responsibility of evaluation and improvement  
22    of the quality of care, shall be subject to discovery.

23    (b) Except as hereinafter provided, ~~no~~ a person in attendance  
24    at a meeting of any of ~~those~~ *the* committees described in  
25    subdivision (a) shall not be required to testify as to what transpired  
26    at that meeting.

27    (c) The prohibition relating to discovery or testimony does not  
28    apply to the statements made by ~~any~~ a person in attendance at a  
29    meeting of any of ~~those~~ *the* committees ~~who~~ *described in*  
30    subdivision (a) if that person is a party to an action or proceeding  
31    the subject matter of which was reviewed at that meeting, or to

1 ~~any~~ a person requesting hospital staff privileges, or in ~~any~~ an action  
2 against an insurance carrier alleging bad faith by the carrier in  
3 refusing to accept a settlement offer within the policy limits.

4 (d) The prohibitions in this section do not apply to medical,  
5 dental, dental hygienist, podiatric, dietetic, psychological, marriage  
6 and family therapist, licensed clinical social worker, professional  
7 clinical counselor, *pharmacy*, veterinary, acupuncture, or  
8 chiropractic society committees that exceed 10 percent of the  
9 membership of the society, nor to any of those committees if any  
10 person serves upon the committee when his or her own conduct  
11 or practice is being reviewed.

12 (e) The amendments made to this section by Chapter 1081 of  
13 the Statutes of 1983, or at the 1985 portion of the 1985–86 Regular  
14 Session of the Legislature, at the 1990 portion of the 1989–90  
15 Regular Session of the Legislature, at the 2000 portion of the  
16 1999–2000 Regular Session of the Legislature, or at the 2011  
17 portion of the 2011–12 Regular Session of the Legislature, *or at*  
18 *the 2015 portion of the 2015–16 Regular Session of the Legislature*,  
19 do not exclude the discovery or use of relevant evidence in a  
20 criminal action.

21 ~~SECTION 1. Section 103577 of the Health and Safety Code~~  
22 ~~is amended to read:~~

23 ~~103577. (a) On or after July 1, 2015, each local registrar or~~  
24 ~~county recorder shall, without a fee, issue a certified record of live~~  
25 ~~birth to any person who can verify his or her status as a homeless~~  
26 ~~person or a homeless child or youth. A homeless services provider~~  
27 ~~that has knowledge of a person's housing status shall verify a~~  
28 ~~person's status for the purposes of this subdivision. In accordance~~  
29 ~~with all other application requirements set forth in Section 103526,~~  
30 ~~a request for a certified record of live birth made pursuant to this~~  
31 ~~subdivision shall be made by a homeless person or a homeless~~  
32 ~~child or youth on behalf of themselves, or by any person lawfully~~  
33 ~~entitled to request a certified record of live birth on behalf of a~~  
34 ~~child, if the child has been verified as a homeless person or a~~  
35 ~~homeless child or youth pursuant to this section. A person applying~~  
36 ~~for a certified record of live birth under this subdivision is entitled~~  
37 ~~to one birth record, per application, for each eligible person verified~~  
38 ~~as a homeless person or a homeless child or youth. For purposes~~  
39 ~~of this subdivision, an affidavit developed pursuant to subdivision~~  
40 ~~(b) shall constitute sufficient verification that a person is a homeless~~

1 ~~person or a homeless child or youth. A person applying for a~~  
2 ~~certified record of live birth under this subdivision shall not be~~  
3 ~~charged a fee for verification of his or her eligibility.~~

4 ~~(b) The State Department of Public Health shall develop an~~  
5 ~~affidavit attesting to an applicant's status as a homeless person or~~  
6 ~~homeless child or youth. For purposes of this section, the affidavit~~  
7 ~~shall not be deemed complete unless it is signed by both the person~~  
8 ~~making a request for a certified record of live birth pursuant to~~  
9 ~~subdivision (a) and a homeless services provider who has~~  
10 ~~knowledge of the applicant's housing status.~~

11 ~~(c) Notwithstanding the rulemaking provisions of the~~  
12 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~  
13 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~  
14 ~~Code), the department may implement and administer this section~~  
15 ~~through an all-county letter or similar instructions from the director~~  
16 ~~or State Registrar without taking regulatory action.~~

17 ~~(d) For the purposes of this section, the following definitions~~  
18 ~~apply:~~

19 ~~(1) A "homeless child or youth" has the same meaning as the~~  
20 ~~definition of "homeless children and youths" as set forth in the~~  
21 ~~federal McKinney-Vento Homeless Assistance Act (42 U.S.C.~~  
22 ~~Sec. 11301 et seq.).~~

23 ~~(2) A "homeless person" has the same meaning as the definition~~  
24 ~~of that term set forth in the federal McKinney-Vento Homeless~~  
25 ~~Assistance Act (42 U.S.C. Sec. 11301 et seq.).~~

26 ~~(3) A "homeless services provider" includes all of the following~~  
27 ~~individuals or entities:~~

28 ~~(A) A governmental or nonprofit agency receiving federal, state,~~  
29 ~~or county or municipal funding to provide services to a "homeless~~  
30 ~~person" or "homeless child or youth," or that is otherwise~~  
31 ~~sanctioned to provide those services by a local homeless continuum~~  
32 ~~of care organization.~~

33 ~~(B) An attorney licensed to practice law in this state.~~

34 ~~(C) A local educational agency liaison for homeless children~~  
35 ~~and youth, as designated pursuant to Section 11432(g)(1)(J)(ii) of~~  
36 ~~Title 42 of the United States Code, or a school social worker.~~

37 ~~(D) A human services provider or public social services provider~~  
38 ~~funded by the State of California to provide homeless children or~~  
39 ~~youth services, health services, mental or behavioral health~~

1 ~~services, substance use disorder services, or public assistance or~~  
2 ~~employment services.~~  
3 ~~(E) A law enforcement officer designated as a liaison to the~~  
4 ~~homeless population by a local police department or sheriff's~~  
5 ~~department within the state.~~

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