

**Introduced by Senator Liu**February 27, 2015

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An act to add Section 1262.55 to the Health and Safety Code, relating to health facilities.

## LEGISLATIVE COUNSEL'S DIGEST

SB 675, as introduced, Liu. Health facilities: family caregivers.

Existing law requires the State Department of Public Health to license and regulate health facilities, defined to mean a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, as specified. Existing law requires hospitals, among other things, to have a written discharge planning policy and process that requires appropriate arrangements to be made for posthospital care. A violation of those provisions is a crime.

This bill would, subject to the federal Health Insurance Portability and Accountability Act of 1996, require a hospital and any health facility that provides inpatient medical rehabilitation services to take specified actions relating to family caregivers, including, among others, notifying the family caregiver when the person to whom care is provided will be discharged to another facility or to home and providing an explanation and live instruction of care that the family caregiver will be providing. By expanding the scope of a 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 1262.55 is added to the Health and Safety  
2 Code, immediately following Section 1262.5, to read:

3 1262.55. (a) Subject to the provisions of the federal Health  
4 Insurance Portability and Accountability Act of 1996 (42 U.S.C.  
5 Sec. 300gg), a hospital and any health facility that provides  
6 inpatient medical rehabilitation services shall do all of the  
7 following:

8 (1) Record the name of a family caregiver, if any, when the  
9 person to whom care is provided is admitted to the facility.

10 (2) Notify the family caregiver when the person to whom care  
11 is provided will be discharged to another facility or to home.

12 (3) Provide an explanation and live instruction of care that the  
13 family caregiver will be providing.

14 (4) Provide telephonic technical assistance to the family  
15 caregiver when the family caregiver has questions regarding care  
16 to be provided.

17 (b) For the purposes of this section, “family caregiver” means  
18 a relative, friend, or neighbor who provides assistance related to  
19 an underlying physical or mental disability but who is unpaid for  
20 those services.

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

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