

AMENDED IN SENATE APRIL 21, 2015

**SENATE BILL**

**No. 675**

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**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 amended, 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 of the patient's discharge or transfer to another facility or to home and providing an explanation and live instruction of care that the family caregiver will be providing and providing information or instruction regarding the posthospital care needs of the patient.~~ 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 *(1) Provide an opportunity for an individual patient who has*  
18 *been admitted to the hospital as an inpatient to identify one family*  
19 *caregiver who may assist in posthospital care, and record that*  
20 *information in the patient's medical chart.*

21 *(A) In the event that the patient is unconscious or otherwise*  
22 *incapacitated upon admittance to the hospital, the hospital shall*  
23 *provide the patient or patient's legal guardian with an opportunity*  
24 *to designate a caregiver within a specified time period, at the*  
25 *discretion of the attending physician, following the patient's*  
26 *recovery of consciousness or capacity. The hospital shall promptly*  
27 *document the attempt in the patient's medical record.*

28 *(B) In the event that the patient or legal guardian declines to*  
29 *designate a caregiver pursuant to this section, the hospital shall*

1 promptly document this declination in the patient’s medical record,  
2 when appropriate.

3 (2) Notify the patient’s designated family caregiver of the  
4 patient’s discharge or transfer to another facility as soon as  
5 possible and, in any event, upon issuance of a discharge order by  
6 the patient’s attending physician. If the hospital is unable to contact  
7 the designated caregiver, the lack of contact shall not interfere  
8 with, delay, or otherwise affect the medical care provided to the  
9 patient or an appropriate discharge of the patient. The hospital  
10 shall promptly document the attempted notification in the patient’s  
11 medical record.

12 (3) Provide an opportunity for the patient and his or her  
13 designated family caregiver to engage in the discharge planning  
14 process, which shall include providing information or instruction  
15 regarding the posthospital care needs of the patient, and education  
16 and counseling about the patient’s medications, including dosing  
17 and proper use of medication delivery devices, when applicable.  
18 This instruction shall be provided in a culturally competent manner  
19 and in a language that is comprehensible to the patient and  
20 caregiver, consistent with the requirements of state and federal  
21 law.

22 (4) Provide contact information for any health care service,  
23 community resource, or other service necessary to successfully  
24 carry out the care plan.

25 (b) Discharge planning policies adopted by a hospital in  
26 accordance with this section shall ensure that planning is  
27 appropriate to the condition of the patient being discharged from  
28 the hospital and to the discharge destination and meets the needs  
29 and acuity of patients and the abilities of the designated family  
30 caregiver.

31 (c) This section does not require a hospital to do either of the  
32 following:

33 (1) Adopt a policy that would delay discharge or transfer of a  
34 patient.

35 (2) Disclose information if the patient has not provided consent  
36 that meets the standards required by state and federal laws  
37 governing the privacy and security of protected health information.

38 ~~(b)~~

39 (d) For the purposes of this section, “family caregiver” means  
40 a relative, friend, or neighbor who provides assistance related to

1 an underlying physical or mental disability but who is unpaid for  
2 those services.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

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