

AMENDED IN SENATE APRIL 9, 1997

SENATE BILL

No. 1061

Introduced by Senator Vasconcellos

February 27, 1997

An act to repeal and add Section 1599.61 of the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1061, as amended, Vasconcellos. Long-term health care facilities.

Existing law requires that every contract of admission, as defined, of a long-term health facility comply with a prescribed form and contain certain information, terms, and conditions for admission of a patient to the facility. Existing law prescribes various prohibitions with regard to the content of the contract. Existing law requires ~~the~~ *every* facility, as directed by the department, to submit a copy of its current contract of admission for review by the State Department of Health Services and to submit amendments as they occur.

This bill would repeal the latter provisions that require the submission of a contract of admission to the department for review. The bill would require instead every ~~long-term health care~~ *skilled nursing facility, intermediate care facility, and nursing facility* to use a standard admission agreement adopted by the department. The bill would prohibit a ~~long-term health care~~ *any skilled nursing facility, intermediate care facility, or nursing facility* from altering the standard agreement, unless directed by the department.

Existing law prescribes the rights of patients in a skilled nursing facility or intermediate care facility and requires that written policies regarding the rights of patients be established and made available to the patient, other parties, and the public.

This bill would require the department to develop a comprehensive Patients' Bill of Rights to be made available to all long-term health care facilities in the state. The Patients' Bill of Rights would include provisions contained in state statutes and regulations and federal regulations. The bill would require that a copy of the Patients' Bill of Rights be a mandatory component of a contract of admission at every skilled nursing facility, intermediate care facility, and nursing facility. The bill would require the department to ensure the translation of the bill of rights into Spanish, Chinese, and other languages, as needed.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares
- 2 all of the following:
- 3 (1) Many admission agreements of ~~long-term health~~
- 4 ~~care facilities~~ *nursing homes* in California are
- 5 unnecessarily long, complicated, and incomprehensible
- 6 to consumers and their families and representatives.
- 7 (2) Many admission agreements used by ~~long-term~~
- 8 ~~health care facilities~~ *nursing homes* in California do not
- 9 meet the standards required under state and federal laws
- 10 and violate the rights of *nursing home* residents.
- 11 (3) There is no uniformity among the over 1,400
- 12 nursing home admission agreements in California and the
- 13 resultant task of reviewing admission agreements for
- 14 compliance with state and federal laws costs the state
- 15 approximately nine hundred thousand dollars (\$900,000)
- 16 annually.
- 17 (4) A uniform, statutory nursing home admission
- 18 agreement would provide consistency among admission



1 agreements, promote and protect residents' rights, and
2 conserve state resources and funds.

3 (b) It is the intent of the Legislature to mandate a
4 standard admission agreement for all ~~long-term health~~
5 ~~care facilities~~ *skilled nursing facilities, intermediate care*
6 *facilities, and nursing facilities* in California.

7 SEC. 2. Section 1599.61 of the Health and Safety Code
8 is repealed.

9 SEC. 3. Section 1599.61 is added to the Health and
10 Safety Code, to read:

11 ~~1599.61. (a) Every long-term health care facility shall~~
12 ~~use a standard admission agreement adopted by the~~
13 ~~department.~~

14 ~~(b) No long-term health care facility shall alter the~~
15 ~~standard agreement, unless directed by the department.~~

16 *1599.61. (a) By January 1, 1999, all skilled nursing*
17 *facilities, as defined in subdivision (c) of Section 1250,*
18 *intermediate care facilities, as defined in subdivision (d)*
19 *of Section 1250, and nursing facilities, as defined in*
20 *subdivision (k) of Section 1250, shall use a standard*
21 *admission agreement adopted by the department. This*
22 *standard agreement shall comply with all applicable state*
23 *and federal laws.*

24 *(b) No facility shall alter the standard agreement*
25 *unless so directed by the department.*

26 *(c) Subdivisions (a) and (b) of this section shall apply*
27 *to all new admissions to skilled nursing facilities,*
28 *intermediate care facilities, and nursing facilities that*
29 *occur after December 31, 1998.*

30 *(d) By January 1, 1999, the department shall*
31 *consolidate and develop one comprehensive Patients' Bill*
32 *of Rights that includes the provisions contained in*
33 *Chapter 3.9 (commencing with Section 1599), the*
34 *regulatory resident rights for skilled nursing facilities*
35 *under Section 72527 of Title 22 of the California Code of*
36 *Regulations, the regulatory resident rights for*
37 *intermediate care facilities under Section 73523 of Title*
38 *22 of the California Code of Regulations, and the rights*
39 *afforded residents under Section 483.10 et seq. of Title 42*
40 *of the Code of Federal Regulations.*



1 *This comprehensive Patients' Bill of Rights shall be a*
2 *mandatory attachment to all skilled nursing facility,*
3 *intermediate care facility, and nursing facility contracts.*

4 *(e) By January 1, 1999, the department shall ensure*
5 *the translation of the Patients' Bill of Rights described in*
6 *subdivision (d) into Spanish, Chinese, and other*
7 *languages as needed to provide copies of the Patients' Bill*
8 *of Rights to members of any ethnic group that represents*
9 *at least 1 percent of the state's skilled nursing facility,*
10 *intermediate care facility, and nursing facility*
11 *population.*

12 *(f) Translated copies of the Patients' Bill of Rights shall*
13 *be made available to all long-term health facilities in the*
14 *state, including skilled nursing facilities, intermediate*
15 *care facilities, and nursing facilities. It shall be the*
16 *responsibility of the long-term health care facilities to*
17 *duplicate and distribute the translated versions of the*
18 *Patients' Bill of Rights with admissions agreements, when*
19 *appropriate.*

