

**Senate Bill No. 1061**

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Passed the Senate      September 5, 1997

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*Secretary of the Senate*

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Passed the Assembly      September 2, 1997

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1997, at \_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_

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, 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 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, by January 2000, every skilled nursing facility, intermediate care facility, and nursing facility to use a standard admission agreement developed and adopted by the department. The bill would prohibit any skilled nursing facility, intermediate care facility, or nursing facility from altering the standard agreement, unless directed by the department and would authorize the department to develop an abbreviated admission agreement for patients whose length of stay is anticipated to be 14 days or less.

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, by January 1, 2000, 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. This bill would also declare that it is not intended to change existing statutory or regulatory requirements governing the care provided to nursing facility residents or the liability of nursing care facilities, as defined, related to their compliance with these requirements.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Many admission agreements of nursing homes in California are unnecessarily long, complicated, and incomprehensible to consumers and their families and representatives.

(2) It is in the best interests of the residents of the nursing homes in California that admission agreements used by nursing homes in California meet the standards required under state and federal laws and that they do not violate the rights of nursing home residents.

(3) There is little uniformity among the over 1,400 nursing home admission agreements in California and the resultant task of reviewing admission agreements for compliance with state and federal laws poses an unnecessary administrative burden and expense.

(4) A uniform, nursing home admission agreement would provide consistency among admission agreements, promote and protect residents' rights, and conserve state resources and funds.

(b) It is the intent of the Legislature to mandate a standard admission agreement to be used for all



admissions to skilled nursing facilities, intermediate care facilities, and nursing facilities in California.

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

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

1599.61. (a) By January 1, 2000, all skilled nursing facilities, as defined in subdivision (c) of Section 1250, intermediate care facilities, as defined in subdivision (d) of Section 1250, and nursing facilities, as defined in subdivision (k) of Section 1250, shall use a standard admission agreement developed and adopted by the department. This standard agreement shall comply with all applicable state and federal laws.

(b) (1) No facility shall alter the standard agreement unless so directed by the department.

(2) The department may develop an abbreviated admission agreement for patients whose length of stay is anticipated to be 14 days or less. This abbreviated agreement may be developed to coordinate with the standard admission agreement. If the patient's stay exceeds 14 days, the nursing facility shall obtain agreement to the remainder of the standard admission agreement.

(3) Nothing in this section shall prevent a skilled nursing facility, an intermediate care facility, or a nursing facility from distributing written explanations of facility-specific rules and procedures, provided that the written explanations are not included or incorporated in, or attached to the standard admission agreement, nor signed by the resident or his or her representative.

(c) Subdivisions (a) and (b) shall apply to all new admissions to skilled nursing facilities, intermediate care facilities, and nursing facilities that occur after December 31, 1999.

(d) By January 1, 2000, the department shall consolidate and develop one comprehensive Patients' Bill of Rights that includes the provisions contained in Chapter 3.9 (commencing with Section 1599), the regulatory resident rights for skilled nursing facilities



under Section 72527 of Title 22 of the California Code of Regulations, the regulatory resident rights for intermediate care facilities under Section 73523 of Title 22 of the California Code of Regulations, and the rights afforded residents under Section 483.10 et seq. of Title 42 of the Code of Federal Regulations.

This comprehensive Patients' Bill of Rights shall be a mandatory attachment to all skilled nursing facility, intermediate care facility, and nursing facility contracts as specified in Section 1599.74 of this chapter.

(e) By January 1, 2000, the department shall ensure the translation of the Patients' Bill of Rights described in subdivision (d) into Spanish, Chinese, and other languages as needed to provide copies of the Patients' Bill of Rights to members of any ethnic group that represents at least 1 percent of the state's skilled nursing facility, intermediate care facility, and nursing facility population.

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

(g) Nothing in this section is intended to change existing statutory or regulatory requirements governing the care provided to nursing facility residents. Similarly, nothing in this section is intended to create a new cause of action against a skilled nursing facility, an intermediate care facility, or a nursing facility as defined in Section 1250, related to its compliance with those existing statutory or regulatory requirements governing the care provided to nursing facility residents.



Approved \_\_\_\_\_, 1997

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*Governor*

