

AMENDED IN SENATE APRIL 19, 1999

SENATE BILL

No. 1054

Introduced by ~~Senator Haynes~~ *Senators Haynes and Speier*

February 26, 1999

An act to add Section 1322.1 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1054, as amended, Haynes. Hospitals: medical staff.

Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, by the State Department of Health Services. Existing law prohibits a hospital that contracts with an insurer, nonprofit hospital service plan, or health care service plan from determining or conditioning medical staff membership or clinical privileges upon whether or not the physician and surgeon or podiatrist participates in a contract with that insurer or plan.

This bill would prohibit a general acute care hospital from denying medical staff membership or clinical privileges for reasons other than a physician's individual qualifications, as described.

Under existing law, violation of the provisions relating to licensure of health facilities is a misdemeanor.

By changing the definition 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 1322.1 is added to the Health and
2 Safety Code, to read:

3 1322.1. (a) A general acute care hospital shall not
4 deny medical staff membership or clinical privileges for
5 reasons other than a physician’s individual qualifications
6 as determined by professional and ethical criteria,
7 uniformly applied to all medical staff applicants and
8 members. ~~Determination~~

9 (b) *Determination* of medical staff membership or
10 clinical privileges shall not be made upon the basis of:

11 ~~(a) The existence of a contract with~~

12 (1) *The existence of a contract between the applicant*
13 *and the hospital or with others.*

14 ~~(b) Membership~~

15 (2) *The applicant’s membership in or affiliation with*
16 *any society, medical group, or teaching facility or upon*
17 *the basis of any criteria lacking professional justification,*
18 *such as sex, race, creed, or national origin. ~~There~~*

19 (c) *There* may be reasonable limitations on the
20 granting of medical staff membership or clinical
21 privileges to permit an exclusive contract for the
22 provision of pathology, radiology, *emergency services,*
23 and anesthesiology services, except consulting services
24 requested by the admitting physician.

25 SEC. 2. No reimbursement is required by this act
26 pursuant to Section 6 of Article XIII B of the California
27 Constitution because the only costs that may be incurred
28 by a local agency or school district will be incurred
29 because this act creates a new crime or infraction,
30 eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section
32 17556 of the Government Code, or changes the definition



1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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