

Assembly Bill No. 57

Passed the Assembly May 21, 2009

Chief Clerk of the Assembly

Passed the Senate September 1, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 1276.45 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 57, Price. University of California hospitals: staffing.

Existing law provides for the inspection, licensure, and regulation of health facilities by the State Department of Public Health, including, among other facilities, general acute care hospitals, acute psychiatric hospitals, and special hospitals. A violation of the provisions regulating health facilities is a crime. Pursuant to the above authority, the department has adopted regulations that require hospitals to develop a written staffing plan that implement patient care requirements and staffing levels for registered nurses and other licensed and unlicensed personnel contained in those regulations.

This bill would require the department to establish a procedure for collection and review of the written staffing plans and other related information, as specified, from University of California hospitals, with the exception of documentation relating only to registered nurses. This bill would require University of California hospitals to cooperate with the department in providing the above information.

This bill would make its provisions inoperative on July 1, 2013, and would repeal it as of January 1, 2014.

By creating a new 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.

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

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

(a) Public health interests require that hospitals provide safe staffing levels at health facilities licensed pursuant to subdivision (a), (b), or (f) of Section 1250 of the Health and Safety Code.

(b) Section 70217 of Title 22 of the California Code of Regulations requires hospitals to implement a patient classification system for determining the nursing care needs of patients and to develop and implement written staffing plans that specify patient care requirements and staffing levels for registered nurses and other licenced and unlicensed personnel. The staffing plan must include staffing requirements as determined by the patient classification system for each patient care unit, documented on a day-to-day, shift-by-shift basis. The reliability of the patient classification system for validating staffing requirements is required to be reviewed at least annually. If the review reveals that adjustments are necessary in the patient classification system in order to ensure accuracy in measuring patient care needs, the adjustments must be implemented within 30 days of that determination.

(c) Section 70217 of Title 22 of the California Code of Regulations also requires hospitals to develop and document a process by which all interested staff may provide input about the patient classification system, the system's required revisions, and the overall staffing plan.

(d) Many staff, other than registered nursing personnel, provide direct care, including respiratory therapists, phlebotomists, radiology technicians, emergency room and surgical technicians, lab technicians, vocational nurses, nursing assistants, and pharmacy technicians.

(e) Short or inadequate staffing undermines patient care in many ways. Inadequate staffing may cause staff to have to simultaneously cover multiple patients in different parts of the hospital, cause delays in getting patient test results, lead to inaccurate or misleading films and tests, and increase back and other injuries to employees that affect their ability to continue to provide quality care.

(f) Inadequate staffing is a matter of statewide concern, so Section 1276.45 is being added to the Health and Safety Code to provide the department and the public with access to the written staffing plans and actual staffing levels of the only general purpose health care system owned and operated by a state entity.

(g) The University of California owns and operates five academic medical centers. Collectively, the University of California medical centers comprise one of the state's largest health care systems and the only general purpose health care system owned and operated by a state entity. With their tripartite mission of teaching, public service, and research, the University of California medical centers are a major resource for California. The fact that three of the five University of California medical centers are located in counties that have no county hospital demonstrates their importance.

(h) Due to the unique role University of California medical centers play as comprising the only general purpose health care system owned and operated by a state entity, they are in a unique position to provide the Legislature and the department with the information required by Section 1276.45 of the Health and Safety Code.

SEC. 2. Section 1276.45 is added to the Health and Safety Code, to read:

1276.45. (a) The State Department of Public Health shall establish a procedure for collection and review of the written staffing plans developed pursuant to Section 70217 of Title 22 of the California Code of Regulations by all University of California health facilities licensed pursuant to subdivision (a), (b), or (f) of Section 1250. The procedure developed by the department shall not apply to a review of documentation relating only to registered nurses. The procedure developed by the department shall include provision for collection and review of documentation relating to the following:

(1) Review of the reliability of the patient classification system as required by subdivision (e) of Section 70217 of Title 22 of the California Code of Regulations.

(2) Adjustments in the patient classification system determined to be necessary in light of the review conducted pursuant to subdivision (e) of Section 70217 of Title 22 of the California Code of Regulations and implementation of these adjustments.

(3) Staff input about the patient classification system, the system's required revisions, and the overall staffing plan the University of California health facilities receive pursuant to the process developed and documented pursuant to subdivision (h) of Section 70217 of Title 22 of the California Code of Regulations.

(b) If the department deems it necessary to reduce the volume of information collected and reviewed pursuant to subdivision (a), the department may identify specific time periods for which the information is to be collected and review that information as a representative sample.

(c) A University of California health facility licensed pursuant to subdivision (a), (b), or (f) of Section 1250 from which the department collects information pursuant to subdivision (a) shall be required to cooperate with the department in providing the information.

(d) This section shall become inoperative on July 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed.

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

Approved _____, 2009

Governor