

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 249

Introduced by Assembly Member Carter
(Coauthors: Assembly Members Emmerson, Bonnie Lowenthal,
Portantino, Torres, and Yamada)

February 10, 2009

An act to amend Section 1289.4 of, and to add Section 1289.6 to, the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 249, as amended, Carter. Health facilities: marking patient devices.

Existing law provides for the licensure and regulation of health facilities, *including long-term health care facilities*, by the State Department of Public Health. ~~Violations~~ *Violation* of these provisions ~~constitute~~ *constitutes* a misdemeanor. Existing law also requires long-term health care facilities to implement a theft and loss program, as specified, including a written patient personal property inventory.

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~~This bill would also require, as part of the written patient personal property inventory in long-term health care facilities, a listing, by a unique identification number, of all patient-owned mobility, hearing, eating, or breathing equipment, including, but not limited to, canes, walkers, wheelchairs, hearing aids, and oxygen equipment, and denture containers. This bill would require all other health facilities to create a log to track, by serial number or other unique identification number, all patient-owned mobility, hearing, eating, or breathing equipment, as~~

specified. Because the bill would create 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.

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 1289.4 of the Health and Safety Code is
2 amended to read:
3 1289.4. A theft and loss program shall be implemented by the
4 long-term health care facilities within 90 days after January 1,
5 1988. The program shall include all of the following:
6 (a) Establishment and posting of the facility's policy regarding
7 theft and investigative procedures.
8 (b) Orientation to the policies and procedures for all employees
9 within 90 days of employment.
10 (c) Documentation of lost and stolen patient property with a
11 value of twenty-five dollars (\$25) or more and, upon request, the
12 documented theft and loss record for the past 12 months shall be
13 made available to the State Department of Health Services, the
14 county health department, or law enforcement agencies and to the
15 office of the State Long-Term Care Ombudsman in response to a
16 specific complaint. The documentation shall include, but not be
17 limited to, the following:
18 (1) A description of the article.
19 (2) Its estimated value.
20 (3) The date and time the theft or loss was discovered.
21 (4) If determinable, the date and time the loss or theft occurred.
22 (5) The action taken.
23 (d) A written patient personal property inventory is established
24 upon admission and retained during the resident's stay in the
25 long-term health care facility. A copy of the written inventory shall
26 be provided to the resident or the person acting on the resident's
27 behalf. Subsequent items brought into or removed from the facility
28 shall be added to or deleted from the personal property inventory

1 by the facility at the written request of the resident, the resident's
2 family, a responsible party, or a person acting on behalf of a
3 resident. The facility shall not be liable for items which have not
4 been requested to be included in the inventory or for items which
5 have been deleted from the inventory. A copy of a current inventory
6 shall be made available upon request to the resident, responsible
7 party, or other authorized representative. The resident, resident's
8 family, or a responsible party may list those items which are not
9 subject to addition or deletion from the inventory, such as personal
10 clothing or laundry, which are subject to frequent removal from
11 the facility. The inventory shall include a listing, by a unique
12 identification number, of all patient-owned mobility, hearing,
13 ~~eating~~, or breathing equipment, including, but not limited to, canes,
14 walkers, wheelchairs, hearing aids, ~~oxygen equipment, and denture~~
15 ~~containers and oxygen equipment~~. If the equipment does not have
16 a serial number or other unique identification number, *at the*
17 *request of the resident, the resident's family, or another responsible*
18 *party*, the long-term health care facility ~~may~~ *shall* assign a unique
19 identification number and place a tag with that number on the item
20 *if it would not cause permanent damage to the item.*

21 (e) Inventory and surrender of the resident's personal effects
22 and valuables upon discharge to the resident or authorized
23 representative in exchange for a signed receipt.

24 (f) Inventory and surrender of personal effects and valuables
25 following the death of a resident to the authorized representative
26 in exchange for a signed receipt. Immediate notice to the public
27 administrator of the county upon the death of a resident without
28 known next of kin as provided in Section 7600.5 of the Probate
29 Code.

30 (g) Documentation, at least semiannually, of the facility's efforts
31 to control theft and loss, including the review of theft and loss
32 documentation and investigative procedures and results of the
33 investigation by the administrator and, when feasible, the resident
34 council.

35 (h) Establishment of a method of marking, to the extent feasible,
36 personal property items for identification purposes upon admission
37 and, as added to the property inventory list, including engraving
38 of dentures and tagging of other prosthetic devices.

39 (i) Reports to the local law enforcement agency within 36 hours
40 when the administrator of the facility has reason to believe patient

1 property with a then current value of one hundred dollars (\$100)
2 or more has been stolen. Copies of those reports for the preceding
3 12 months shall be made available to the State Department of
4 Health Services and law enforcement agencies.

5 (j) Maintenance of a secured area for patients' property which
6 is available for safekeeping of patient property upon the request
7 of the patient or the patient's responsible party. Provide a lock for
8 the resident's bedside drawer or cabinet upon request of and at the
9 expense of the resident, the resident's family, or authorized
10 representative. The facility administrator shall have access to the
11 locked areas upon request.

12 (k) A copy of this section and Sections 1289.3 and 1289.5 is
13 provided by a facility to all of the residents and their responsible
14 parties, and, available upon request, to all of the facility's
15 prospective residents and their responsible parties.

16 (l) Notification to all current residents and all new residents,
17 upon admission, of the facility's policies and procedures relating
18 to the facility's theft and loss prevention program.

19 ~~SEC. 2. Section 1289.6 is added to the Health and Safety Code,~~
20 ~~to read:~~

21 ~~1289.6. A health facility, except for a long-term health care~~
22 ~~facility, shall create a log to track, by serial number or other unique~~
23 ~~identification number, all patient-owned mobility, hearing, eating,~~
24 ~~or breathing equipment, including, but not limited to, canes,~~
25 ~~walkers, wheelchairs, hearing aids, oxygen equipment, and denture~~
26 ~~containers. If the item does not have a serial number or other~~
27 ~~unique identification number, the health facility may assign it a~~
28 ~~unique identification number and affix a tag with that number to~~
29 ~~the item. The log shall be searchable by both patient and unique~~
30 ~~identification number.~~

31 ~~SEC. 3.~~

32 *SEC. 2.* No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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