

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2523

Introduced by Assembly Member ~~Eng~~ Nava

February 19, 2010

~~An act to amend Sections 3099.2 and 3099.4 of the Labor Code, relating to apprenticeship.~~ *An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2523, as amended, ~~Eng~~ Nava. ~~Apprenticeship: electricians.~~ *Health facilities: congregate living health facilities.*

Existing law provides for the licensure and regulation by the State Department of Public Health of health facilities, including congregate living health facilities. A violation of these provisions is a misdemeanor. Under existing law, a congregate living health facility not operated by a city and county servicing persons who are terminally ill or persons who have been diagnosed with a life-threatening illness, or both, that is located in a county with a population of 500,000 or more persons is prohibited from having more than 25 beds for the purpose of serving persons who are terminally ill.

This bill would extend the above-described prohibition to a congregate living health facility that is located in a county with a population of 400,000 or more persons.

By applying this limitation to additional congregate living health facilities, and thus changing the definition of an existing 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.

~~Existing law requires the certification of electricians by the Division of Apprenticeship Standards, except as specified. Existing law allows the chief of the division to approve an apprenticeship program under specified circumstances.~~

~~This bill would require that continuing education instruction by an entity that is not approved by the chief of the division as described above be provided under the jurisdiction of the State Department of Education or the Board of Governors of the California Community Colleges.~~

~~Existing law allows an uncertified person to perform electrical work for which certification is required if certain requirements are met, including that the person has completed or is enrolled in a curriculum of classroom instruction approved by the electrician certification curriculum committee and provided under the jurisdiction of the State Department of Education, the Board of Governors of the California Community Colleges, or the Bureau for Private Postsecondary Education.~~

~~This bill would require that the curriculum of classroom instruction discussed above be provided by an eligible educational provider, as specified.~~

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

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

- 1 SECTION 1. Section 1250 of the Health and Safety Code is
- 2 amended to read:

1 1250. As used in this chapter, “health facility” means any
2 facility, place, or building that is organized, maintained, and
3 operated for the diagnosis, care, prevention, and treatment of
4 human illness, physical or mental, including convalescence and
5 rehabilitation and including care during and after pregnancy, or
6 for any one or more of these purposes, for one or more persons,
7 to which the persons are admitted for a 24-hour stay or longer, and
8 includes the following types:

9 (a) “General acute care hospital” means a health facility having
10 a duly constituted governing body with overall administrative and
11 professional responsibility and an organized medical staff that
12 provides 24-hour inpatient care, including the following basic
13 services: medical, nursing, surgical, anesthesia, laboratory,
14 radiology, pharmacy, and dietary services. A general acute care
15 hospital may include more than one physical plant maintained and
16 operated on separate premises as provided in Section 1250.8. A
17 general acute care hospital that exclusively provides acute medical
18 rehabilitation center services, including at least physical therapy,
19 occupational therapy, and speech therapy, may provide for the
20 required surgical and anesthesia services through a contract with
21 another acute care hospital. In addition, a general acute care
22 hospital that, on July 1, 1983, provided required surgical and
23 anesthesia services through a contract or agreement with another
24 acute care hospital may continue to provide these surgical and
25 anesthesia services through a contract or agreement with an acute
26 care hospital. The general acute care hospital operated by the State
27 Department of Developmental Services at Agnews Developmental
28 Center may, until June 30, 2007, provide surgery and anesthesia
29 services through a contract or agreement with another acute care
30 hospital. Notwithstanding the requirements of this subdivision, a
31 general acute care hospital operated by the Department of
32 Corrections and Rehabilitation or the Department of Veterans
33 Affairs may provide surgery and anesthesia services during normal
34 weekday working hours, and not provide these services during
35 other hours of the weekday or on weekends or holidays, if the
36 general acute care hospital otherwise meets the requirements of
37 this section.

38 A “general acute care hospital” includes a “rural general acute
39 care hospital.” However, a “rural general acute care hospital” shall
40 not be required by the department to provide surgery and anesthesia

1 services. A “rural general acute care hospital” shall meet either of
2 the following conditions:

3 (1) The hospital meets criteria for designation within peer group
4 six or eight, as defined in the report entitled Hospital Peer Grouping
5 for Efficiency Comparison, dated December 20, 1982.

6 (2) The hospital meets the criteria for designation within peer
7 group five or seven, as defined in the report entitled Hospital Peer
8 Grouping for Efficiency Comparison, dated December 20, 1982,
9 and has no more than 76 acute care beds and is located in a census
10 dwelling place of 15,000 or less population according to the 1980
11 federal census.

12 (b) “Acute psychiatric hospital” means a health facility having
13 a duly constituted governing body with overall administrative and
14 professional responsibility and an organized medical staff that
15 provides 24-hour inpatient care for mentally disordered,
16 incompetent, or other patients referred to in Division 5
17 (commencing with Section 5000) or Division 6 (commencing with
18 Section 6000) of the Welfare and Institutions Code, including the
19 following basic services: medical, nursing, rehabilitative,
20 pharmacy, and dietary services.

21 (c) “Skilled nursing facility” means a health facility that provides
22 skilled nursing care and supportive care to patients whose primary
23 need is for availability of skilled nursing care on an extended basis.

24 (d) “Intermediate care facility” means a health facility that
25 provides inpatient care to ambulatory or nonambulatory patients
26 who have recurring need for skilled nursing supervision and need
27 supportive care, but who do not require availability of continuous
28 skilled nursing care.

29 (e) “Intermediate care facility/developmentally disabled
30 habilitative” means a facility with a capacity of 4 to 15 beds that
31 provides 24-hour personal care, habilitation, developmental, and
32 supportive health services to 15 or fewer persons with
33 developmental disabilities who have intermittent recurring needs
34 for nursing services, but have been certified by a physician and
35 surgeon as not requiring availability of continuous skilled nursing
36 care.

37 (f) “Special hospital” means a health facility having a duly
38 constituted governing body with overall administrative and
39 professional responsibility and an organized medical or dental staff
40 that provides inpatient or outpatient care in dentistry or maternity.

1 (g) “Intermediate care facility/developmentally disabled” means
2 a facility that provides 24-hour personal care, habilitation,
3 developmental, and supportive health services to persons with
4 developmental disabilities whose primary need is for
5 developmental services and who have a recurring but intermittent
6 need for skilled nursing services.

7 (h) “Intermediate care facility/developmentally
8 disabled-nursing” means a facility with a capacity of 4 to 15 beds
9 that provides 24-hour personal care, developmental services, and
10 nursing supervision for persons with developmental disabilities
11 who have intermittent recurring needs for skilled nursing care but
12 have been certified by a physician and surgeon as not requiring
13 continuous skilled nursing care. The facility shall serve medically
14 fragile persons with developmental disabilities or who demonstrate
15 significant developmental delay that may lead to a developmental
16 disability if not treated.

17 (i) (1) “Congregate living health facility” means a residential
18 home with a capacity, except as provided in paragraph (4), of no
19 more than 12 beds, that provides inpatient care, including the
20 following basic services: medical supervision, 24-hour skilled
21 nursing and supportive care, pharmacy, dietary, social, recreational,
22 and at least one type of service specified in paragraph (2). The
23 primary need of congregate living health facility residents shall
24 be for availability of skilled nursing care on a recurring,
25 intermittent, extended, or continuous basis. This care is generally
26 less intense than that provided in general acute care hospitals but
27 more intense than that provided in skilled nursing facilities.

28 (2) Congregate living health facilities shall provide one of the
29 following services:

30 (A) Services for persons who are mentally alert, persons with
31 physical disabilities, who may be ventilator dependent.

32 (B) Services for persons who have a diagnosis of terminal
33 illness, a diagnosis of a life-threatening illness, or both. Terminal
34 illness means the individual has a life expectancy of six months
35 or less as stated in writing by his or her attending physician and
36 surgeon. A “life-threatening illness” means the individual has an
37 illness that can lead to a possibility of a termination of life within
38 five years or less as stated in writing by his or her attending
39 physician and surgeon.

(C) Services for persons who are catastrophically and severely disabled. A person who is catastrophically and severely disabled means a person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial and to whom these services are being provided. Services offered by a congregate living health facility to a person who is catastrophically disabled shall include, but not be limited to, speech, physical, and occupational therapy.

(3) A congregate living health facility license shall specify which of the types of persons described in paragraph (2) to whom a facility is licensed to provide services.

(4) (A) A facility operated by a city and county for the purposes of delivering services under this section may have a capacity of 59 beds.

(B) A congregate living health facility not operated by a city and county servicing persons who are terminally ill, persons who have been diagnosed with a life-threatening illness, or both, that is located in a county with a population of ~~500,000~~ 400,000 or more persons may have not more than 25 beds for the purpose of serving persons who are terminally ill.

(C) A congregate living health facility not operated by a city and county serving persons who are catastrophically and severely disabled, as defined in subparagraph (C) of paragraph (2) that is located in a county of 500,000 or more persons may have not more than 12 beds for the purpose of serving persons who are catastrophically and severely disabled.

(5) A congregate living health facility shall have a noninstitutional, homelike environment.

(j) (1) “Correctional treatment center” means a health facility operated by the Department of Corrections and Rehabilitation, the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or a county, city, or city and county law enforcement agency that, as determined by the state department, provides inpatient health services to that portion of the inmate population who do not require a general acute care level of basic services. This definition shall not apply to those areas of a law enforcement facility that houses inmates or wards that may be receiving outpatient services and are housed separately for reasons of improved access to health care, security, and protection. The health

1 services provided by a correctional treatment center shall include,
2 but are not limited to, all of the following basic services: physician
3 and surgeon, psychiatrist, psychologist, nursing, pharmacy, and
4 dietary. A correctional treatment center may provide the following
5 services: laboratory, radiology, perinatal, and any other services
6 approved by the state department.

7 (2) Outpatient surgical care with anesthesia may be provided,
8 if the correctional treatment center meets the same requirements
9 as a surgical clinic licensed pursuant to Section 1204, with the
10 exception of the requirement that patients remain less than 24
11 hours.

12 (3) Correctional treatment centers shall maintain written service
13 agreements with general acute care hospitals to provide for those
14 inmate physical health needs that cannot be met by the correctional
15 treatment center.

16 (4) Physician and surgeon services shall be readily available in
17 a correctional treatment center on a 24-hour basis.

18 (5) It is not the intent of the Legislature to have a correctional
19 treatment center supplant the general acute care hospitals at the
20 California Medical Facility, the California Men's Colony, and the
21 California Institution for Men. This subdivision shall not be
22 construed to prohibit the Department of Corrections and
23 Rehabilitation from obtaining a correctional treatment center
24 license at these sites.

25 (k) "Nursing facility" means a health facility licensed pursuant
26 to this chapter that is certified to participate as a provider of care
27 either as a skilled nursing facility in the federal Medicare Program
28 under Title XVIII of the federal Social Security Act or as a nursing
29 facility in the federal Medicaid Program under Title XIX of the
30 federal Social Security Act, or as both.

31 (l) Regulations defining a correctional treatment center described
32 in subdivision (j) that is operated by a county, city, or city and
33 county, the Department of Corrections and Rehabilitation, or the
34 Department of Corrections and Rehabilitation, Division of Juvenile
35 Facilities, shall not become effective prior to, or if effective, shall
36 be inoperative until January 1, 1996, and until that time these
37 correctional facilities are exempt from any licensing requirements.

38 (m) "Intermediate care facility/developmentally
39 disabled-continuous nursing (ICF/DD-CN)" means a homelike
40 facility with a capacity of four to eight, inclusive, beds that

1 provides 24-hour personal care, developmental services, and
2 nursing supervision for persons with developmental disabilities
3 who have continuous needs for skilled nursing care and have been
4 certified by a physician and surgeon as warranting continuous
5 skilled nursing care. The facility shall serve medically fragile
6 persons who have developmental disabilities or demonstrate
7 significant developmental delay that may lead to a developmental
8 disability if not treated. ICF/DD-CN facilities shall be subject to
9 licensure under this chapter upon adoption of licensing regulations
10 in accordance with Section 1275.3. A facility providing continuous
11 skilled nursing services to persons with developmental disabilities
12 pursuant to Section 14132.20 or 14495.10 of the Welfare and
13 Institutions Code shall apply for licensure under this subdivision
14 within 90 days after the regulations become effective, and may
15 continue to operate pursuant to those sections until its licensure
16 application is either approved or denied.

17 *SEC. 2. No reimbursement is required by this act pursuant to*
18 *Section 6 of Article XIII B of the California Constitution because*
19 *the only costs that may be incurred by a local agency or school*
20 *district will be incurred because this act creates a new crime or*
21 *infraction, eliminates a crime or infraction, or changes the penalty*
22 *for a crime or infraction, within the meaning of Section 17556 of*
23 *the Government Code, or changes the definition of a crime within*
24 *the meaning of Section 6 of Article XIII B of the California*
25 *Constitution.*

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28 **All matter omitted in this version of the bill**
29 **appears in the bill as amended in the**
30 **Senate, August 2, 2010. (JR11)**
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