

ASSEMBLY BILL

No. 1230

Introduced by Assembly Member Logue

February 18, 2011

An act to amend Section 1265 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1230, as introduced, Logue. Health facilities: licensing.

Existing law provides for the licensure and regulation of health facilities administered by the State Department of Public Health. A violation of these provisions is a crime.

Existing law requires any person, political subdivision of the state, or governmental agency desiring a license for a health facility, approval for a specified special service, or approval to manage specified types of licensed health facilities, that has not filed an application for a license to operate that facility, to file with the department a verified application on forms prescribed and furnished by the department, containing specified information.

This bill would make technical, nonsubstantive changes in those provisions prescribing the information required to be contained in an application for licensure.

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

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

- 1 SECTION 1. Section 1265 of the Health and Safety Code is
- 2 amended to read:

1 1265. Any person, political subdivision of the state, or
2 governmental agency desiring a license for a health facility,
3 approval for a special service under this chapter, or approval to
4 manage a health facility currently licensed as a health facility, as
5 defined in subdivision (a), (b), (c), (d), or (f) of Section 1250, that
6 has not filed an application for a license to operate that facility
7 shall file with the department a verified application on forms
8 prescribed and furnished by the department, containing all of the
9 following:

10 (a) The name of the applicant and, if an individual, whether the
11 applicant has attained the age of 18 years.

12 (b) The type of facility or health facility.

13 (c) The location thereof.

14 (d) The name of the person in charge thereof.

15 (e) Evidence satisfactory to the department that the applicant is
16 of reputable and responsible character. If the applicant is a firm,
17 association, organization, partnership, business trust, corporation,
18 or company, like evidence shall be submitted as to the members
19 or shareholders thereof, and the person in charge of the health
20 facility for which application for license is made. If the applicant
21 is a political subdivision of the state or other governmental agency,
22 like evidence shall be submitted ~~as to~~ *regarding* the person in
23 charge of the health facility for which application for license is
24 made.

25 (f) Evidence *that is* satisfactory to the department of the ability
26 of the applicant to comply with this chapter and of rules and
27 regulations promulgated under this chapter by the department.

28 (g) Evidence satisfactory to the department that the applicant
29 to operate a skilled nursing facility or intermediate care facility
30 possesses financial resources sufficient to operate the facility for
31 a period of at least 45 days. A management company shall not be
32 required to submit this information.

33 (h) Each applicant for a license to operate a skilled nursing
34 facility or intermediate care facility shall disclose to the department
35 evidence of the right to possession of the facility at the time the
36 application will be granted, which may be satisfied by the
37 submission of a copy of applicable portions of a lease agreement
38 or deed of trust. The names and addresses of any persons or
39 organizations listed as owner of record in the real estate, including

1 the buildings and the grounds appurtenant to the buildings, shall
2 be disclosed to the department.

3 (i) Any other information as may be required by the department
4 for the proper administration and enforcement of this chapter.

5 (j) Upon submission of an application to the department by an
6 intermediate care facility/developmentally disabled habilitative or
7 an intermediate care facility/developmentally disabled-nursing,
8 the application shall include a statement of need signed by the
9 chairperson of the area board pursuant to Chapter 4 (commencing
10 with Section 4570) of Division 4.5 of the Welfare and Institutions
11 Code. In the event the area board has not provided the statement
12 of need within 30 days of receipt of the request from the applicant,
13 the department may process the application for license without the
14 statement.

15 (k) The information required pursuant to this section, other than
16 individuals' social security numbers, shall be made available to
17 the public upon request, and shall be included in the department's
18 public file regarding the facility.

19 (l) With respect to a facility licensed as a health facility, as
20 defined in subdivision (a), (b), or (f) of Section 1250, for purposes
21 of this section, "manage" means to assume operational control of
22 the facility.