

AMENDED IN SENATE APRIL 26, 2011

SENATE BILL

No. 844

Introduced by Senator Price

February 18, 2011

An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 844, as amended, Price. Health facilities: general acute care hospitals.

Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, by the State Department of Public Health. A violation of these provisions is a crime. Existing law defines a general acute care hospital as a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff that provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services.

This bill would provide that, for the purposes of licensing, dietary services may be provided either at the hospital or in another hospital immediately adjacent to the hospital as long as dedicated facilities are in place to accommodate the delivery of these services *and the department determines that all applicable statutory and regulatory standards pertaining to dietary services have been met*. By expanding the definition of a crime, this bill imposes 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 1250 of the Health and Safety Code is
2 amended to read:

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

11 (a) “General acute care hospital” means a health facility having
12 a duly constituted governing body with overall administrative and
13 professional responsibility and an organized medical staff that
14 provides 24-hour inpatient care, including the following basic
15 services: medical, nursing, surgical, anesthesia, laboratory,
16 radiology, pharmacy, and dietary services. For the purposes of this
17 chapter, dietary services may be provided either at the hospital or
18 in another hospital immediately adjacent to the hospital as long as
19 dedicated facilities are in place to accommodate the delivery of
20 these services *and the department determines that all standards*
21 *pertaining to dietary services under this chapter, and regulations*
22 *adopted pursuant to this chapter, have been met.* A general acute
23 care hospital may include more than one physical plant maintained
24 and operated on separate premises as provided in Section 1250.8.
25 A general acute care hospital that exclusively provides acute
26 medical rehabilitation center services, including at least physical
27 therapy, occupational therapy, and speech therapy, may provide
28 for the required surgical and anesthesia services through a contract
29 with another acute care hospital. In addition, a general acute care
30 hospital that, on July 1, 1983, provided required surgical and

1 anesthesia services through a contract or agreement with another
2 acute care hospital may continue to provide these surgical and
3 anesthesia services through a contract or agreement with an acute
4 care hospital. The general acute care hospital operated by the State
5 Department of Developmental Services at Agnews Developmental
6 Center may, until June 30, 2007, provide surgery and anesthesia
7 services through a contract or agreement with another acute care
8 hospital. Notwithstanding the requirements of this subdivision, a
9 general acute care hospital operated by the Department of
10 Corrections and Rehabilitation or the Department of Veterans
11 Affairs may provide surgery and anesthesia services during normal
12 weekday working hours, and not provide these services during
13 other hours of the weekday or on weekends or holidays, if the
14 general acute care hospital otherwise meets the requirements of
15 this section.

16 A “general acute care hospital” includes a “rural general acute
17 care hospital.” However, a “rural general acute care hospital” shall
18 not be required by the department to provide surgery and anesthesia
19 services. A “rural general acute care hospital” shall meet either of
20 the following conditions:

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

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

30 (b) “Acute psychiatric hospital” means a health facility having
31 a duly constituted governing body with overall administrative and
32 professional responsibility and an organized medical staff that
33 provides 24-hour inpatient care for mentally disordered,
34 incompetent, or other patients referred to in Division 5
35 (commencing with Section 5000) or Division 6 (commencing with
36 Section 6000) of the Welfare and Institutions Code, including the
37 following basic services: medical, nursing, rehabilitative,
38 pharmacy, and dietary services.

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

4 (d) “Intermediate care facility” means a health facility that
5 provides inpatient care to ambulatory or nonambulatory patients
6 who have recurring need for skilled nursing supervision and need
7 supportive care, but who do not require availability of continuous
8 skilled nursing care.

9 (e) “Intermediate care facility/developmentally disabled
10 habilitative” means a facility with a capacity of 4 to 15 beds that
11 provides 24-hour personal care, habilitation, developmental, and
12 supportive health services to 15 or fewer persons with
13 developmental disabilities who have intermittent recurring needs
14 for nursing services, but have been certified by a physician and
15 surgeon as not requiring availability of continuous skilled nursing
16 care.

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

21 (g) “Intermediate care facility/developmentally disabled” means
22 a facility that provides 24-hour personal care, habilitation,
23 developmental, and supportive health services to persons with
24 developmental disabilities whose primary need is for
25 developmental services and who have a recurring but intermittent
26 need for skilled nursing services.

27 (h) “Intermediate care facility/developmentally
28 disabled-nursing” means a facility with a capacity of 4 to 15 beds
29 that provides 24-hour personal care, developmental services, and
30 nursing supervision for persons with developmental disabilities
31 who have intermittent recurring needs for skilled nursing care but
32 have been certified by a physician and surgeon as not requiring
33 continuous skilled nursing care. The facility shall serve medically
34 fragile persons with developmental disabilities or who demonstrate
35 significant developmental delay that may lead to a developmental
36 disability if not treated.

37 (i) (1) “Congregate living health facility” means a residential
38 home with a capacity, except as provided in paragraph (4), of no
39 more than 12 beds, that provides inpatient care, including the
40 following basic services: medical supervision, 24-hour skilled

1 nursing and supportive care, pharmacy, dietary, social, recreational,
2 and at least one type of service specified in paragraph (2). The
3 primary need of congregate living health facility residents shall
4 be for availability of skilled nursing care on a recurring,
5 intermittent, extended, or continuous basis. This care is generally
6 less intense than that provided in general acute care hospitals but
7 more intense than that provided in skilled nursing facilities.

8 (2) Congregate living health facilities shall provide one of the
9 following services:

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

12 (B) Services for persons who have a diagnosis of terminal
13 illness, a diagnosis of a life-threatening illness, or both. Terminal
14 illness means the individual has a life expectancy of six months
15 or less as stated in writing by his or her attending physician and
16 surgeon. A “life-threatening illness” means the individual has an
17 illness that can lead to a possibility of a termination of life within
18 five years or less as stated in writing by his or her attending
19 physician and surgeon.

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

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

32 (4) (A) A facility operated by a city and county for the purposes
33 of delivering services under this section may have a capacity of
34 59 beds.

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

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

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

9 (j) (1) “Correctional treatment center” means a health facility
10 operated by the Department of Corrections and Rehabilitation, the
11 Department of Corrections and Rehabilitation, Division of Juvenile
12 Facilities, or a county, city, or city and county law enforcement
13 agency that, as determined by the state department, provides
14 inpatient health services to that portion of the inmate population
15 who do not require a general acute care level of basic services.
16 This definition shall not apply to those areas of a law enforcement
17 facility that houses inmates or wards that may be receiving
18 outpatient services and are housed separately for reasons of
19 improved access to health care, security, and protection. The health
20 services provided by a correctional treatment center shall include,
21 but are not limited to, all of the following basic services: physician
22 and surgeon, psychiatrist, psychologist, nursing, pharmacy, and
23 dietary. A correctional treatment center may provide the following
24 services: laboratory, radiology, perinatal, and any other services
25 approved by the state department.

26 (2) Outpatient surgical care with anesthesia may be provided,
27 if the correctional treatment center meets the same requirements
28 as a surgical clinic licensed pursuant to Section 1204, with the
29 exception of the requirement that patients remain less than 24
30 hours.

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

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

37 (5) It is not the intent of the Legislature to have a correctional
38 treatment center supplant the general acute care hospitals at the
39 California Medical Facility, the California Men’s Colony, and the
40 California Institution for Men. This subdivision shall not be

1 construed to prohibit the Department of Corrections and
2 Rehabilitation from obtaining a correctional treatment center
3 license at these sites.

4 (k) "Nursing facility" means a health facility licensed pursuant
5 to this chapter that is certified to participate as a provider of care
6 either as a skilled nursing facility in the federal Medicare Program
7 under Title XVIII of the federal Social Security Act or as a nursing
8 facility in the federal Medicaid Program under Title XIX of the
9 federal Social Security Act, or as both.

10 (l) Regulations defining a correctional treatment center described
11 in subdivision (j) that is operated by a county, city, or city and
12 county, the Department of Corrections and Rehabilitation, or the
13 Department of Corrections and Rehabilitation, Division of Juvenile
14 Facilities, shall not become effective prior to, or if effective, shall
15 be inoperative until January 1, 1996, and until that time these
16 correctional facilities are exempt from any licensing requirements.

17 (m) "Intermediate care facility/developmentally
18 disabled-continuous nursing (ICF/DD-CN)" means a homelike
19 facility with a capacity of four to eight, inclusive, beds that
20 provides 24-hour personal care, developmental services, and
21 nursing supervision for persons with developmental disabilities
22 who have continuous needs for skilled nursing care and have been
23 certified by a physician and surgeon as warranting continuous
24 skilled nursing care. The facility shall serve medically fragile
25 persons who have developmental disabilities or demonstrate
26 significant developmental delay that may lead to a developmental
27 disability if not treated. ICF/DD-CN facilities shall be subject to
28 licensure under this chapter upon adoption of licensing regulations
29 in accordance with Section 1275.3. A facility providing continuous
30 skilled nursing services to persons with developmental disabilities
31 pursuant to Section 14132.20 or 14495.10 of the Welfare and
32 Institutions Code shall apply for licensure under this subdivision
33 within 90 days after the regulations become effective, and may
34 continue to operate pursuant to those sections until its licensure
35 application is either approved or denied.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.