

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 994

Introduced by Assembly Member Muratsuchi
(Coauthor: Senator Allen)

February 16, 2017

An act to amend Section 1250 of the Health and Safety Code, relating to health facilities; *add and repeal Section 32132.9 of the Health and Safety Code, relating to health care districts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 994, as amended, Muratsuchi. ~~Health facilities.~~ *Health care districts: design-build.*

Existing law authorizes certain health care districts to use the design-build process when contracting for the construction of a building or improvements directly related to construction of a hospital or health facility building in those districts, as specified. Existing law sets forth the procurement process for design-build projects, as specified, and requires specified information submitted by design-build entities to be certified under penalty of perjury.

This bill would authorize, until January 1, 2023, the Beach Cities Health District to use the design-build process for the construction of facilities or other buildings in that district, as specified. Because the bill would expand the application of the procurement process to additional design-build entities, the bill would expand the crime of perjury, thereby imposing a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Beach Cities Health District.

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 provides for the licensure and regulation by the State Department of Public Health of health facilities, defined to mean a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, as specified, and includes, among others, a general acute care hospital, an acute psychiatric hospital, and a skilled nursing facility.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

- 1 SECTION 1. Section 32132.9 is added to the Health and Safety
- 2 Code, to read:
- 3 32132.9. (a) Notwithstanding Section 32132 or any other law,
- 4 upon approval by the board of directors of the Beach Cities Health
- 5 District, the design-build process described in Chapter 4
- 6 (commencing with Section 22160) of Part 3 of Division 2 of the
- 7 Public Contract Code may be used to assign contracts for the
- 8 construction of facilities or other buildings in that district.
- 9 (b) For purposes of this section, all references in Chapter 4
- 10 (commencing with Section 22160) of Part 3 of Division 2 of the
- 11 Public Contract Code to “local agency” shall mean the Beach
- 12 Cities Health District and its board of directors.
- 13 (c) To the extent that any project utilizing the design-build
- 14 process authorized by subdivision (a) is otherwise required to
- 15 comply with the standards and requirements of the Alfred E. Alquist
- 16 Hospital Facilities Seismic Safety Act of 1983 (Chapter 1
- 17 (commencing with Section 129675) of Part 7 of Division 107), this
- 18 section shall not be construed as an exemption from that act.
- 19 (d) This section shall remain in effect only until January 1, 2023,
- 20 and as of that date is repealed, unless a later enacted statute that
- 21 is enacted before January 1, 2023, deletes or extends that date.

SEC. 2. *The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances relating to the Beach Cities Health District.*

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.*

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

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

~~(a) "General acute care hospital" means 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 all of the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services. A general acute care hospital may include more than one physical plant maintained and operated on separate premises as provided in Section 1250.8. A general acute care hospital that exclusively provides acute medical rehabilitation center services, including at least physical therapy, occupational therapy, and speech therapy, may provide for the required surgical and anesthesia services through a contract with another acute care hospital. A general acute care hospital that, on July 1, 1983, provided required surgical and anesthesia services through a contract or agreement with another acute care hospital may continue to provide these surgical and anesthesia services~~

1 through a contract or agreement with an acute care hospital.
2 Notwithstanding the requirements of this subdivision, a general
3 acute care hospital operated by the Department of Corrections and
4 Rehabilitation or the Department of Veterans Affairs may provide
5 surgery and anesthesia services during normal weekday working
6 hours, and not provide these services during other hours of the
7 weekday or on weekends or holidays, if the general acute care
8 hospital otherwise meets the requirements of this section.

9 A “general acute care hospital” includes a “rural general acute
10 care hospital.” However, a “rural general acute care hospital” shall
11 not be required by the department to provide surgery and anesthesia
12 services. A “rural general acute care hospital” shall meet either of
13 the following conditions:

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

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

23 (b) “Acute psychiatric hospital” means a health facility having
24 a duly constituted governing body with overall administrative and
25 professional responsibility and an organized medical staff that
26 provides 24-hour inpatient care for persons with mental health
27 disorders or other patients referred to in Division 5 (commencing
28 with Section 5000) or Division 6 (commencing with Section 6000)
29 of the Welfare and Institutions Code, including all of the following
30 basic services: medical, nursing, rehabilitative, pharmacy, and
31 dietary services.

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

36 (2) “Skilled nursing facility” includes a “small house skilled
37 nursing facility (SHSNF),” as defined in Section 1323.5.

38 (d) “Intermediate care facility” means a health facility that
39 provides inpatient care to ambulatory or nonambulatory patients
40 who have recurring need for skilled nursing supervision and need

1 supportive care, but who do not require availability of continuous
2 skilled nursing care.

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

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

15 (g) ~~“Intermediate care facility/developmentally disabled” means~~
16 ~~a facility that provides 24-hour personal care, habilitation,~~
17 ~~developmental, and supportive health services to persons with~~
18 ~~developmental disabilities whose primary need is for~~
19 ~~developmental services and who have a recurring but intermittent~~
20 ~~need for skilled nursing services.~~

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

31 (i) (1) ~~“Congregate living health facility” means a residential~~
32 ~~home with a capacity, except as provided in paragraph (4), of no~~
33 ~~more than 18 beds, that provides inpatient care, including all of~~
34 ~~the following basic services: medical supervision, 24-hour skilled~~
35 ~~nursing and supportive care, pharmacy, dietary, social, recreational,~~
36 ~~and at least one type of service specified in paragraph (2). The~~
37 ~~primary need of congregate living health facility residents shall~~
38 ~~be for availability of skilled nursing care on a recurring,~~
39 ~~intermittent, extended, or continuous basis. This care is generally~~

1 less intense than that provided in general acute care hospitals but
2 more intense than that provided in skilled nursing facilities.

3 (2) ~~Congregate living health facilities shall provide one or more~~
4 ~~of the following services:~~

5 (A) ~~Services for persons who are mentally alert, persons with~~
6 ~~physical disabilities, who may be ventilator dependent.~~

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

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

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

27 (4) (A) ~~A facility operated by a city and county for the purposes~~
28 ~~of delivering services under this section may have a capacity of~~
29 ~~59 beds.~~

30 (B) ~~A congregate living health facility not operated by a city~~
31 ~~and county servicing persons who are terminally ill, persons who~~
32 ~~have been diagnosed with a life-threatening illness, or both, that~~
33 ~~is located in a county with a population of 500,000 or more persons;~~
34 ~~or located in a county of the 16th class pursuant to Section 28020~~
35 ~~of the Government Code, may have not more than 25 beds for the~~
36 ~~purpose of serving persons who are terminally ill.~~

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

39 (j) (1) ~~“Correctional treatment center” means a health facility~~
40 ~~operated by the Department of Corrections and Rehabilitation, the~~

1 Department of Corrections and Rehabilitation, Division of Juvenile
2 Facilities, or a county, city, or city and county law enforcement
3 agency that, as determined by the department, provides inpatient
4 health services to that portion of the inmate population who do not
5 require a general acute care level of basic services. This definition
6 shall not apply to those areas of a law enforcement facility that
7 houses inmates or wards who may be receiving outpatient services
8 and are housed separately for reasons of improved access to health
9 care, security, and protection. The health services provided by a
10 correctional treatment center shall include, but are not limited to,
11 all of the following basic services: physician and surgeon,
12 psychiatrist, psychologist, nursing, pharmacy, and dietary. A
13 correctional treatment center may provide any of the following
14 services: laboratory, radiology, perinatal, and any other services
15 approved by the department.

16 (2) Outpatient surgical care with anesthesia may be provided,
17 if the correctional treatment center meets the same requirements
18 as a surgical clinic licensed pursuant to Section 1204, with the
19 exception of the requirement that patients remain less than 24
20 hours.

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

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

27 (5) It is not the intent of the Legislature to have a correctional
28 treatment center supplant the general acute care hospitals at the
29 California Medical Facility, the California Men's Colony, and the
30 California Institution for Men. This subdivision shall not be
31 construed to prohibit the Department of Corrections and
32 Rehabilitation from obtaining a correctional treatment center
33 license at these sites.

34 (k) "Nursing facility" means a health facility licensed pursuant
35 to this chapter that is certified to participate as a provider of care
36 either as a skilled nursing facility in the federal Medicare Program
37 under Title XVIII of the federal Social Security Act (42 U.S.C.
38 Sec. 1395 et seq.) or as a nursing facility in the federal Medicaid
39 Program under Title XIX of the federal Social Security Act (42
40 U.S.C. Sec. 1396 et seq.), or as both.

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

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

~~(n) “Hospice facility” means a health facility licensed pursuant to this chapter with a capacity of no more than 24 beds that provides hospice services. Hospice services include, but are not limited to, routine care, continuous care, inpatient respite care, and inpatient hospice care as defined in subdivision (d) of Section 1339.40, and is operated by a provider of hospice services that is licensed pursuant to Section 1751 and certified as a hospice pursuant to Part 418 of Title 42 of the Code of Federal Regulations.~~