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AB-2644 Skilled nursing facilities: deaths: reporting. (2019-2020)

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Assembly Bill No. 2644

CHAPTER 287

An act to add Sections 1255.9 and 1275.41 to the Health and Safety Code, relating to skilled nursing facilities.

[Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2644, Wood. Skilled nursing facilities: deaths: reporting.

Existing law provides for the licensure and regulation of health facilities, defined to include skilled nursing facilities, by the State Department of Public Health. Under existing law, a violation of the provisions governing health facilities constitutes a crime. Existing law requires all skilled nursing facilities to adopt and implement an antimicrobial stewardship policy that is consistent with the antimicrobial stewardship guidelines developed by the federal Centers for Disease Control and Prevention, the federal Centers for Medicare and Medicaid Services, or specified professional organizations. Existing law requires a health facility, as defined to exclude a skilled nursing facility, to report an adverse event to the department within 24 hours of detecting the event, including, among other things, specified patient deaths.

In the event of a declared emergency related to a communicable disease, this bill would require a skilled nursing facility to report each disease-related death and suspected disease-related death to the State Department of Public Health within 24 hours of that death. The bill would also require a skilled nursing facility to notify residents and their representatives about cases of communicable diseases, in compliance with state and federal privacy laws. The bill would require the State Department of Public Health to report certain information related to those deaths on its internet website on a weekly basis. The bill would authorize the department to implement, interpret, or make specific these provisions without taking regulatory action.

Existing law requires a health facility, which includes a skilled nursing facility, to designate an infection control officer who is responsible for implementing testing and reporting of infections and other hospital infection control efforts. Under existing law, a violation of this provision and provisions regulating health facilities is a crime.

This bill would also require a skilled nursing facility to have a full-time dedicated Infection Preventionist staff member, as specified, who is either a registered nurse or a licensed vocational nurse. The bill would require a skilled nursing facility to have a plan in place for infection prevention quality control. The bill would require a skilled nursing facility to ensure all health care personnel receive infection prevention and control training on an annual basis.

Because a failure to comply with certain of these provisions would be a 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.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1255.9 is added to the Health and Safety Code, to read:

1255.9. (a) (1) A skilled nursing facility shall have a full-time, dedicated Infection Preventionist (IP).

(2) The IP role may be filled either by one full-time IP staff member or by two staff members sharing the IP responsibilities, as long as the total time dedicated to the IP role equals at least the time of one full-time staff member.

(3) The IP shall be a registered nurse or licensed vocational nurse and shall not be included in the calculation of three and one-half hours of direct patient care per day provided to skilled nursing facility residents.

(b) A skilled nursing facility shall have a plan in place for infection prevention quality control.

(c) A skilled nursing facility shall ensure all health care personnel receive infection prevention and control training on an annual basis.

SEC. 2. Section 1275.41 is added to the Health and Safety Code, to read:

1275.41. (a) (1) In the event of a declared emergency related to a communicable disease, a skilled nursing facility, as defined in subdivision (c) of Section 1250, shall report communicable disease data in a format and schedule as required by the State Department of Public Health.

(2) The communicable disease data reported pursuant to this section shall include, but not be limited to, information about each disease-related death and suspected disease-related death, which shall be reported to the State Department of Public Health within 24 hours of the death.

(3) The State Department of Public Health shall make the total number of disease-related deaths and suspected disease-related deaths reported pursuant to this section and the location at which they occurred, in a manner that protects patients' medical privacy, available on its internet website on a weekly basis.

(b) During a declared emergency related to a communicable disease, a skilled nursing facility shall notify residents and their representatives and family members about cases of the communicable disease in compliance with state and federal privacy laws, as instructed by the department.

(c) Notwithstanding any other law, the department may, without taking any regulatory actions pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, implement, interpret, or make specific this section by means of an All Facilities Letter (AFL) or similar instruction.

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.