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AB-895 Skilled nursing facilities, intermediate care facilities, and residential care facilities for the elderly: notice to prospective residents. (2021-2022)

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Assembly Bill No. 895

CHAPTER 577

An act to amend Sections 1569.885 and 1599.75 of, and to add Section 1422.65 to, the Health and Safety Code, relating to long-term health care facilities.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 895, Holden. Skilled nursing facilities, intermediate care facilities, and residential care facilities for the elderly: notice to prospective residents.

(1) The Long-Term Care, Health, Safety, and Security Act of 1973 generally requires the State Department of Public Health to license and regulate long-term health care facilities and to establish an inspection and reporting system to ensure that long-term health care facilities are in compliance with state statutes and regulations. Existing law defines a "long-term health care facility" to include, among other facility types, a skilled nursing facility and an intermediate care facility. Existing law also regulates residential care facilities for the elderly, which are licensed by the State Department of Social Services. A violation of the provisions relating to the operation or maintenance of a long-term health care facility, or a residential care facility for the elderly, is a misdemeanor.

Existing law, as part of the Mello-Granlund Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman, under the direction of the State Long-Term Care Ombudsman, in the California Department of Aging. Existing law requires the State Long-Term Care Ombudsman to investigate and seek to resolve complaints against long-term health care facilities and to provide services to assist residents in the protection of their health, safety, welfare, and rights. Existing law also provides for the Long-Term Care Ombudsman Program under which funds are allocated to local ombudsman programs to assist elderly persons in long-term health care facilities.

This bill would require a skilled nursing facility or an intermediate care facility to provide a prospective resident of the skilled nursing facility or intermediate care facility, or their representative, prior to or at the time of admission, a written notice that includes specified contact information for the local long-term care ombudsman and links to specified internet websites relating to these facilities. The bill would require the notice to include a statement that the ombudsman is intended as a resource for purposes of accessing additional information regarding resident care at the facility and reporting resident complaints. The bill would require an admission agreement for a residential care facility for the elderly to include a notice with similar information. By expanding the definition of existing crimes, the bill would impose a state-mandated local program.

(2) Existing law requires a contract of admission for long-term health care facilities to specify that a copy of the facility grievance procedure is available and to inform residents of their right to contact the State Department of Public Health or ombudsman regarding grievances against the facility.

This bill would additionally require a facility's grievance form to include contact information for the local long-term care ombudsman and the State Department of Public Health, and instructions on how to file a grievance with both entities. By expanding the definition of a crime, the bill would impose a state-mandated local program.

(3) 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 Local Program: yes

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

SECTION 1. Section 1422.65 is added to the Health and Safety Code, to read:

1422.65. (a) Prior to or at the time of admission, a skilled nursing facility, as defined in subdivision (c) of Section 1250, or an intermediate care facility, as defined in subdivision (d) of Section 1250, shall provide to a prospective resident, or the resident's representative, if any, a written notice, including the telephone number, internet website address, and email address for the local long-term care ombudsman and links to the State Department of Public Health's licensing and certification internet website, the California Health Facility Information Database (Cal Health Find) page, and to CallLongTermCareCompare.org. The notice also shall state that the ombudsman is intended as a resource for both of the following purposes:

(1) Accessing additional information regarding resident care at the facility.

(2) Reporting resident care complaints.

(b) The notice required by this section is in addition to any other notice a skilled nursing facility or an intermediate care facility is required by law to provide. Notwithstanding paragraph (1) of subdivision (b) of Section 1599.61, the notice may be incorporated into the skilled nursing facility and intermediate care facility standard admission agreement required by Section 1599.61.

SEC. 2. Section 1569.885 of the Health and Safety Code is amended to read:

1569.885. (a) When referring to a resident's obligation to observe facility rules, the admission agreement shall indicate that the rules must be reasonable, and that there is a facility procedure for suggesting changes in the rules. A facility rule shall not violate any right set forth in this article or in other applicable laws and regulations.

(b) The admission agreement shall specify that a copy of the facility grievance procedure for resolution of resident complaints about facility practices shall be made available to the resident or the resident's representative.

(c) The admission agreement shall inform a resident of the right to contact the State Department of Social Services, the long-term care ombudsman, or both, regarding grievances against the facility.

(d) In addition to any other notice a licensee is required by law to provide to residents, a written notice, including the current telephone number, internet website address, and email address for the local long-term care ombudsman and the internet website address for the Community Care Licensing Division of the State Department of Social Services shall be included in, or as an attachment to, all admission agreements. The written notice also shall state that the ombudsman is intended as a resource for both of the following purposes:

(1) Accessing additional information regarding resident care at the facility.

(2) Reporting resident care complaints.

(e) A copy of any applicable resident's rights specified by law or regulation shall be an attachment to all admission agreements.

(f) The statement of resident's rights attached to admissions agreements by a residential care facility for the elderly shall include information on the reporting of suspected or known elder and dependent adult abuse, as set forth in Section 1569.889.

SEC. 3. Section 1599.75 of the Health and Safety Code is amended to read:

1599.75. (a) When referring to a resident's obligation to observe facility rules, the contract of admission shall indicate that the rules must be reasonable, and that there is a facility procedure for suggesting changes in the rules.

(b) The contract of admission shall specify that a copy of the facility grievance procedure, for resolution of resident complaints about facility practices, is available.

(c) The agreement shall also inform residents of their right to contact the State Department of Public Health or the long-term care ombudsman, or both, regarding grievances against the facility.

(d) The facility's grievance form shall include contact information for the local long-term care ombudsman and the State Department of Public Health, and instructions on how to file a grievance with both entities.

SEC. 4. 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.