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AB-1280 California Hospice Licensure Act of 1990. (2021-2022)

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Date Published: 10/05/2021 09:00 PM

Assembly Bill No. 1280

CHAPTER 478

An act to add Article 1.5 (commencing with Section 1746.50) and Article 2.5 (commencing with Section 1751.100) to Chapter 8.5 of Division 2 of the Health and Safety Code, relating to hospice.

[Approved by Governor October 04, 2021. Filed with Secretary of State October 04, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1280, Irwin. California Hospice Licensure Act of 1990.

(1) The California Hospice Licensure Act of 1990 generally requires a person, political subdivision of the state, or other governmental agency to obtain a license from the State Department of Public Health to provide hospice to an individual who is experiencing the last phase of life due to a terminal disease and their family, except as provided. The act imposes criminal penalties on any person who violates any provision of the act or any rule or regulation promulgated under the act.

This bill would prohibit a hospice provider, employed hospice staff, or an agent for the hospice from paying referral sources for the referral of patients to the hospice. The bill would prohibit a hospice salesperson, recruiter, agent, or employee who receives compensation or remuneration for hospice referrals or admissions from providing consultation on hospice services, hospice election, or informed consent to a patient, patient's family, or patient's representative. The bill would require a specified person, including a registered nurse or medical social worker, to complete the election of hospice, informed consent, completed signatures, and counsel on the election of hospice with a patient, patient's family, or patient's representative. The bill would require a hospice to provide verbal and written notice of the patient's rights and responsibilities to the patient or the patient's representative, in a language and manner the person understands, before providing care. Because the bill would expand the scope of the crime applicable for a violation of the act, the bill would impose a state-mandated local program.

(2) 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. Article 1.5 (commencing with Section 1746.50) is added to Chapter 8.5 of Division 2 of the Health and Safety Code, to read:

Article 1.5. Hospice Patient Referral

1746.50. (a) A hospice provider, employed hospice staff, or an agent for the hospice shall not give payment to referral sources for the referral of patients to the hospice.

(b) A hospice salesperson, recruiter, agent, or employee who receives any form of compensation or remuneration for hospice referrals or admissions shall not provide consultation on hospice services, hospice election, or informed consent to a patient, patient's family, or patient's representative.

(c) The election of hospice, informed consent, completed signatures, and counsel on the election of hospice to a patient, patient's family, or patient's representative shall only be completed by a registered nurse, licensed vocational nurse, medical social worker, chaplain, or counselor employed by the hospice.

1746.52. For purposes of this article:

(a) "Patient's representative" means either a person designated by the patient as their representative or a person acting on the patient's behalf under the authority of the Long-Term Care Patient Representative Program pursuant to Chapter 3.6 (commencing with Section 9260) of Division 8.5 of the Welfare and Institutions Code.

(b) "Payment" means anything of value, including cash, gift cards, prepaid cards, or remuneration of any kind.

(c) "Referral source" means a medical or nonmedical entity or medical or nonmedical provider that refers a patient, patient's family, or patient's representative to a hospice provider for a consultation or any other reason.

SEC. 2. Article 2.5 (commencing with Section 1751.100) is added to Chapter 8.5 of Division 2 of the Health and Safety Code, to read:

Article 2.5. Hospice Patient Care

1751.100. (a) During the initial visit, in advance of furnishing care, a hospice shall provide a patient or the patient's representative with verbal and written notice of the patient's rights and responsibilities in a language and manner that the person understands.

(b) For purposes of this section, the following definitions apply:

(1) "Patient's representative" means either a person designated by the patient as their representative or a person acting on the patient's behalf under the authority of the Long-Term Care Patient Representative Program pursuant to Chapter 3.6 (commencing with Section 9260) of Division 8.5 of the Welfare and Institutions Code.

(2) "Verbal" means spoken or signed language.

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.