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AB-1585 Health care. (2021-2022)

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Assembly Bill No. 1585

CHAPTER 181

An act to amend Section 1255.9 of the Health and Safety Code, and to amend Section 14094.20 of the Welfare and Institutions Code, relating to health care.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1585, Committee on Health. Health care.

Existing law provides for the licensure and regulation of health facilities, including skilled nursing facilities, by the State Department of Public Health. Existing law requires a skilled nursing facility to have a full-time, dedicated Infection Preventionist (IP), who is a registered nurse or licensed vocational nurse. A violation of these provisions is a misdemeanor.

This bill would revise the required qualifications for the IP to require an IP to have primary professional training as a licensed nurse, medical technologist, microbiologist, epidemiologist, public health professional, or other health care related field. The bill would also require the IP to be qualified by education, training, clinical or healthcare experience, or certification, and to have completed specialized training in infection prevention and control. By expanding existing requirements, the bill would expand an existing crime, thereby imposing a state-mandated local program.

Existing law requires the Department of Health Care Services to promulgate regulations relating to specified health care and managed care programs by July 1, 2020.

This bill would extend the date by which the Department of Health Care Services is required to adopt those regulations to January 1, 2023.

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 1255.9 of the Health and Safety Code is amended 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 meet the following requirements:

(A) Have primary professional training as a licensed nurse, medical technologist, microbiologist, epidemiologist, public health professional, or other health care related field.

(B) Be qualified by education, training, clinical or health care experience, or certification.

(C) Have completed specialized training in infection prevention and control.

(4) The IP 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 14094.20 of the Welfare and Institutions Code is amended to read:

14094.20. (a) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department, without taking regulatory action, shall implement, interpret, or make specific this article, Article 2.97 (commencing with Section 14093), Article 2.98 (commencing with Section 14094), and any applicable federal waivers and state plan amendments by means of all-county letters, plan letters, CCS numbered letters, plan or provider bulletins, or similar instructions until the time regulations are adopted. By January 1, 2023, the department shall adopt regulations in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Commencing July 1, 2018, the department shall provide a status report to the Legislature on a semiannual basis, in compliance with Section 9795 of the Government Code, until regulations have been adopted.

(b) The director may enter into exclusive or nonexclusive contracts on a bid, nonbid, or negotiated basis and may amend existing managed care contracts to provide or arrange for services provided under this article. Contracts entered into or amended pursuant to this section shall be exempt from the provisions of Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, and shall be exempt from the review and approval of any division of the Department of General Services.

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.