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AB-894 General acute care hospitals: patient directories. (2025-2026)

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Assembly Bill No. 894

CHAPTER 384

An act to add Section 1275.9 to the Health and Safety Code, relating to health facilities.

[Approved by Governor October 06, 2025. Filed with Secretary of State October 06, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 894, Carrillo. General acute care hospitals: patient directories.

Existing law requires the State Department of Public Health to license and regulate health facilities, including general acute care hospitals. Existing law makes a violation of these provisions a crime.

Existing federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), authorizes a covered health care provider to use specified protected health information to maintain a directory of patients in its facility, and to disclose that information to persons who ask for the patient by name. Existing federal law requires a covered health care provider to inform an individual of its privacy practices generally and the use and disclosure of information in the directory and to provide the patient with the opportunity to restrict or prohibit that use or disclosure.

Existing law, the Confidentiality of Medical Information Act, prohibits a health care provider, a contractor, or a health care service plan from disclosing medical information, as defined, but does not prevent a general acute care hospital, upon an inquiry concerning a specific patient, from releasing a patient's name, address, age, and sex, and a general description of the reason for treatment, among other information, unless there is a specific written request by the patient to the contrary.

This bill, beginning July 1, 2026, would require a general acute care hospital to inform a patient or the patient's representative, at the time of admission or as soon as reasonably possible in cases of patient incapacity or an emergency treatment circumstance, that the patient or the patient's representative may restrict or prohibit the use or disclosure of protected health information in the hospital's patient directory and would require the hospital to provide the patient or the patient's representative an acknowledgment of the hospital's privacy practices by using a separate document and having hospital personnel verbally inform the patient or the patient's representative, as specified. Because a violation of the bill's requirements 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 1275.9 is added to the Health and Safety Code, to read:

1275.9. (a) A general acute care hospital shall inform a patient or the patient's representative, at the time of admission or as soon as reasonably possible in cases of patient incapacity or an emergency treatment circumstance, that the patient may restrict or prohibit the use or disclosure of protected health information in the hospital's patient directory, as provided in Section 164.510 of Title 45 of the Code of Federal Regulations, in both of the following manners:

(1) Using a separate paper or digital document that only includes an acknowledgment of receipt of the hospital's notice of privacy practices required by Section 164.520 of Title 45 of the Code of Federal Regulations and information regarding the hospital's directory and the included protected health information. The separate document shall include a check box for the patient or the patient's representative to mark to restrict or prohibit use or disclosure of the protected health information in the hospital's patient directory.

(2) Having hospital personnel verbally inform the patient or the patient's representative of the patient's right to restrict or prohibit the use or disclosure of protected health information.

(b) The information required pursuant to subdivision (a) shall be made available or provided in the top five languages, other than English, in the hospital's service area.

(c) For the purposes of this section, "patient's representative" means a person who has legal authority to make decisions regarding medical care on behalf of the patient.

(d) This section shall become operative on July 1, 2026.

SEC. 2. 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.