

AMENDED IN ASSEMBLY MAY 18, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 940

Introduced by Assembly Member Weber

February 16, 2017

An act to add Section 1439.6 to the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 940, as amended, Weber. Long-term health care facilities: notice.

Existing law provides for the licensure and regulation of long-term health care facilities by the State Department of Public Health. Existing law authorizes the department to issue citations for violations of those provisions that are classified according to the nature of the violation. Existing law authorizes a licensee to contest a citation or proposed assessment of a civil penalty under specified provisions.

This bill would require a long-term health care facility to notify the local long-term care ombudsman any time a resident is notified in writing of a transfer or discharge from the facility, as specified. The bill would provide that a failure to provide that notice would constitute a class B violation for purposes of a department-issued citation. The bill would authorize the department to impose additional penalties under those provisions if the failure to send the notice is intentional.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1439.6 is added to the Health and Safety
2 Code, to read:
3 1439.6. Any time a resident is notified in writing of a transfer
4 or discharge from a long-term health care facility, the facility shall
5 also send a copy of the notice to the local long-term care
6 ombudsman within 24 hours. *The copy shall be sent by fax machine*
7 *or email, as may be directed by the local long-term care*
8 *ombudsman, unless the facility does not have fax or email*
9 *capability, in which case the copy shall be sent by first-class mail,*
10 *postage prepaid.* A facility’s failure to send the notice within 24
11 hours shall constitute a class B violation, as defined in subdivision
12 (e) of Section 1424. If the department determines the failure to
13 send the notice to the ombudsman was intentional, the department
14 may impose additional penalties on the facility pursuant to Section
15 1424.

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