

**Introduced by Senator Strickland**  
(Principal coauthor: Assembly Member Williams)

February 7, 2011

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An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 177, as introduced, Strickland. Congregate living health facilities.

Existing law provides for the licensure and regulation by the State Department of Public Health of health facilities, including congregate living health facilities. A violation of these provisions is a misdemeanor. Under existing law, a congregate living health facility not operated by a city and county servicing persons who are terminally ill or persons who have been diagnosed with a life-threatening illness, or both, that is located in a county with a population of 500,000 or more persons is prohibited from having more than 25 beds for the purpose of serving persons who are terminally ill.

This bill would extend the above-described prohibition to a congregate living health facility that is located in a county with a population of 400,000 or more persons.

By applying this limitation to additional congregate living health facilities, and thus changing the definition of an existing 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.  
State-mandated local program: yes.

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

1 SECTION 1. Section 1250 of the Health and Safety Code is  
2 amended to read:  
3 1250. As used in this chapter, “health facility” means any  
4 facility, place, or building that is organized, maintained, and  
5 operated for the diagnosis, care, prevention, and treatment of  
6 human illness, physical or mental, including convalescence and  
7 rehabilitation and including care during and after pregnancy, or  
8 for any one or more of these purposes, for one or more persons,  
9 to which the persons are admitted for a 24-hour stay or longer, and  
10 includes the following types:  
11 (a) “General acute care hospital” means a health facility having  
12 a duly constituted governing body with overall administrative and  
13 professional responsibility and an organized medical staff that  
14 provides 24-hour inpatient care, including the following basic  
15 services: medical, nursing, surgical, anesthesia, laboratory,  
16 radiology, pharmacy, and dietary services. A general acute care  
17 hospital may include more than one physical plant maintained and  
18 operated on separate premises as provided in Section 1250.8. A  
19 general acute care hospital that exclusively provides acute medical  
20 rehabilitation center services, including at least physical therapy,  
21 occupational therapy, and speech therapy, may provide for the  
22 required surgical and anesthesia services through a contract with  
23 another acute care hospital. In addition, a general acute care  
24 hospital that, on July 1, 1983, provided required surgical and  
25 anesthesia services through a contract or agreement with another  
26 acute care hospital may continue to provide these surgical and  
27 anesthesia services through a contract or agreement with an acute  
28 care hospital. The general acute care hospital operated by the State  
29 Department of Developmental Services at Agnews Developmental  
30 Center may, until June 30, 2007, provide surgery and anesthesia  
31 services through a contract or agreement with another acute care  
32 hospital. Notwithstanding the requirements of this subdivision, a  
33 general acute care hospital operated by the Department of  
34 Corrections and Rehabilitation or the Department of Veterans  
35 Affairs may provide surgery and anesthesia services during normal

1 weekday working hours, and not provide these services during  
2 other hours of the weekday or on weekends or holidays, if the  
3 general acute care hospital otherwise meets the requirements of  
4 this section.

5 A “general acute care hospital” includes a “rural general acute  
6 care hospital.” However, a “rural general acute care hospital” shall  
7 not be required by the department to provide surgery and anesthesia  
8 services. A “rural general acute care hospital” shall meet either of  
9 the following conditions:

10 (1) The hospital meets criteria for designation within peer group  
11 six or eight, as defined in the report entitled Hospital Peer Grouping  
12 for Efficiency Comparison, dated December 20, 1982.

13 (2) The hospital meets the criteria for designation within peer  
14 group five or seven, as defined in the report entitled Hospital Peer  
15 Grouping for Efficiency Comparison, dated December 20, 1982,  
16 and has no more than 76 acute care beds and is located in a census  
17 dwelling place of 15,000 or less population according to the 1980  
18 federal census.

19 (b) “Acute psychiatric hospital” means a health facility having  
20 a duly constituted governing body with overall administrative and  
21 professional responsibility and an organized medical staff that  
22 provides 24-hour inpatient care for mentally disordered,  
23 incompetent, or other patients referred to in Division 5  
24 (commencing with Section 5000) or Division 6 (commencing with  
25 Section 6000) of the Welfare and Institutions Code, including the  
26 following basic services: medical, nursing, rehabilitative,  
27 pharmacy, and dietary services.

28 (c) “Skilled nursing facility” means a health facility that provides  
29 skilled nursing care and supportive care to patients whose primary  
30 need is for availability of skilled nursing care on an extended basis.

31 (d) “Intermediate care facility” means a health facility that  
32 provides inpatient care to ambulatory or nonambulatory patients  
33 who have recurring need for skilled nursing supervision and need  
34 supportive care, but who do not require availability of continuous  
35 skilled nursing care.

36 (e) “Intermediate care facility/developmentally disabled  
37 habilitative” means a facility with a capacity of 4 to 15 beds that  
38 provides 24-hour personal care, habilitation, developmental, and  
39 supportive health services to 15 or fewer persons with  
40 developmental disabilities who have intermittent recurring needs

1 for nursing services, but have been certified by a physician and  
2 surgeon as not requiring availability of continuous skilled nursing  
3 care.

4 (f) “Special hospital” means a health facility having a duly  
5 constituted governing body with overall administrative and  
6 professional responsibility and an organized medical or dental staff  
7 that provides inpatient or outpatient care in dentistry or maternity.

8 (g) “Intermediate care facility/developmentally disabled” means  
9 a facility that provides 24-hour personal care, habilitation,  
10 developmental, and supportive health services to persons with  
11 developmental disabilities whose primary need is for  
12 developmental services and who have a recurring but intermittent  
13 need for skilled nursing services.

14 (h) “Intermediate care facility/developmentally  
15 disabled-nursing” means a facility with a capacity of 4 to 15 beds  
16 that provides 24-hour personal care, developmental services, and  
17 nursing supervision for persons with developmental disabilities  
18 who have intermittent recurring needs for skilled nursing care but  
19 have been certified by a physician and surgeon as not requiring  
20 continuous skilled nursing care. The facility shall serve medically  
21 fragile persons with developmental disabilities or who demonstrate  
22 significant developmental delay that may lead to a developmental  
23 disability if not treated.

24 (i) (1) “Congregate living health facility” means a residential  
25 home with a capacity, except as provided in paragraph (4), of no  
26 more than 12 beds, that provides inpatient care, including the  
27 following basic services: medical supervision, 24-hour skilled  
28 nursing and supportive care, pharmacy, dietary, social, recreational,  
29 and at least one type of service specified in paragraph (2). The  
30 primary need of congregate living health facility residents shall  
31 be for availability of skilled nursing care on a recurring,  
32 intermittent, extended, or continuous basis. This care is generally  
33 less intense than that provided in general acute care hospitals but  
34 more intense than that provided in skilled nursing facilities.

35 (2) Congregate living health facilities shall provide one of the  
36 following services:

37 (A) Services for persons who are mentally alert, persons with  
38 physical disabilities, who may be ventilator dependent.

39 (B) Services for persons who have a diagnosis of terminal  
40 illness, a diagnosis of a life-threatening illness, or both. Terminal

1 illness means the individual has a life expectancy of six months  
2 or less as stated in writing by his or her attending physician and  
3 surgeon. A “life-threatening illness” means the individual has an  
4 illness that can lead to a possibility of a termination of life within  
5 five years or less as stated in writing by his or her attending  
6 physician and surgeon.

7 (C) Services for persons who are catastrophically and severely  
8 disabled. A person who is catastrophically and severely disabled  
9 means a person whose origin of disability was acquired through  
10 trauma or nondegenerative neurologic illness, for whom it has  
11 been determined that active rehabilitation would be beneficial and  
12 to whom these services are being provided. Services offered by a  
13 congregate living health facility to a person who is catastrophically  
14 disabled shall include, but not be limited to, speech, physical, and  
15 occupational therapy.

16 (3) A congregate living health facility license shall specify which  
17 of the types of persons described in paragraph (2) to whom a  
18 facility is licensed to provide services.

19 (4) (A) A facility operated by a city and county for the purposes  
20 of delivering services under this section may have a capacity of  
21 59 beds.

22 (B) A congregate living health facility not operated by a city  
23 and county servicing persons who are terminally ill, persons who  
24 have been diagnosed with a life-threatening illness, or both, that  
25 is located in a county with a population of ~~500,000~~ 400,000 or  
26 more persons may have not more than 25 beds for the purpose of  
27 serving persons who are terminally ill.

28 (C) A congregate living health facility not operated by a city  
29 and county serving persons who are catastrophically and severely  
30 disabled, as defined in subparagraph (C) of paragraph (2) that is  
31 located in a county of 500,000 or more persons may have not more  
32 than 12 beds for the purpose of serving persons who are  
33 catastrophically and severely disabled.

34 (5) A congregate living health facility shall have a  
35 noninstitutional, homelike environment.

36 (j) (1) “Correctional treatment center” means a health facility  
37 operated by the Department of Corrections and Rehabilitation, the  
38 Department of Corrections and Rehabilitation, Division of Juvenile  
39 Facilities, or a county, city, or city and county law enforcement  
40 agency that, as determined by the state department, provides

1 inpatient health services to that portion of the inmate population  
2 who do not require a general acute care level of basic services.  
3 This definition shall not apply to those areas of a law enforcement  
4 facility that houses inmates or wards that may be receiving  
5 outpatient services and are housed separately for reasons of  
6 improved access to health care, security, and protection. The health  
7 services provided by a correctional treatment center shall include,  
8 but are not limited to, all of the following basic services: physician  
9 and surgeon, psychiatrist, psychologist, nursing, pharmacy, and  
10 dietary. A correctional treatment center may provide the following  
11 services: laboratory, radiology, perinatal, and any other services  
12 approved by the state department.

13 (2) Outpatient surgical care with anesthesia may be provided,  
14 if the correctional treatment center meets the same requirements  
15 as a surgical clinic licensed pursuant to Section 1204, with the  
16 exception of the requirement that patients remain less than 24  
17 hours.

18 (3) Correctional treatment centers shall maintain written service  
19 agreements with general acute care hospitals to provide for those  
20 inmate physical health needs that cannot be met by the correctional  
21 treatment center.

22 (4) Physician and surgeon services shall be readily available in  
23 a correctional treatment center on a 24-hour basis.

24 (5) It is not the intent of the Legislature to have a correctional  
25 treatment center supplant the general acute care hospitals at the  
26 California Medical Facility, the California Men's Colony, and the  
27 California Institution for Men. This subdivision shall not be  
28 construed to prohibit the Department of Corrections and  
29 Rehabilitation from obtaining a correctional treatment center  
30 license at these sites.

31 (k) "Nursing facility" means a health facility licensed pursuant  
32 to this chapter that is certified to participate as a provider of care  
33 either as a skilled nursing facility in the federal Medicare Program  
34 under Title XVIII of the federal Social Security Act or as a nursing  
35 facility in the federal Medicaid Program under Title XIX of the  
36 federal Social Security Act, or as both.

37 (l) Regulations defining a correctional treatment center described  
38 in subdivision (j) that is operated by a county, city, or city and  
39 county, the Department of Corrections and Rehabilitation, or the  
40 Department of Corrections and Rehabilitation, Division of Juvenile

1 Facilities, shall not become effective prior to, or if effective, shall  
2 be inoperative until January 1, 1996, and until that time these  
3 correctional facilities are exempt from any licensing requirements.

4 (m) “Intermediate care facility/developmentally  
5 disabled-continuous nursing (ICF/DD-CN)” means a homelike  
6 facility with a capacity of four to eight, inclusive, beds that  
7 provides 24-hour personal care, developmental services, and  
8 nursing supervision for persons with developmental disabilities  
9 who have continuous needs for skilled nursing care and have been  
10 certified by a physician and surgeon as warranting continuous  
11 skilled nursing care. The facility shall serve medically fragile  
12 persons who have developmental disabilities or demonstrate  
13 significant developmental delay that may lead to a developmental  
14 disability if not treated. ICF/DD-CN facilities shall be subject to  
15 licensure under this chapter upon adoption of licensing regulations  
16 in accordance with Section 1275.3. A facility providing continuous  
17 skilled nursing services to persons with developmental disabilities  
18 pursuant to Section 14132.20 or 14495.10 of the Welfare and  
19 Institutions Code shall apply for licensure under this subdivision  
20 within 90 days after the regulations become effective, and may  
21 continue to operate pursuant to those sections until its licensure  
22 application is either approved or denied.

23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.

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