

ASSEMBLY BILL

No. 279

Introduced by Assembly Members Muratsuchi and Santiago

January 21, 2021

An act to add and repeal Section 1287 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 279, as introduced, Muratsuchi. Intermediate care facilities and skilled nursing facilities.

(1) Existing law requires the State Department of Public Health to license, inspect, and regulate intermediate care facilities (ICF) and skilled nursing facilities (SNF). Existing law generally requires an ICF or SNF to comply with certain procedures and disclosures when transferring ownership or management of the facility, as specified. Existing law imposes criminal penalties on a person who violates the requirements imposed on these facilities.

This bill would prohibit the owner of an ICF or SNF from ceasing to deliver or making significant changes to the nature of residential care services, or from transferring a resident to another facility, during any declared state of emergency relating to the coronavirus disease 2019 (COVID-19), except if the owner files for bankruptcy. The bill would require, upon termination of the same type of state of emergency, the owner of an ICF or SNF to issue a 6-month advance notice of any proposed sale or termination of the licensed operation of the facility to each resident before the sale or termination goes into effect. The bill would also prohibit during the same type of state of emergency, any changes in all conditions for the sale of assets imposed by the Attorney

General, except if the owner of an ICF or SNF files for bankruptcy. By expanding the requirements and prohibitions imposed on a licensee of ICF or SNF, the failure to comply with would be a crime, this bill would impose a state-mandated local program. The bill would repeal these provisions on January 1, 2026.

(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.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 1287 is added to the Health and Safety
 2 Code, to read:
 3 1287. (a) Unless the owner of a facility declares bankruptcy,
 4 a facility shall not do either of the following during any state of
 5 emergency declared pursuant to Section 8629 of the Government
 6 Code relating to the coronavirus disease 2019 (COVID-19), unless
 7 medically necessary or the impacted resident or patient consents:
 8 (1) Cease delivering, or make significant changes to, the nature
 9 of residential care services.
 10 (2) Transfer a resident or patient to another facility.
 11 (b) Upon termination of every state of emergency declared
 12 pursuant to Section 8629 of the Government Code relating to
 13 COVID-19: the owner of a facility shall issue a six-month advance
 14 notice of any proposed sale or termination of the licensed operation
 15 of the facility to each resident or patient before the sale or
 16 termination goes into effect.
 17 (c) Unless the owner of a facility declares bankruptcy, all of the
 18 following apply during any state of emergency declared pursuant
 19 to Section 8629 of the Government Code relating to the coronavirus
 20 disease 2019 (COVID-19):
 21 (1) All conditions of operation imposed by the Attorney General
 22 as conditions for the sale of assets from a nonprofit entity to a
 23 for-profit entity shall remain in effect and unchanged.

1 (2) All conditions for the sale of assets of imposed by the
2 Attorney General that are in effect at the beginning of the state of
3 emergency shall remain in effect.

4 (d) For purposes of this section, “facility” shall mean an
5 intermediate care facility, as defined in subdivision (d), (e), (g),
6 or (h) of Section 1250, and a skilled nursing facility, as defined in
7 subdivision (c) of Section 1250.

8 (e) This section shall remain in effect only until January 1, 2026,
9 and as of that date is repealed.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

19 SEC. 3. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the California Constitution and shall
22 go into immediate effect. The facts constituting the necessity are:

23 To protect the residents and patients of immediate care facilities
24 or skilled nursing facilities maintain living in their supportive
25 environment and prevent foreseeable homeless of this vulnerable
26 population during the crisis of the coronavirus disease 2019
27 (COVID-19) state of emergency, it is necessary for this act to take
28 effect immediately.