

**ASSEMBLY BILL**

**No. 1386**

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**Introduced by Assembly Member Bains**

February 21, 2025

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

LEGISLATIVE COUNSEL’S DIGEST

AB 1386, as introduced, Bains. Health facilities: perinatal services.

Existing law establishes the licensure and regulation of health facilities by the State Department of Public Health, including, among others, general acute care hospitals. A violation of these provisions is a crime. Under existing law, a general acute care hospital is required to provide certain basic services, including medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services. Existing law authorizes a general acute care hospital to provide various special or supplemental services if certain conditions are met. Existing regulations define a supplemental service as an organized inpatient or outpatient service that is not required to be provided by law or regulation.

This bill would, beginning \_\_\_\_, include perinatal services as a basic service. The bill would require, on or before \_\_\_\_, the department to establish a process to approve or deny a “perinatal service compliance plan” to meet the requirement to provide perinatal services. The bill would require, on or before \_\_\_\_, any general acute care hospital that does not provide perinatal services to submit a “perinatal service compliance plan to the department, with specified information. By expanding the scope of 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.

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 a facility,  
4 place, or building that is organized, maintained, and operated for  
5 the diagnosis, care, prevention, and treatment of human illness,  
6 physical or mental, including convalescence and rehabilitation and  
7 including care during and after pregnancy, or for any one or more  
8 of these purposes, for one or more persons, to which the persons  
9 are admitted for a 24-hour stay or longer, and includes the  
10 following types:

11 (a) (1) “General acute care hospital” means a health facility  
12 having a duly constituted governing body with overall  
13 administrative and professional responsibility and an organized  
14 medical staff that provides 24-hour inpatient care, including the  
15 following basic services: medical, nursing, surgical, anesthesia,  
16 laboratory, radiology, pharmacy, and dietary services. A general  
17 acute care hospital may include more than one physical plant  
18 maintained and operated on separate premises as provided in  
19 Section 1250.8. A general acute care hospital that exclusively  
20 provides acute medical rehabilitation center services, including at  
21 least physical therapy, occupational therapy, and speech therapy,  
22 may provide for the required surgical and anesthesia services  
23 through a contract with another acute care hospital. In addition, a  
24 general acute care hospital that, on July 1, 1983, provided required  
25 surgical and anesthesia services through a contract or agreement  
26 with another acute care hospital may continue to provide these  
27 surgical and anesthesia services through a contract or agreement  
28 with an acute care hospital. The general acute care hospital operated  
29 by the State Department of Developmental Services at Agnews  
30 Developmental Center may, until June 30, 2007, provide surgery

1 and anesthesia services through a contract or agreement with  
2 another acute care hospital. Notwithstanding the requirements of  
3 this subdivision, a general acute care hospital operated by the  
4 Department of Corrections and Rehabilitation or the Department  
5 of Veterans Affairs may provide surgery and anesthesia services  
6 during normal weekday working hours, and not provide these  
7 services during other hours of the weekday or on weekends or  
8 holidays, if the general acute care hospital otherwise meets the  
9 requirements of this section.

10 (2) (A) *Beginning \_\_\_\_\_, perinatal services shall also be*  
11 *considered a basic service.*

12 (B) *On or before \_\_\_\_\_, the department shall establish a process*  
13 *to approve or deny a “perinatal service compliance plan” to meet*  
14 *the requirement to provide perinatal services. On or before \_\_\_\_\_,*  
15 *any general acute care hospital that does not provide perinatal*  
16 *services shall submit a “perinatal service compliance plan” to the*  
17 *department including, at a minimum, all of the following:*

18 (i) *Maintenance of written transfer agreements with one or more*  
19 *general acute care hospitals that provide perinatal services.*

20 (ii) *A financial report demonstrating the hospital’s lack of*  
21 *financial capacity to establish perinatal services.*

22 (iii) *A description of measures taken to establish perinatal*  
23 *services at the hospital.*

24 (iv) *Other requirements, as determined by the department.*

25 **A**

26 (C) A “general acute care hospital” includes a “rural general  
27 acute care hospital.” However, a “rural general acute care hospital”  
28 shall not be required by the department to provide surgery and  
29 anesthesia services. A “rural general acute care hospital” shall  
30 meet either of the following conditions:

31 ~~(1)~~

32 (i) The hospital meets criteria for designation within peer group  
33 six or eight, as defined in the report entitled Hospital Peer Grouping  
34 for Efficiency Comparison, dated December 20, 1982.

35 ~~(2)~~

36 (ii) The hospital meets the criteria for designation within peer  
37 group five or seven, as defined in the report entitled Hospital Peer  
38 Grouping for Efficiency Comparison, dated December 20, 1982,  
39 and has no more than 76 acute care beds and is located in a census

1 dwelling place of 15,000 or less population according to the 1980  
2 federal census.

3 (b) “Acute psychiatric hospital” means a health facility having  
4 a duly constituted governing body with overall administrative and  
5 professional responsibility and an organized medical staff that  
6 provides 24-hour inpatient care for persons with mental health  
7 disorders or other patients referred to in Division 5 (commencing  
8 with Section 5000) or Division 6 (commencing with Section 6000)  
9 of the Welfare and Institutions Code, including the following basic  
10 services: medical, nursing, rehabilitative, pharmacy, and dietary  
11 services.

12 (c) (1) “Skilled nursing facility” means a health facility that  
13 provides skilled nursing care and supportive care to patients whose  
14 primary need is for availability of skilled nursing care on an  
15 extended basis.

16 (2) “Skilled nursing facility” includes a “small house skilled  
17 nursing facility (SHSNF),” as defined in Section 1323.5.

18 (d) “Intermediate care facility” means a health facility that  
19 provides inpatient care to ambulatory or nonambulatory patients  
20 who have recurring need for skilled nursing supervision and need  
21 supportive care, but who do not require availability of continuous  
22 skilled nursing care.

23 (e) “Intermediate care facility/developmentally disabled  
24 habilitative” means a facility with a capacity of 4 to 15 beds that  
25 provides 24-hour personal care, habilitation, developmental, and  
26 supportive health services to 15 or fewer persons with  
27 developmental disabilities who have intermittent recurring needs  
28 for nursing services, but have been certified by a physician and  
29 surgeon as not requiring availability of continuous skilled nursing  
30 care.

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

35 (g) “Intermediate care facility/developmentally disabled” means  
36 a facility that provides 24-hour personal care, habilitation,  
37 developmental, and supportive health services to persons with  
38 developmental disabilities whose primary need is for  
39 developmental services and who have a recurring but intermittent  
40 need for skilled nursing services.

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

(i) (1) “Congregate living health facility” means a residential home with a capacity, except as provided in paragraph (4), of no more than 18 beds, that provides inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of service specified in paragraph (2). The primary need of congregate living health facility residents shall be for availability of skilled nursing care on a recurring, intermittent, extended, or continuous basis. This care is generally less intense than that provided in general acute care hospitals but more intense than that provided in skilled nursing facilities.

(2) Congregate living health facilities shall provide one or more of the following services:

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

(B) Services for persons who have a diagnosis of terminal illness, a diagnosis of a life-threatening illness, or both. Terminal illness means the individual has a life expectancy of six months or less as stated in writing by ~~his or her~~ *their* attending physician and surgeon. A “life-threatening illness” means the individual has an illness that can lead to a possibility of a termination of life within five years or less as stated in writing by ~~his or her~~ *their* attending physician and surgeon.

(C) Services for persons who are catastrophically and severely disabled. A person who is catastrophically and severely disabled means a person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial and to whom these services are being provided. Services offered by a congregate living health facility to a person who is catastrophically

1 disabled shall include, but not be limited to, speech, physical, and  
2 occupational therapy.

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

6 (4) (A) A facility operated by a city and county for the purposes  
7 of delivering services under this section may have a capacity of  
8 59 beds.

9 (B) A congregate living health facility not operated by a city  
10 and county servicing persons who are terminally ill, persons who  
11 have been diagnosed with a life-threatening illness, or both, that  
12 is located in a county with a population of 500,000 or more persons,  
13 or located in a county of the 16th class pursuant to Section 28020  
14 of the Government Code, may have not more than 25 beds for the  
15 purpose of serving persons who are terminally ill.

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

18 (j) (1) "Correctional treatment center" means a health facility  
19 operated by the Department of Corrections and Rehabilitation, the  
20 Department of Corrections and Rehabilitation, Division of Juvenile  
21 Facilities, or a county, city, or city and county law enforcement  
22 agency that, as determined by the department, provides inpatient  
23 health services to that portion of the inmate population who do not  
24 require a general acute care level of basic services. This definition  
25 shall not apply to those areas of a law enforcement facility that  
26 houses inmates or wards who may be receiving outpatient services  
27 and are housed separately for reasons of improved access to health  
28 care, security, and protection. The health services provided by a  
29 correctional treatment center shall include, but are not limited to,  
30 all of the following basic services: physician and surgeon,  
31 psychiatrist, psychologist, nursing, pharmacy, and dietary. A  
32 correctional treatment center may provide the following services:  
33 laboratory, radiology, perinatal, and any other services approved  
34 by the department.

35 (2) Outpatient surgical care with anesthesia may be provided,  
36 if the correctional treatment center meets the same requirements  
37 as a surgical clinic licensed pursuant to Section 1204, with the  
38 exception of the requirement that patients remain less than 24  
39 hours.

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

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

7 (5) It is not the intent of the Legislature to have a correctional  
8 treatment center supplant the general acute care hospitals at the  
9 California Medical Facility, the California Men's Colony, and the  
10 California Institution for Men. This subdivision shall not be  
11 construed to prohibit the Department of Corrections and  
12 Rehabilitation from obtaining a correctional treatment center  
13 license at these sites.

14 (k) "Nursing facility" means a health facility licensed pursuant  
15 to this chapter that is certified to participate as a provider of care  
16 either as a skilled nursing facility in the federal Medicare Program  
17 under Title XVIII of the federal Social Security Act (42 U.S.C.  
18 Sec. 1395 et seq.) or as a nursing facility in the federal Medicaid  
19 Program under Title XIX of the federal Social Security Act (42  
20 U.S.C. Sec. 1396 et seq.), or as both.

21 (l) Regulations defining a correctional treatment center described  
22 in subdivision (j) that is operated by a county, city, or city and  
23 county, the Department of Corrections and Rehabilitation, or the  
24 Department of Corrections and Rehabilitation, Division of Juvenile  
25 Facilities, shall not become effective prior to, or, if effective, shall  
26 be inoperative until January 1, 1996, and until that time these  
27 correctional facilities are exempt from any licensing requirements.

28 (m) "Intermediate care facility/developmentally  
29 disabled-continuous nursing (ICF/DD-CN)" means a homelike  
30 facility with a capacity of four to eight, inclusive, beds that  
31 provides 24-hour personal care, developmental services, and  
32 nursing supervision for persons with developmental disabilities  
33 who have continuous needs for skilled nursing care and have been  
34 certified by a physician and surgeon as warranting continuous  
35 skilled nursing care. The facility shall serve medically fragile  
36 persons who have developmental disabilities or demonstrate  
37 significant developmental delay that may lead to a developmental  
38 disability if not treated. ICF/DD-CN facilities shall be subject to  
39 licensure under this chapter upon adoption of licensing regulations  
40 in accordance with Section 1275.3. A facility providing continuous

1 skilled nursing services to persons with developmental disabilities  
2 pursuant to Section 14132.20 or 14495.10 of the Welfare and  
3 Institutions Code shall apply for licensure under this subdivision  
4 within 90 days after the regulations become effective, and may  
5 continue to operate pursuant to those sections until its licensure  
6 application is either approved or denied.

7 (n) “Hospice facility” means a health facility licensed pursuant  
8 to this chapter with a capacity of no more than 24 beds that  
9 provides hospice services. Hospice services include, but are not  
10 limited to, routine care, continuous care, inpatient respite care, and  
11 inpatient hospice care as defined in subdivision (d) of Section  
12 1339.40, and is operated by a provider of hospice services that is  
13 licensed pursuant to Section 1751 and certified as a hospice  
14 pursuant to Part 418 of Title 42 of the Code of Federal Regulations.

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