

AMENDED IN ASSEMBLY MARCH 17, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1196

Introduced by Assembly Member Gallagher

February 21, 2025

An act to ~~amend Section 1317 of~~ *add Section 1255.4 to* the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL’S DIGEST

AB 1196, as amended, Gallagher. Health facilities: ~~emergency services;~~ *cardiac surgery.*

Existing law provides for the licensure and regulation of health facilities, including *general acute care* hospitals, by the State Department of Public Health. Existing law ~~requires a health facility that maintains and operates an emergency department to provide emergency services and care to any person requesting the services or care, or for whom services or care is requested, for any condition in which the person is in danger of loss of life, or serious injury or illness, if the facility has appropriate facilities and qualified personnel available to provide the services or care.~~ *authorizes a general acute care hospital to be approved to offer special services, including, among others, cardiac surgery. Existing regulation requires, when a general acute care hospital is providing cardiovascular operative service, that a minimum of 3 surgeons constitute a surgical team if the procedure requires extracorporeal bypass.* Violation of these provisions is a crime.

This bill would ~~make technical, nonsubstantive changes to these provisions.~~ *instead require, when a general acute care hospital is performing cardiac surgery, that the surgical team for all cardiovascular operative procedures that require extracorporeal bypass consist of a*

minimum of one surgeon and 2 additional individuals, each of whom is either a physician's assistant or a registered nurse that meets specified requirements. The bill would require the department, on or before January 1, 2027, to amend its regulations to be consistent with these provisions. By changing the definition 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: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 1255.4 is added to the Health and Safety
2 Code, to read:
3 1255.4. (a) When a general acute care hospital is performing
4 cardiac surgery, a minimum of one surgeon who meets the
5 requirements of Section 70435(b)(1) of Title 22 of the California
6 Code of Regulations, and two additional individuals, each of whom
7 is either a physician's assistant or a registered nurse that meets
8 the requirements established in Sections 70706 and 70706.1 of
9 Title 22 of the California Code of Regulations, shall constitute a
10 surgical team for the performance of all cardiovascular operative
11 procedures that require extracorporeal bypass.
12 (b) On or before January 1, 2027, the department shall amend
13 its regulations to be consistent with this section.
14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

1 ~~SECTION 1. Section 1317 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 ~~1317. (a) Emergency services and care shall be provided to~~
4 ~~any person requesting the services or care, or for whom services~~
5 ~~or care is requested, for any condition in which the person is in~~
6 ~~danger of loss of life, or serious injury or illness, at any health~~
7 ~~facility licensed under this chapter that maintains and operates an~~
8 ~~emergency department to provide emergency services to the public~~
9 ~~if the health facility has appropriate facilities and qualified~~
10 ~~personnel available to provide the services or care.~~

11 ~~(b) The provision of emergency services and care shall not be~~
12 ~~based upon, or affected by, the person's ethnicity, citizenship, age,~~
13 ~~preexisting medical condition, insurance status, economic status,~~
14 ~~ability to pay for medical services, or any other characteristic listed~~
15 ~~or defined in subdivision (b) or (c) of Section 51 of the Civil Code,~~
16 ~~except to the extent that a circumstance such as age, sex,~~
17 ~~preexisting medical condition, or physical or mental disability is~~
18 ~~medically significant to the provision of appropriate medical care~~
19 ~~to the patient.~~

20 ~~(c) A health facility, its employees, or a any physician and~~
21 ~~surgeon, dentist, clinical psychologist, or podiatrist shall not be~~
22 ~~liable in an action arising out of a refusal to render emergency~~
23 ~~services or care if the refusal is based on the determination,~~
24 ~~exercising reasonable care, that the person is not suffering from~~
25 ~~an emergency medical condition, or that the health facility does~~
26 ~~not have the appropriate facilities or qualified personnel available~~
27 ~~to render those services.~~

28 ~~(d) Emergency services and care shall be rendered without first~~
29 ~~questioning the patient or any other person as to their ability to~~
30 ~~pay. However, the patient or their legally responsible relative or~~
31 ~~guardian shall execute an agreement to pay or otherwise supply~~
32 ~~insurance or credit information promptly after the services are~~
33 ~~rendered.~~

34 ~~(e) If a health facility subject to this chapter does not maintain~~
35 ~~an emergency department, its employees shall nevertheless exercise~~
36 ~~reasonable care to determine whether an emergency exists and~~
37 ~~shall direct the persons seeking emergency care to a nearby facility~~
38 ~~that can render the needed services, and shall assist the persons~~
39 ~~seeking emergency care in obtaining the services, including~~

1 ~~transportation services, in every way reasonable under the~~
2 ~~circumstances.~~

3 ~~(f) A general acute care hospital or acute psychiatric hospital~~
4 ~~shall not require a person who voluntarily seeks care to be in~~
5 ~~custody pursuant to Section 5150 of the Welfare and Institutions~~
6 ~~Code as a condition of accepting a transfer of that person after~~
7 ~~their written consent for treatment and transfer is documented or~~
8 ~~in the absence of evidence of probable cause for detention, as~~
9 ~~defined in Section 5150.05 of the Welfare and Institutions Code.~~

10 ~~(g) An act or omission of a rescue team established by a health~~
11 ~~facility licensed under this chapter, or operated by the federal or~~
12 ~~state government, a county, or by the Regents of the University of~~
13 ~~California, done or omitted while attempting to resuscitate a person~~
14 ~~who is in immediate danger of loss of life shall not impose any~~
15 ~~liability upon the health facility, the officers, members of the staff,~~
16 ~~nurses, or employees of the health facility, including, but not~~
17 ~~limited to, the members of the rescue team, or upon the federal or~~
18 ~~state government or a county, if good faith is exercised.~~

19 ~~(h) "Rescue team," as used in this section, means a special group~~
20 ~~of physicians and surgeons, nurses, and employees of a health~~
21 ~~facility who have been trained in cardiopulmonary resuscitation~~
22 ~~and have been designated by the health facility to attempt, in cases~~
23 ~~of emergency, to resuscitate a person who is in immediate danger~~
24 ~~of loss of life.~~

25 ~~(i) This section does not relieve a health facility of any duty~~
26 ~~otherwise imposed by law upon the health facility for the~~
27 ~~designation and training of members of a rescue team or for the~~
28 ~~provision or maintenance of equipment to be used by a rescue~~
29 ~~team.~~