

Assembly Bill No. 749

CHAPTER 586

An act to add and repeal Section 1261.4 of the Health and Safety Code, relating to health facilities.

[Approved by Governor October 6, 2021. Filed with Secretary of State October 6, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 749, Nazarian. Skilled nursing facilities: medical director certification.

Existing law provides for the licensure and regulation of health facilities, including skilled nursing facilities, by the State Department of Public Health. Existing regulations require each skilled nursing facility to employ a medical director who is responsible for standards, coordination, surveillance, and planning for improvement of medical care in the facility. Existing law makes it a misdemeanor for any person to willfully or repeatedly violate these provisions.

This bill would prohibit a skilled nursing facility from contracting with a person as a medical director if the person is not, or will not be within 5 years of the date of initial hire as the facility's medical director, certified by the American Board of Post-Acute and Long-Term Care Medicine, or an equivalent organization as determined by the department, as a Certified Medical Director. Under the bill, a medical director already employed in a skilled nursing facility as of January 1, 2022, would have until January 1, 2027, to become a Certified Medical Director.

The bill would require a facility to submit to the department specified information on the medical director on an initial application, and to notify the department of any changes in its medical director within 10 calendar days of those changes, as specified. The bill would require a facility to report to the department proof of, or progress toward, certification for its medical director, and other certain information, no later than June 30, 2022.

Under the bill, the above-described provisions would not apply to a skilled nursing facility that is operated as a distinct part of an acute care hospital. The bill would instead require that type of facility to designate a qualified physician as a medical director, as specified, and would set forth the criteria for that qualification.

The bill would repeal these provisions on January 1, 2032.

By expanding the scope 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.

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

SECTION 1. Section 1261.4 is added to the Health and Safety Code, to read:

1261.4. (a) (1) A skilled nursing facility shall not contract with a person as a medical director if the person is not, or will not be within five years of the date of initial hire as the facility's medical director, certified by the American Board of Post-Acute and Long-Term Care Medicine, or an equivalent organization as determined by the department, as a Certified Medical Director, except as set forth in paragraph (2).

(2) A medical director already employed in a skilled nursing facility as of January 1, 2022, shall have until January 1, 2027, to become a Certified Medical Director pursuant to this section.

(b) A skilled nursing facility shall submit to the department all of the following information on the medical director on an initial application:

(1) An HS 215A form or its successor form.

(2) A résumé.

(3) Whether its medical director is certified as a Certified Medical Director according to the requirements established by the American Board of Post-Acute and Long-Term Care Medicine or an equivalent organization as determined by the department.

(4) If the medical director is not yet certified, the expected date of certification.

(c) A skilled nursing facility shall notify the department of any changes in its medical director by submitting an HS 215A form or its successor form, a résumé, and proof of certification or progress toward certification for its medical director within 10 calendar days of those changes.

(d) All skilled nursing facilities shall report to the department the name and certification status of the facility's medical director by submitting an HS 215A form or its successor form, a résumé, and proof of certification or progress toward certification for its medical director no later than June 30, 2022.

(e) (1) Subdivisions (a) through (d), inclusive, do not apply to a skilled nursing facility that is operated as a distinct part of an acute care hospital.

(2) A skilled nursing facility that is operated as a distinct part of an acute care hospital shall designate a qualified physician as a medical director who is responsible for standards, coordination, surveillance, and planning for improvement of medical care in the facility.

(3) For purposes of paragraph (2), "qualified physician" means either of the following:

(A) The physician is certified, or pursuing certification, by the American Board of Post-Acute and Long-Term Care Medicine as a Certified Medical Director.

(B) The physician is board certified in a medical specialty consistent with the type of care provided in the skilled nursing facility, including, but not limited to, physical medicine and rehabilitation or pulmonology, and whose role as the medical director of the skilled nursing facility has been reviewed and approved by the hospital's leadership.

(f) This section shall remain in effect only until January 1, 2032, and as of that date is repealed.

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