

AMENDED IN ASSEMBLY JUNE 6, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 24, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 13

Introduced by Assembly Member Laird Members Brownley and Leno

December 4, 2006

~~An act relating to maternal dental care~~ *An act to add Sections 1276.45 and 1276.46 to the Health and Safety Code, relating to health facilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 13, as amended, ~~Laird Brownley. Maternal dental care.~~ *Hospitals: staffing.*

(1) Existing law provides for the inspection, licensure, and regulation of health facilities by the State Department of Health Services, including, among other facilities, general acute care hospitals, acute psychiatric hospitals, and special hospitals. A violation of the provisions regulating health facilities is a crime. Effective July 1, 2007, the responsibilities of the department are transferred to the State Department of Public Health.

Existing law requires that certain building standards published by the Office of Statewide Health Planning and Development, and regulations adopted by the department, prescribe specified standards with respect to health facilities, including standards regarding staffing facilities with duly qualified licensed personnel.

This bill would, commencing January 1, 2010, require a general acute care, acute psychiatric, or special hospital to adopt, and annually review, a plan or procedure for determining the staffing of professional and technical classifications covered under the above provisions. The bill would provide that the plan or procedure shall not apply to the staffing of nursing personnel. By creating a new crime, the bill would impose a state-mandated local program.

This bill would, commencing January 1, 2010, authorize the State Public Health Officer to levy administrative penalties against a health facility for a violation of the staffing provisions contained in the bill.

(2) This bill would require the Office of Statewide Health Planning and Development, to conduct a comprehensive study to identify the needs for hospital and health facility staffing for nonnurse professional and technical staffing, as specified. The bill would require the office to report its findings to the Legislature and the Governor by December 31, 2008.

(3) 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.

~~Existing law requires the State Department of Health Services to maintain a program of maternal and child health and to develop or obtain a brochure to educate pregnant women and new parents about the important role of maintaining a healthy lifestyle and preventing chronic diseases. Effective July 1, 2007, these duties will transfer to the State Department of Public Health.~~

~~Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. Under existing law, one of the services provided under the Medi-Cal program is dental services, subject to limitations.~~

~~This bill would request the Regents of the University of California to, among other things, convene a task force of medical and dental faculty experts, review scientific research literature, standards and guidelines used in other states, and other relevant information on practices regarding the timing and level of dental care for pregnant women report of its findings. The bill would also require the Regents of the University of California to submit these recommendations and~~

guidelines to the Legislature and to the State Department of Health Care Services, the State Department of Public Health, and to the Dental Board of California, and would require each of these agencies to post these recommendations and guidelines on their respective Web sites.

~~This bill would provide that these provisions would be implemented only if sufficient funding has been made available to the Regents of the University of California for this purpose by January 1, 2010, as prescribed.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 1276.45 is added to the Health and Safety
2 Code, to read:
3 1276.45. (a) A hospital licensed pursuant to subdivision (a),
4 (b), or (f) of Section 1250 shall adopt a plan or procedure for
5 determining the staffing of professional and technical
6 classifications covered under Section 1276. The plan or procedure
7 shall not apply to the staffing of nursing personnel.
8 (b) The plan or procedure shall be used by the hospital to
9 determine the amount of competent personnel with the appropriate
10 combination of skills necessary to meet the needs of its patients.
11 The hospital shall annually review the plan or procedure to
12 determine whether it should be adjusted in order to reduce bad
13 patient outcomes and workplace injuries. The hospital shall
14 document any changes made to the plan or procedure.
15 (c) The plan or procedure shall be available for review upon
16 request. The hospital shall provide any interested person with a
17 copy of the plan or procedure either electronically or in printed
18 form. The hospital may require payment of reasonable
19 reproduction costs if provided in print.
20 (d) Failure to maintain, to review annually, or to comply with
21 a plan or procedure as required by this section shall be deemed
22 by the department to constitute staffing that has the potential for
23 harm to patients.
24 (e) During surveys for compliance with state or federal statutes
25 or regulations, the department shall review the plan or procedure,
26 the hospital's compliance with the plan, and the annual updates
27 to the plan to determine compliance with this section.

1 (f) *This section shall become operative on January 1, 2010.*

2 *SEC. 2. Section 1276.46 is added to the Health and Safety*
3 *Code, to read:*

4 *1276.46. (a) The director, after appropriate notice and*
5 *opportunity for hearing, may levy administrative penalties for a*
6 *violation of Section 1276.45. When assessing administrative*
7 *penalties against a health facility pursuant to this section, the*
8 *director shall determine the appropriate amount of the penalty for*
9 *each violation. In making that determination, the director may*
10 *consider any of the following factors:*

11 *(1) The nature, scope, and gravity of the violation.*

12 *(2) The facility's history of violations.*

13 *(3) The demonstrated willfulness of the violation.*

14 *(4) The behavior of the facility with respect to the violation,*
15 *including whether the facility mitigated any damage or injury from*
16 *the violation.*

17 *(b) A health facility may appeal an administrative penalty levied*
18 *pursuant to this section within 30 days, consistent with Section*
19 *100171. The facility may also seek to adjudicate the validity of the*
20 *violation or the penalty.*

21 *(c) This section shall become operative on January 1, 2010.*

22 *SEC. 3. (a) The Office of Statewide Health Planning and*
23 *Development shall conduct a comprehensive study to identify the*
24 *needs for hospital and health facility staffing for nonnurse*
25 *professional and technical staff, including, but not limited to,*
26 *respiratory therapists, laboratory technicians, phlebotomists,*
27 *radiology technicians, pharmacy technicians, psychiatric*
28 *technicians, and emergency room technicians. The study shall*
29 *estimate the projected need by classification as well as the*
30 *projected capacity of educational programs for the classification,*
31 *and shall contain recommendations for addressing any projected*
32 *shortages in these classifications.*

33 *(b) The office may contract with the University of California*
34 *for purposes of the study required by this section.*

35 *(c) The office shall report its findings to the Legislature and the*
36 *Governor by December 31, 2008.*

37 *SEC. 4. No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution because*
39 *the only costs that may be incurred by a local agency or school*
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 ~~SECTION 1. The Legislature finds and declares all of the~~
7 ~~following:~~

8 (a) ~~Evidence suggests that there is considerable disagreement~~
9 ~~among both medical and dental professionals regarding the~~
10 ~~appropriate types of, and time periods for, dental care for pregnant~~
11 ~~women. This lack of clarity discourages dental providers from~~
12 ~~providing care to pregnant women and therefore acts as a barrier~~
13 ~~to the timely receipt of critically important care.~~

14 (b) ~~Pregnancy and early childhood are particularly important~~
15 ~~times to assess oral health because the consequences of poor oral~~
16 ~~health care can have a lifelong impact. There is increasing evidence~~
17 ~~suggesting a link between periodontal disease and low birth weight~~
18 ~~deliveries. Pregnant women with gum disease may be as much as~~
19 ~~seven times as likely to have a baby born too early or too small.~~
20 ~~Preterm births account for 35 percent of all health care spending~~
21 ~~in the United States for infants and 10 percent of all health care~~
22 ~~spending for children. Preterm births are responsible for~~
23 ~~three-quarters of neonatal mortality and one-half of long-term~~
24 ~~neurological impairments in children.~~

25 (c) ~~In addition to the consequences of premature birth, the~~
26 ~~presence of decay-causing bacteria in the mother has been shown~~
27 ~~to be the source of dental caries (tooth decay) in infants and~~
28 ~~toddlers. Dental caries is the most prevalent chronic disease in~~
29 ~~children. A review of literature shows there are several critical~~
30 ~~events in the causation of caries in young children, one of which~~
31 ~~is the acquisition of infection with streptococcus mutans, the~~
32 ~~bacteria most responsible for the initiation of caries.~~

33 (d) ~~A recent study by the California Healthcare Foundation~~
34 ~~found that fewer than one in five Medi-Cal enrolled pregnant~~
35 ~~women received any dental services during pregnancy.~~

36 (e) ~~It is the intent of the Legislature to address this barrier to~~
37 ~~dental care in order to help ensure the health of pregnant women~~
38 ~~and reduce the risk of adverse birth outcomes and disease in~~
39 ~~newborns.~~

1 ~~SEC. 2. (a) The Regents of the University of California are~~
2 hereby requested to do all of the following:

3 ~~(1) Convene a task force of medical and dental faculty experts~~
4 ~~to review scientific research literature, standards and guidelines~~
5 ~~used in other states, and other relevant information, on current~~
6 ~~practices regarding the timing and level of dental care for pregnant~~
7 ~~women, and produce a report describing its findings.~~

8 ~~(2) Facilitate the development of a consensus regarding standard~~
9 ~~clinical practice guidelines on the dental care treatment of pregnant~~
10 ~~women through a process that invites input of: practicing dentists~~
11 ~~and obstetricians/gynecologists, oral health experts and advocates,~~
12 ~~reproductive health experts and advocates, relevant professional~~
13 ~~dental and medical associations, the State Department of Health~~
14 ~~Care Services, the State Department of Public Health, and relevant~~
15 ~~national professional organizations such as the American Dental~~
16 ~~Association and the American College of Obstetrics and~~
17 ~~Gynecology.~~

18 ~~(3) Draft standard clinical practice guidelines for the dental care~~
19 ~~treatment of pregnant women and deliver these guidelines, within~~
20 ~~12 months after this act becomes operative as described in Section~~
21 ~~3, to the relevant committees of the Legislature and to all of the~~
22 ~~following entities which shall place the guidelines on their~~
23 ~~respective Web sites: the State Department of Health Care Services,~~
24 ~~the State Department of Public Health, and the Dental Board of~~
25 ~~California.~~

26 ~~(b) (1) Subdivision (a) shall be implemented only if a minimum~~
27 ~~of one hundred seventy-five thousand dollars (\$175,000) in public~~
28 ~~and private funds are made available to the Regents of the~~
29 ~~University of California by January 1, 2010, for this purpose, as~~
30 ~~determined by the Director of Finance.~~

31 ~~(2) It is the intent of the Legislature that not more than one~~
32 ~~hundred twenty-five thousand dollars (\$125,000) in General Fund~~
33 ~~moneys shall, through the Budget Act or other measure, be~~
34 ~~appropriated for purposes of this section, and that if the total~~
35 ~~minimum funding is not achieved by January 1, 2010, any General~~
36 ~~Fund moneys appropriated for this purpose shall revert to the~~
37 ~~General Fund.~~

38 ~~(3) If the Director of Finance determines that the minimum~~
39 ~~funding level has been achieved, it shall transmit a written notice~~

- 1 ~~to the Chief Clerk of the Assembly and the Secretary of the Senate~~
- 2 ~~within 30 days of the determination.~~

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