

Assembly Bill No. 371

Passed the Assembly August 30, 2008

Chief Clerk of the Assembly

Passed the Senate August 29, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 15459.10 to the Government Code, relating to health facility financing, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 371, Huffman. Health facilities.

Existing law regulates the operation of health facilities, including hospitals. The existing California Health Facilities Financing Authority Act empowers the California Health Facilities Financing Authority to make loans from the continuously appropriated California Health Facilities Financing Authority Fund to nonprofit corporations or associations for financing or refinancing the acquisition, construction, or remodeling of health facilities.

Existing law, the California Occupational Safety and Health Act of 1973, establishes certain safety and other responsibilities of employers and employees, including, but not limited to, the requirement that no employer shall fail or neglect to provide safety devices or safeguards reasonably necessary to render the employment safe. This law also requires each employer to establish, implement, and maintain an effective injury prevention program, as prescribed.

This bill would require every general acute care hospital that applies to the authority or any other public entity for financing from the issuance of tax-exempt bonds to provide, with the application, a copy of the hospital’s injury and illness prevention program established, implemented, and maintained pursuant to the California Occupational Safety and Health Act of 1973 or through a collective bargaining agreement. The copy of the program shall specify how the general acute care hospital plans to implement or has implemented the program with a specified safe patient handling policy.

Because the bill would expand the purposes for which a continuously appropriated fund may be used, it would result in an appropriation.

Appropriation: yes.

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

SECTION 1. Section 15459.10 is added to the Government Code, to read:

15459.10. (a) Every general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, that applies to the authority or any other public entity, including an entity that has entered into, or exists by virtue of, a joint powers agreement pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, for financing from the issuance of tax-exempt bonds shall provide, with the application, a copy of the hospital's injury and illness prevention program established, implemented, and maintained pursuant to Section 6401.7 of the Labor Code or through a collective bargaining agreement that specifies how the general acute care hospital has implemented or plans to implement a hospital patient and health care worker injury prevention program. This program shall include a safe patient handling policy.

(b) If a general acute care hospital's injury and illness prevention program does not include a safe patient handling policy, the applicant shall include a description of how the applicant will allocate its financial resources for the planning, purchase, construction, and installation of equipment to implement a safe patient handling policy.

(c) For purposes of this section, a "safe patient handling policy," sometimes referred to as "zero lift," is a term of art recognized internationally to mean replacing unassisted manual lifting, repositioning, and transferring of patients with the use of patient lift, repositioning, or transfer devices and lift teams. A safe patient handling policy does not require the use of patient lift, repositioning, or transfer devices if the hospital's own needs assessment indicates that it is safe for the patient and the employee to utilize techniques not requiring the use of those devices.

Approved _____, 2008

Governor