

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 615

Introduced by Senator Galgiani

February 22, 2013

An act to ~~amend~~ *add* Section ~~15459.1~~ of 1720.7 to the Government Labor Code, relating to ~~health facilities~~. *public works*.

LEGISLATIVE COUNSEL'S DIGEST

SB 615, as amended, Galgiani. ~~Health facility financing~~. *Public works: prevailing wages*.

Existing law defines "public works," for purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for, in whole or in part, out of public funds. Existing law further requires that, except as specified, not less than the general prevailing rate of per diem wages be paid to workers employed on public works and imposes misdemeanor penalties for a violation of this requirement. Existing law provides that for the purposes of provisions of law relating to the payment of prevailing wages, "public works" includes specified types of construction, alteration, demolition, installation, and repair work.

This bill would expand the definition of "public works," for the purposes of provisions relating to the prevailing rate of per diem wages, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a hospital or health care facility project when the project is paid for in whole or in part with the proceeds of conduit revenue bonds, as defined.

Because the violation of prevailing wage requirements when engaged in these public works projects would result in the imposition of

misdeemeanor penalties, 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 California Health Facilities Financing Authority Act authorizes the California Health Facilities Financing Authority to make loans from the continuously appropriated California Health Facilities Financing Authority Fund to participating health institutions for financing or refinancing the acquisition, construction, or remodeling of health facilities. Existing law also authorizes the authority to issue revenue bonds for certain purposes. Existing law requires, as a condition of the issuance of revenue bonds, whether by the authority or any local agency, as specified, each participating health institution to give reasonable assurance to the authority that the services of the health facility will be made available to all persons residing or employed in the area served by the facility. Existing law requires, as part of its assurances, that the participating health institution agree to perform specified actions, including advising each person seeking services at the participating health institution's facility as to the person's potential eligibility for Medi-Cal and Medicare benefits or benefits from other governmental 3rd Party payers.~~

~~This bill would require the participating health institution to also advise each person seeking services at the participating health institution's facility as to the person's potential eligibility for health care coverage by qualified health plans participating in the California Health Benefit Exchange.~~

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 1720.7 is added to the Labor Code, to
- 2 read:
- 3 1720.7. For the limited purposes of Article 2 (commencing
- 4 with Section 1770) of this chapter, "public work" also means any
- 5 construction, alteration, demolition, installation, or repair work

1 *done under private contract on a hospital or health care facility*
2 *project when the project is paid for in whole or in part with the*
3 *proceeds of conduit revenue bonds, as defined in Section 5870 of*
4 *the Government Code, issued by a public agency.*

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

14 ~~SECTION 1. Section 15459.1 of the Government Code is~~
15 ~~amended to read:~~

16 ~~15459.1. As part of its assurance under Section 15459, the~~
17 ~~participating health institution shall agree to all of the following~~
18 ~~actions:~~

19 ~~(a) To advise each person seeking services at the participating~~
20 ~~health institution's facility as to the person's potential eligibility~~
21 ~~for Medi-Cal and Medicare benefits, benefits from other~~
22 ~~governmental third-party payers, or health care coverage by~~
23 ~~qualified health plans participating in the California Health Benefit~~
24 ~~Exchange created pursuant to Title 22 (commencing with Section~~
25 ~~100500).~~

26 ~~(b) To make available to the authority and to any interested~~
27 ~~person a list of physicians with staff privileges at the participating~~
28 ~~health institution's facility, which includes all of the following:~~

29 ~~(1) Name.~~

30 ~~(2) Specialty.~~

31 ~~(3) Language spoken.~~

32 ~~(4) Whether the physician takes Medi-Cal and Medicare patients.~~

33 ~~(5) Business address and phone number.~~

34 ~~(c) To inform in writing on a periodic basis all practitioners of~~
35 ~~the healing arts having staff privileges in the participating health~~
36 ~~institution's facility as to the existence of the facility's community~~
37 ~~service obligation. The required notice to practitioners shall contain~~
38 ~~a statement, as follows:~~

39 ~~"This hospital has agreed to provide a community service and~~
40 ~~to accept Medi-Cal and Medicare patients. The administration and~~

1 enforcement of this agreement is the responsibility of the California
2 Health Facilities Financing Authority and this facility.”

3 ~~(d) To post notices in the following form, which shall be~~
4 ~~multilingual where the participating health institution serves a~~
5 ~~multilingual community, in appropriate areas within the facility,~~
6 ~~including, but not limited to, admissions offices, emergency rooms,~~
7 ~~and business offices:~~

8 ~~“This facility has agreed to make its services available to all~~
9 ~~persons residing or employed in this area. This facility is prohibited~~
10 ~~by law from discriminating against Medi-Cal and Medicare~~
11 ~~patients. Should you believe you may be eligible for Medi-Cal or~~
12 ~~Medicare, you should contact our business office (or designated~~
13 ~~person or office) for assistance in applying. You should also contact~~
14 ~~our business office (or designated person or office) if you are in~~
15 ~~need of a physician to provide you with services at this facility. If~~
16 ~~you believe that you have been refused services at this facility in~~
17 ~~violation of the community service obligation you should inform~~
18 ~~(designated person or office) and the California Health Facilities~~
19 ~~Financing Authority.”~~

20 ~~The participating health institution shall provide copies of this~~
21 ~~notice for posting to all welfare offices in the county where the~~
22 ~~participating health institution’s facility is located.~~

23 ~~(e) For all facilities in areas, and of a type, not subject to~~
24 ~~Medi-Cal contracting and for all participating health institution~~
25 ~~which have negotiated in good faith to obtain a Medi-Cal contract~~
26 ~~but were not awarded a contract by the California Medi-Cal~~
27 ~~Assistance Commission, the authority shall make modifications~~
28 ~~to the requirements contained in this section to reflect the absence~~
29 ~~of a Medi-Cal contract. Nothing in this section relieves a hospital~~
30 ~~of its obligations under Section 1317 of the Health and Safety~~
31 ~~Code.~~