

## **ACTION REQUIRED**

### **SB 135 (Hernandez), Chapter 673, Statutes of 2012**

**Affects:** Residential Care Facilities for the Elderly

**Subject:** Hospice Facilities

**Summary:** The bill amends Sections 1250, 1250.1, 1266, 1599, 1599.1, 1599.4, 1746, 1795, 128755, and 129725 of, and adds Article 10.6 (commencing with Section 1339.40) to Chapter 2 of Division 2 to the Health and Safety Code, relating to hospice care.

This bill adds a new licensing category for Department of Public Health, licensed hospice facilities, and in part, prohibits any Residential Care Facility for the Elderly, licensed under the California Department of Social Services, Community Care Licensing Division from representing itself as a hospice facility, either through name, advertisement or solicitation.

**Implementation:** If a Residential Care Facility for the Elderly licensee is advertising or promoting a Residential Care Facility for the Elderly as a hospice facility by using the term hospice facility specifically, the Licensing Program Analyst shall cite the facility using California Code of Regulations, Title 22, Division 6, Chapter 8, section 87207, False Claims. This section reads as follows: "No licensee, officer or employee of a licensee shall make or disseminate any false or misleading statement regarding the facility or any of the services provided by the facility." However, the licensee continues to be permitted to advertise and promote hospice care/services and the Department's Hospice Waiver approvals shall continue to be printed on RCFE licenses.

**For legislative information related to this new law:**

[http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0101-0150/sb\\_135\\_bill\\_20120927\\_chaptered.html](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0101-0150/sb_135_bill_20120927_chaptered.html)