
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2135 (Kalra) - Long-term health care facilities

Version: June 29, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: HEALTH 10 - 0

Mandate: Yes

Consultant: Agnes Lee

Bill Summary: AB 2135 would revise and expand requirements on long-term care facilities related to providing notices of transfer and discharge to residents.

Fiscal Impact:

- The California Department of Public Health (CDPH) estimates annual costs of \$218,000 beginning in 2027-28 and ongoing thereafter to investigate complaints related to new notice requirements, issue deficiencies, and review plans of correction (Licensing and Certification Fund).
- The Department of Health Care Services (DHCS) does not anticipate costs for state administration.
- Unknown, potential workload costs to the courts related to adjudicating misdemeanor cases and enforcement of civil penalties under the bill (Trial Court Trust Fund, General Fund). While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to increase the amount appropriated for trial court operations.

Background: Under federal requirements, a long-term care (LTC) facility is only allowed to transfer or discharge a resident for certain reasons, including: when necessary for the resident's welfare and the resident's needs cannot be met in the facility; when the resident's health has improved sufficiently; failure to pay, under certain circumstances; or, the safety of individuals in the facility is endangered due to the clinical or behavioral status of the resident. While a notice of transfer or discharge is required to be made at least 30 days before transfer or discharge, there are a number of exceptions where notice is only required to be made "as soon as practicable." Federal regulations require the transfer or discharge to be documented in the resident's medical record, which is required to include the basis for the transfer, and in cases where the transfer is because the resident's needs cannot be met at the facility, the facility's attempts to meet the resident's needs, and the service available at the receiving facility to meet the needs. The notice is required to be in writing and in a language and manner the resident understands, and a copy is required to be sent to the LTC ombudsman.

The CDPH is responsible for licensing LTC facilities, which includes skilled nursing facilities. State law requires that a contract of admission to an LTC facility must state that, except in an emergency, a resident may not be involuntarily transferred or discharged from an LTC facility unless the resident and, if applicable, the resident's representative, are given reasonable notice in writing and transfer or discharge

planning, as specified. State law requires that if a resident is notified in writing of a facility-initiated transfer or discharge from an LTC facility, the facility must also send a copy of the notice to the local LTC ombudsman at the same time notice is provided to the resident or the resident's representative. However, if a resident is subject to a facility-initiated transfer to a general acute care hospital on an emergency basis, the facility must provide a copy of the notice to the LTC ombudsman as soon as practicable.

State law establishes a civil penalty structure for LTC facilities, categorized into "AA," "A," and "B" violations: "A" violations are where CDPH determines that the violation presents either imminent danger of death or serious harm, or a substantial probability that death or serious harm to residents would result; "AA" violations (the most severe) are those that meet the criteria for a class "A" violation that CDPH determines was a direct proximate cause of the death of a resident of an LTC facility; and, "B" violations are those that CDPH determines have a direct or immediate relationship to the health, safety, or security of LTC facility residents.

The DHCS is responsible for state-level administration of the Medi-Cal program, including enforcement of rules regarding Medi-Cal reimbursements to eligible LTC facilities. State law requires an LTC facility to timely comply with a hearing decision, as issued by the department's Office of Administrative Hearings and Appeals, that finds that the LTC facility improperly transferred, discharged, or refused to readmit a resident. DHCS may, if an LTC facility fails to timely comply with a hearing decision, assess certain penalties.

Proposed Law: Specific provisions of the bill would:

- Require that the notice to the LTC ombudsman that is required if a resident is subject to a facility-initiated transfer to a general acute care hospital on an emergency basis, be made in no event later than 24 hours after the transfer.
- Require that a notice of a facility-initiated transfer or discharge must be made by the facility at least 30 days before a resident is transferred or discharged, except as provided; require that receipt of the notice of transfer or discharge must be acknowledged by the signature of the resident or, if applicable, the resident's representative, as specified, and that knowingly making a false verification regarding the delivery of a notice of transfer or discharge pursuant to this requirement is a willful violation subject to being guilty as a misdemeanor, as specified; and provide that a facility's failure to comply with these requirements constitutes a class "B" violation.
- Require that a notice of a facility-initiated transfer or discharge meet the following requirements:
 - If the primary language of the resident is not English, the facility must provide a written translation of the notice in the resident's primary language, as specified.
 - If the resident is vision impaired or blind, the facility must provide the written notice in large print or braille upon the resident's request, as specified.

- Provide that failure to provide a translated or accessible-format copy to the resident and, if applicable, the resident's representative or to the local LTC ombudsman upon request must constitute an automatic class "B" violation.
- Increase the penalties that the DHCS may assess if an LTC facility fails to timely comply with a hearing decision issued by the department's Office of Administrative Hearings and Appeals, as specified.
- Require that if an LTC facility fails to timely comply with a hearing decision, the DHCS must promptly notify the CDPH; and authorize CDPH to prohibit the admission of new residents to the facility, as specified.

-- END --