

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON HEALTH
Mia Bonta, Chair
AB 2598 (Krell) – As Introduced February 20, 2026

SUBJECT: Health care facilities: notification of next of kin.

SUMMARY: Requires a hospital, convalescent hospital, or board and care facility to make a reasonable attempt to notify any known next of kin when a person has died in the facility, or, if the body of a person is transferred to a hospital after death, requires the person in charge of the hospital or facility to make a reasonable attempt to notify any known next of kin that the person's body is being held by the hospital, and if after a reasonable attempt the facility cannot notify next of kin, to give notice to the public administrator (PA) of the county in which the death occurred. Makes a hospital or a residential care facility for the elderly (RCFE) that fails to notify any known next of kin liable for a civil penalty of \$200 per day, up to a maximum of \$50,000, measured from the time it would take to make a reasonable effort to notify the next of kin, as determined by the State Department of Public Health (DPH) or the State Department of Social Services (DSS). Specifically, **this bill:**

- 1) Requires a hospital that violates existing law as described in 1) below by failing to make a reasonable effort to notify any known next of kin of a death liable for a civil penalty in the amount of two hundred dollars (\$200) for each day of the violation, up to fifty thousand dollars (\$50,000), measured from the time it would take to make a reasonable effort to notify the next of kin, as determined by DPH, until the actual knowledge by the next of kin of the decedent's death.
- 2) Specifies that this bill does not preclude the application of any other existing civil remedies provided by law.
- 3) Makes a convalescent hospital (usually a skilled nursing facility, or SNF), or a board and care facility (usually an RCFE) that fails to make a reasonable effort to notify any known next of kin liable for a civil penalty in the amount of two hundred dollars (\$200) for each day of the violation, up to fifty thousand dollars (\$50,000), measured from the time it would take to make a reasonable effort to notify the next of kin, as determined by DSS, until the actual knowledge by the next of kin of the decedent's death.
- 4) DSS may, after notice and an opportunity to be heard, assess the penalty described in 3) above.
- 5) Requires, if a person dies in a hospital, convalescent hospital, or board and care facility, the person in charge of the hospital or facility to make a reasonable attempt to notify any known next of kin that the person died in the facility.
- 6) Requires, if the body of a person is transferred to a hospital after death, the person in charge of the hospital or facility to make a reasonable attempt to notify any known next of kin that the person's body is being held by the hospital.
- 7) Requires, after the reasonable attempt described in 6) above, the person in charge of the hospital, convalescent hospital, or board and care facility cannot locate any next of kin, the

person in charge to give immediate notice of the fact that the person died in the facility or died and is being held by the hospital, as appropriate, to the PA of the county in which the hospital or facility is located. Specifies that if the notice required by this bill is not given, the hospital or facility is liable for both of the following:

- a) Any cost of interment incurred by the estate or the county as a result of the failure; and,
- b) Any loss to the estate or beneficiaries caused by loss, injury, waste, or misappropriation of property of the decedent as a result of the failure.

EXISTING LAW:

- 1) Provides that if a person dies in a hospital, convalescent hospital, or board and care facility without known next of kin, the person in charge of the hospital or facility must give immediate notice to the PA of the county where the facility is located. [Probate Code (PROB) § 7600.5]
- 2) Requires a PA, who is authorized to take possession or control of property of a deceased individual, to make a prompt search for other property, a will, and instructions for disposition of the decedent's remains. [PROB § 7602]

FISCAL EFFECT: Unknown. This bill has not been analyzed by a fiscal committee.

COMMENTS:

- 1) **PURPOSE OF THIS BILL.** According to the author, no family should have to wait months or years to discover that a loved one has passed away while at a hospital. With clear notification requirements and an enforcement mechanism, this bill ensures that compassion, dignity, and communication remain at the heart of California's healthcare system.
- 2) **BACKGROUND.** Generally, when someone passes away in a hospital, convalescent hospital, or board and care facility, California Probate Code requires that the hospital or facility notify the PA in the county where the hospital or facility is located if there is no known next of kin. This code section largely relates to fiduciary responsibilities, as the code holds hospitals and facilities liable for the cost of interment or loss to the estate or beneficiaries. Following notification, the PA then carries the responsibility to search for property, a will, and instructions for the disposition of the deceased's remains. Existing law, while relatively clear on what happens if there is no known next of kin, lacks clarity on which entity is responsible for notification if there is a known next of kin.
 - a) **PAs.** PAs handle the disposition of deceased estates. The PA serves the public by investigating and administering the estates of persons who die with no will or without an appropriate person willing or able to act as administrator. The PA's primary duties are to protect the decedent's property from waste, loss or theft; make appropriate burial arrangements; conduct thorough investigations to discover all assets; liquidate assets at public sale or distribute assets to heirs; pay the decedent's bills and taxes; and locate persons entitled to inherit from the estate and ensure that these individuals receive their inheritance. Most counties provide a form for a facility to notify the PA when someone has died and the PA needs to collect the body. The form provides the opportunity for facilities to provide information on the deceased, including the next of kin, if known.

- b) Local News Reports on Failure to Notify Next of Kin.** According to information provided by the author, in recent months local news has reported that the Mercy San Juan Medical Center had failed to notify the family members and next of kin of multiple recently deceased individuals. In these cases, there were no public records of the patients' deaths, and family members reported that they received no communication about their deceased loved one. In at least four of these cases, the deceased's family had to contact local law enforcement, only to tragically discover that their family member had passed away months ago. News reports showed that the hospital held these individuals' remains in an off-site storage facility, leaving families in the dark. Further investigation found that the problem, while most significant at Mercy San Juan Medical Center, spanned across Dignity Health facilities, including Mercy General Hospital and one skilled nursing facility. According to reports there were at least 179 patients at these facilities' off-site morgues with a delayed death certificate of at least one month. In one instance, a deceased individual reportedly had their death certificate and family notification delayed by 3.5 years. In response to these lapses, there are currently multiple pending lawsuits against Dignity Health from family members of the deceased.
- 3) SUPPORT.** California Advocates for Nursing Home Reform support this bill and state that it provides sensible and righteous requirements to ensure patient deaths are properly reported to the people who need and deserve to know about them.
- 4) DOUBLE REFERRAL.** This bill is double referred, upon passage of this committee, it will be referred to the Assembly Committee on Judiciary.
- 5) AMENDMENTS.** In order to address concerns raised by the California Hospital Association, the California Association of Health Facilities, and the California Assisted Living Association, the author is proposing to amend this bill as follows:
- a)** To clarify that existing law regarding appeals and hearing processes apply to the civil penalty provisions;
 - b)** To define “reasonable attempt” with respect to the requirement to notify next of kin and to clarify the subsequent timeline required to provide notice to the PA; and
 - c)** To remove RCFEs from the provisions of this bill.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Advocates for Nursing Home Reform

Opposition

None on file

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