

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

AB 2598 (Krell) – As Amended April 9, 2026

SUBJECT: HEALTH CARE FACILITIES: NOTIFICATION OF NEXT OF KIN

KEY ISSUE: SHOULD THE STATE IMPOSE ADDITIONAL PENALTIES ON HOSPITALS OR FACILITIES THAT FAIL TO MAKE A REASONABLE ATTEMPT TO NOTIFY A DECEDENT’S NEXT OF KIN?

SYNOPSIS

According to the author, a recent KCRA investigation reported that a California hospital failed to notify the family members and next of kin of multiple recently deceased individuals. In those cases, family members alleged that they received no communication about their deceased loved ones. And, 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. While existing law lays out relatively clear notice requirements in cases where there is no known next of kin, the law lacks clarity regarding which entities are responsible for providing notice when there is a known next of kin, and to what extent, these entities must continue to attempt to provide notice, if initially unsuccessful. Additionally, while hospitals or facilities may be liable for specified costs incurred by a decedent’s estate under existing law, there is no clear enforcement mechanism to penalize bad actors who fail to fulfill such an important duty.

This bill requires persons in charge of general acute hospitals and other specified health facilities to make a “reasonable attempt,” as defined, to notify a known next of kin if a deceased individual has died or their body is being held in a hospital or facility. If a hospital or facility fails to make a reasonable attempt to provide such notice, the California Department of Public Health can assess an administrative penalty against the hospital or facility, after providing notice and an opportunity to be heard. Finally, the bill requires specified hospitals or facilities to provide notice to the public administrator of the county if, within a specified time-period, the hospital or facility was unable to notify a next of kin, and makes these entities liable for specified costs incurred as a result of the failure to provide notice. This bill enjoys the support of the California Advocates for Nursing Home Reform. They contend that the bill provides sensible requirements and enforcement measures to ensure patient deaths are properly reported. This bill was unanimously passed out of the Assembly Health Committee and has no registered opposition on file.

SUMMARY: Requires the person in charge of a general acute care hospital or a skilled nursing facility to make a reasonable attempt to notify any known next of kin if their kin died in the hospital or facility, or if the body of their kin was transferred to a general acute care hospital after death, and makes hospitals or facilities subject to administrative penalties for failure to provide such notice. Specifically, **this bill:**

- 1) Provides that if a person dies in a general acute hospital, as defined, or a skilled nursing facility, as defined, the person in charge of a hospital or facility or their designee must make a reasonable attempt to notify any known next of kin that the person died in the hospital or facility.

- 2) Provides that if the body of a person was transferred to a general acute care hospital after death, the person in charge of a hospital or their designee must make a reasonable attempt to notify any known next of kin that the person's body is being held by the hospital.
- 3) Provides that if after the reasonable attempt described in 1) and 2), the person in charge of the hospital or facility or their designee cannot locate any next of kin, the person in charge, or their designee, must give notice within 48 hours of the fact that the person died in the hospital or facility or died and is being held by the hospital, to the public administrator of the county in which the hospital or facility is located.
- 4) Specifies that if the notice required by 3) is not provided, 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.
 - 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.
- 5) Defines "reasonable attempt," for the purposes of this bill, to mean a documented, good-faith effort by the hospital or facility to contact any known next of kin within 72 hours of a person's death using any contact information available to the hospital or facility at the time, including, but not limited to, speaking to the next of kin via telephone or leaving a voicemail message and, if available, sending a text message or an email to the next of kin.
- 6) Provides that if a person dies in a hospital that is not a general acute care hospital, as defined, a convalescent hospital that is not a skilled nursing facility, as defined, or a board and care facility without known next of kin, the person in charge of the hospital or facility must give immediate notice of that fact to the public administrator of the county in which the hospital or facility is located.
- 7) Specifies that if the notice required by 6) 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.
 - 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.
- 8) Makes a general acute hospital, as defined, or a skilled nursing facility, as defined, that violates the provisions of this bill by failing to make a reasonable attempt 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 attempt to notify the next of kin, as determined by the California Department of Public Health (CDPH) until the actual knowledge by the next of kin of the decedent's death.
- 9) Authorizes CDPH to, after notice and an opportunity to be heard, assess the penalty described in 8).

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 public administrator of the county where the facility is located. (Probate Code Section 7600.5.)
- 2) Requires a public administrator of a county, 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. (Probate Code Section 7602.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: For the past few years, KCRA has been investigating and reporting on a problem among some hospitals in the Sacramento area, related to the handling of deceased individuals in their facilities. According to KCRA, several hospitals have been failing to provide to notice to family members or any known next of kin when a person has died in their facility, leaving families in the dark for months and even years. (Lysée Mitri, *Dignity Delayed: A 1-year investigation of body backlog at Sacramento-area hospitals*, KCRA, (updated Feb. 20, 2026) available at: <https://www.kcra.com/article/dignity-health-hospitals-kcra-3-investigation-1-year-later/65480551>.) In the most extreme example, a deceased individual had their death certificate and family notification delayed by three and a half years. (*Id.*) Additionally, in some cases, KCRA reported that no official record of a patient's death could be found until weeks or months after the death. (Lysée Mitri, *It's like a nightmare': Mother says Sacramento area hospital didn't tell her of son's death for 1 month*, KCRA, (Oct. 31, 2024) available at: <https://www.kcra.com/article/sacramento-county-hospital-fail-to-notify-of-death/62305433>.)

To prevent stories like these and others the author has introduced this bill, which further clarifies how hospitals and various health facilities should approach notifying any known next of kin in the event that a person dies in their care, and imposes penalties on entities that fail to make good-faith efforts to do so. 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.

Existing Requirements for Notification of Next of Kin. Under existing law, if a person dies in a hospital or facility, that hospital or facility is required to notify the public administrator of the county where the hospital or facility is located, if there is no known next of kin. Following notification, public administrators carry the responsibility to search for property, a will, and instructions for the disposition of the deceased's remains. Accordingly, if such notice is never given, the distribution of assets to heirs and beneficiaries, among other things, is inevitably delayed. Currently, if a hospital or facility fails to give notice to a public administrator, they can be liable for costs of internment incurred as result of the failure to give notice and any loss to the estate or beneficiaries caused by loss, injury, waste, or misappropriation of the decedent's property incurred as a result of that failure.

While the structure under existing law is relatively clear regarding the duties of a hospital or facility when a person dies in their facility and there is *no* known next of kin, the law lacks

clarity with respect to what entities are responsible for notification if there is a known next of kin. Further, the law does not specify what efforts should be made to notify any known next of kin, should an initial attempt be unsuccessful.

This bill requires a general acute hospital or a skilled nursing facility to make a “reasonable attempt” to notify any known next of kin, when a person has died in the facility or hospital. Similarly, if the body of a person has been transferred to a general acute hospital after death, the hospital would be required to make a reasonable attempt to notify any known next of kin. For the purposes of this bill, “reasonable attempt” is defined as a good-faith effort to contact any known next of kin within 72 hours of a person’s death using any contact information available, including but not limited to, text messages, email, and phone calls.

If a hospital or facility fails to make a reasonable attempt to notify any known next of kin, that hospital or facility could be subject to an administrative penalty ranging from two hundred dollars (\$200) for each day of the violation up to fifty thousand dollars (\$50,000). Violations are measured from the time it would take to make a reasonable attempt, as determined by the California Department of Public Health (CDPH), until the actual knowledge by the next of kin of the decedent’s death. This bill provides CDPH with the authority to assess these penalties after providing a hospital with notice and a hearing.

Finally, the bill specifies requirements for notice if a hospital or facility is unable to locate any next of kin or in cases where the next of kin is unknown. Specifically, if after making a reasonable attempt to notify a next of kin, a hospital or facility was unable to locate any next of kin, that hospital or facility would be required to notify the public administrator of their county within 48 hours of their reasonable attempt. Similarly, hospitals that are not general acute hospitals, and convalescent homes that are not skilled nursing facilities would be required to provide immediate notice to the public administrator for their county if a person dies in their hospital or facility. Under the bill, all of these entities are subject to liability for various costs incurred by a decedent’s estate as a result of their failure to notify a public administrator.

Because failure to notify any next of kin or a public administrator cannot only result in emotional distress, but serious financial consequences to heirs and beneficiaries, this bill seems like a reasonable approach to ensure that hospitals and facilities exert good-faith efforts to provide notice to any next of kin when their loved one has passed.

Although there is no known opposition to the bill, the author’s office has recently taken amendments to address stakeholder concerns, and the author has indicated that she will continue to work with those stakeholders to fine tune various aspects of the bill.

ARGUMENTS IN SUPPORT: In support of the bill, the California Advocates for Nursing Home Reform contend that there is no “explicit statutory requirement for health facilities to inform next of kin when a patient under its care has died.” They argue that AB 2598 fills the gaps in the law and provides requirements and enforcement mechanisms to ensure patient deaths are properly reported.

REGISTERED SUPPORT / OPPOSITION:

Support

California Advocates for Nursing Home Reform

Opposition

None on file

Analysis Prepared by: Kristian Wright / JUD. / (916) 319-2334