
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2598 (Krell) - Health care facilities: notification of next of kin

Version: June 16, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: HEALTH 11 - 0, JUD. 13 - 0

Mandate: No

Consultant: Agnes Lee

Bill Summary: AB 2598 would require that if a person dies in a general acute care hospital or a skilled nursing facility, the person in charge of the 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.

Fiscal Impact:

- The California Department of Public Health (CDPH) estimates costs of approximately \$218,000 beginning in 2027-28 and ongoing thereafter to verify facility compliance with the updated next of kin requirements, investigate complaints, and conduct administrative proceedings (Licensing and Certification Fund).
- Unknown, potential workload costs to the courts related to enforcement of civil penalties (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: Current law requires that if a person dies without known next of kin at a hospital, convalescent hospital, or a board and care facility, the person in charge of these facilities is required to give immediate notice to the public administrator of the county in which the facility is located. The failure to give this notice makes the facility liable for (1) any cost of interment incurred by the estate or the county as a result of the failure, and (2) 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.

The CDPH is responsible for licensing and regulating health care facilities, including general acute care hospitals and skilled nursing facilities. The CDPH's licensing authority is in the Health and Safety Code. The requirement above for facilities to notify the public administrator regarding a death if there is no known next of kin is in the Probate Code. Thus, CDPH does not have direct enforcement authority over this provision of law for facilities they license.

Proposed Law: Specific provisions of the bill would:

- Require that if a person dies in a general acute care hospital or a skilled nursing facility, the person in charge of the 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; and require that if the body of a person is transferred to a hospital after death, the person in charge of the 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; and provide that these requirements may also be met by the hospital or facility in either of the following ways:

- The facility notifies the designated resident representative of the person who died in the facility or has their body transferred to a hospital after death.
 - The hospital or facility is informed by the person, prior to death and in writing, that they do not want their known next of kin to be notified of their presence or death.
- Require that if, after either a reasonable attempt described above, the person in charge of the hospital or facility or their designee cannot locate any next of kin, or the hospital or facility meets the other requirements above, the person in charge, or their designee, must give notice within two business days 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; and provide that if the notice required is not given, the hospital or facility is liable for both:
 - Any cost of interment incurred by the estate or the county as a result of the failure.
 - 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.
- Require that if a hospital or facility is required to notify the county public administrator, the hospital or facility must provide the county public administrator with any identifying information they have available that may assist the county public administrator in identifying the decedent and their known next of kin, including, but not limited to, the decedent's full legal name, social security number, driver's license, or other identification, residence at the time of death or last known address, and any available contact information for known next of kin.
- Require that a general acute care hospital, as defined, or a skilled nursing facility, as defined, that violates the requirement above by failing to make a reasonable attempt to notify any known next of kin is liable for a civil penalty in the amount of \$200 for each day of the violation, up to \$50,000, measured from the time it would take to make a reasonable attempt to notify the next of kin, as determined by the CDPH, until the actual knowledge by the next of kin of the decedent's death; require that a general acute care hospital, as defined, or a skilled nursing facility, as defined, that violates the requirement above by failing to notify the county public administrator is liable for a civil penalty in the amount of \$200 for each day of the violation, up to \$50,000, measured from the time it would take to provide notice to the county public administrator, as determined by the CDPH, until the county public administrator is notified; and authorize CDPH to assess the penalties.
- Maintain existing law requirements for facilities that are not a general acute care hospital or skilled nursing facility, as defined.

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