

CONCURRENCE IN SENATE AMENDMENTS

AB 2598 (Krell)

As Amended August 20, 2026

Majority vote

SUMMARY

Requires the *licensee* in charge of a general acute care hospital or a skilled nursing facility (*SNF*) to make a reasonable attempt to notify any known next of kin that the person has died in the hospital or facility, or, if the body of a person is transferred to a hospital after death, requires the person in charge of the hospital 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 facility that fails to notify any known next of kin liable for a continuing civil penalty of \$200 per day, up to a maximum of \$50,000, measured from the 5th business day following a person's death until the county public administrator is notified. Authorizes a license that disputes the assessment of a civil penalty to, within 10 working days of the notification of the penalty, request a hearing.*

Senate Amendments

- 1) Clarify a SNF has made a reasonable attempt to notify any known next of kin, if the SNF notifies the person's resident representative or has the body transferred to a hospital after death, or if the person notified the hospital or facility, prior to death and in writing, that they do not want their known next of kin to be notified of their presence or death;
- 2) Make a hospital or facility that fails to notify the county public administrator liable for a continuing civil penalty of up to \$200 per day, up to a maximum of \$50,000 if specified conditions are met;
- 3) Specify that the provisions of this bill do not apply to the death of an incarcerated individual in the custody of the Department of Corrections and Rehabilitation, as next of kin notifications for incarcerated person are governed under other sections of existing law; and,
- 4) Remove references to Probate code in which the Department of Public Health (DPH) has no authority to determine violations.

COMMENTS

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.

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.

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.

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.

Arguments in Support

California Advocates for Nursing Home Reform support this bill and states 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.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, unknown ongoing costs, likely low hundreds of thousands, for DPH 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.

VOTES:**ASM HEALTH: 16-0-0**

YES: Bonta, Chen, Addis, Aguiar-Curry, Ahrens, Caloza, Carrillo, Mark González, Johnson, Patel, Patterson, Rogers, Sanchez, Schiavo, Sharp-Collins, Stefani

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta

ABS, ABST OR NV: Tangipa

ASSEMBLY FLOOR: 78-0-2

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Celeste Rodriguez, Tangipa

UPDATED

VERSION: August 20, 2026

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FN: 0004103