



Assessing Risk: Legislative and Regulatory Overview

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Sailing Through Uncharted Waters:
Navigating Risk in a Changing World

Presenter



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Agenda

- New Laws for 2026
- Regulatory Update
- What's on the Horizon



Legislative Update

Facilities and Operations

AB 447 (Gonzalez): Emergency Room Patient Prescriptions



- Authorizes a prescriber to dispense unused medication (not controlled substance) acquired by a hospital pharmacy to an ED patient upon the patient's discharge if:
 - The medication was ordered for and administered to the ED patient;
 - It was administered from a single patient use multidose packaging and can be self-administered by the patient (inhaler, eye drop, nose drop or spray, topical product); and
 - Dispensing the unused portion of the medication is required to continue the patient's treatment

AB 894 (Carrillo): General Acute Care Hospitals: Patient Directories



- Requires GACH to inform patient or patient’s representative that the patient may restrict or prohibit the use or disclosure of protected health information (PHI) in the hospital’s patient directory
 - “Patient’s representative”: one with legal authority to make decisions regarding medical care on patient’s behalf
- Give notification at the time of admission or as soon thereafter as reasonable in cases of patient incapacity or emergency treatment
- [AFL 26-05 Assembly Bill \(AB\) 894 – General Acute Care Hospitals: Patient Directories](#) is
- *Implementation required by July 1, 2026*



AB 960 (Garcia): Patient Visitation

- Requires GACH to allow the following patients to have a family or friend caregiver with them as needed, including outside standard visiting hours:
 - Patient with physical, intellectual, or developmental disabilities;
 - Patient with cognitive impairment, including dementia; or
 - Another disability as necessary to allow the patient to fully and equally benefit from goods/services/facilities offered by the hospital
- Health and safety exceptions; but alternative visitation protocols to the greatest extent possible

AB 1415 (Bonta) – California Health Care Quality and Affordability Act



- Expands the Office of Health Care Affordability's (OHCA's) oversight of market transactions
- Mandates the following entities notify OHCA about transactions involving health care entities:
 - Management service organizations
 - Private equity groups
 - Hedge funds

SB 446 (Hurtado): Data breaches – Customer Notification



- 48-hour notice to affected consumers and DHCS
- Must include remediation plan and hotline



SB 660 (Menjivar): Health and Human Services Data Exchange Framework



- HCAI responsible for all data sharing including the Data Sharing Agreement (DSA) and policies and procedures
- HCAI must publicly post approved updates in advance of 180 calendar days before the effective date to give signatories time to come into compliance, unless shorter time is necessary
- Commencing 1/1/2027, HCAI to publish and keep current on its website the names of any entities not in compliance with requirements to execute DSA and submit this info to relevant state licensing entities
- HCAI to develop enforcement actions, to be approved by the board and subject to the APA

SB 862 (Committee on Health): Health Omnibus



- Requires a health facility to submit a patient safety plan to CDPH **biennially**, instead of biannually
- Clarifies that specified types of insurance policies are exempt from covering certain infertility and fertility treatments



Legislative Update

Rights and Liabilities

AB 82 (Ward): Legally Protected Health Care Activity



- Prohibits reporting a prescription for/dispensing of testosterone or mifepristone to DOJ, CURES, or a contracted prescription data processing vendor
- Expands various restrictions on law enforcement actions/cooperation/information sharing relating to abortion to apply to “legally protected health care activity”
- “Legally protected health care activity” includes “[t]he exercise and enjoyment, or attempted exercise and enjoyment, by a person of right to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California”

SB 497 (Wiener): Legally Protected Health Care Activity



- Prohibits a health care provider, health care service plan, or contractor from:
 - Releasing medical information related to a person seeking or obtaining gender-affirming health care or gender-affirming mental health care in response to a criminal or civil action based on another state's law that interferes with the right to such care;
 - Cooperating with or providing medical information to an individual, agency, or department from another state, or to a federal law enforcement agency, identifying a person seeking or obtaining gender-affirming health care; or
 - Releasing medical information related to sensitive services in response to foreign subpoena based on violation of another state's laws authorizing criminal action against a person for providing or receiving legally protected health care activity
- Prohibits issuance of a subpoena based on violation of another state's law that interferes with the right to gender-affirming health or gender-affirming mental health care
- Urgency measure effective Oct. 13, 2025



SB 19 (Rubio): Crimes: Threats



- Creates a new crime of threatening to commit a crime that will result in death or great bodily injury at specified locations, including a medical facility
- New crime is alternate felony-misdemeanor, but for person under 18, it's a misdemeanor



Legislative Update

Labor, Employment, and Workforce



AB 692: Employment: Contracts in Restraint of Trade

- Prohibits contracts that require an employee to repay an employer for the value of an agreed upon benefit if the employee separates from employment
- Applies to contracts entered on or after January 1, 2026
- Excludes the following:
 - Government provided loan repayment assistance programs
 - Agreements to repay the cost of tuition for transferable credits (subject to conditions)
 - Agreements to receive a “discretionary or unearned monetary payment” unrelated to job performance (subject to conditions)
 - Agreements for leasing, financing or purchasing residential property
 - State approved apprenticeship programs
- Private right of action and penalties



AB 849: Health Providers: Medical Chaperones

- Effective January 1, 2027
- Hospitals must provide written notice that a medical chaperone will be provided upon request to patients receiving a sensitive examination by a sonographer
- “Medical chaperone” = trained employee who assists or observes during a sensitive examination
- “Sensitive examination” = an ultrasound of the genitalia, breast, rectum, pubic or groin region
- Required education for sonographers and staff who may serve as a medical chaperone
- If a chaperone is unavailable at the time of the sensitive examination, the hospital may work with the patient to find an acceptable alternative (absent undue delay)
- *Applies to clinics, hospitals, physician organizations, imaging facilities and other “providers” as defined under Health and Safety Code §127500.2*

AB 1312: Hospital Pricing (Charity Care/Discount Payment)



- Effective July 1, 2027
- Creates a new financial assistance screening process to identify the following patients:
 - Enrolled in a means-tested government assistance program, homeless, they or their family member was eligible for financial assistance in the past six months - (presumptive determination);
 - Uninsured, have a Medi-Cal cost share, or enrolled in a Covered California plan - (provided financially qualified)
- Identified patients cannot be required to complete an application to be eligible for financial assistance
- Hospitals may verify eligibility of screened patients (including income verification)
- Hospitals may use third-party software products for screening
- Hospitals will need to update their financial assistance policies to reflect the screening process

SB 81: Health and Care Facilities: Information Sharing



- Reaffirms existing state and federal law prohibiting hospitals from disclosing private information or granting access to nonpublic areas absent a judicial warrant
- Establish or update procedures about responding to immigration enforcement activity including monitoring, documenting, and receiving visitors
- Establish internal processes for notifying a person in management, administration or legal counsel about immigration enforcement inquiries and/or request for access
- Designate areas where patients receive treatment or care as “nonpublic” through mapping, signage, key entry, policy or a combination of both



SB 294 (Reyes) The Workplace Know Your Rights Act

- New employee [notice](#) published by the Labor Commissioner
 - Distribute to all employees, new hires and annually thereafter
- New employee emergency contact election
 - Must offer by March 30, 2026
 - Emergency contact in the event of an arrest or detention at the worksite
- Three-year record retention

SB 596 (Menjivar): Health Facilities: Nurse-to-Patient Ratios



- Defines “on-call list” for purposes of exemption from a violation of ratios:
 - “[N]urses who are **scheduled to be on call for the shift and unit** where an alleged violation occurred **or** nurses who are **assigned to a regularly scheduled float pool shift** to cover any shortages across one or more specified units.”
 - Contacting, or attempting to contact, nurses not scheduled to be on call and not assigned to a float pool for the unit and shift where an alleged violation occurred \neq exhausting an on-call list
- Violations on separate days = separate violations
- [CDPH All Facilities Letter 26-04](#)

SB 862 (Committee on Health): Health Omnibus



- Hospitals may provide written notice of its discount payment and charity care policies by electronic means if the patient has previously consented to receive electronic communications about their health care services
- Does not apply to patients seen in the Emergency Department



Regulatory Update

AB 116 (Budget) – Psychiatric hospitals – ratios



- Directed California Department of Public health (CDPH) to adopt emergency regulations establishing nurse to patient ratios for acute psychiatric hospitals no later than January 31, 2026

Psychiatric Hospital Emergency Staffing Regulations



- CDPH released [draft emergency regulations](#) on December 22, 2025
- Impacts free-standing acute psychiatric hospitals only
- Nurse-to-patient ratio:
 - At least one “licensed nurse” for every six adult patients
 - At least one “licensed nurse” for every five patients under the age of 18
 - “licensed nurses” – psychiatric technicians, licensed vocational nurses (LVNS), and registered nurses (RNS). Psychiatric technicians and LVNS cannot exceed 50% of the licensed nurses on the unit
- Nurse must be awake and on duty in the hospital
- RNs must plan, supervise, implement, and evaluate the nursing care provided to each patient

Psychiatric Hospital Emergency Staffing Regulations



- Implementation delayed from January 31, 2026, to June 1, 2026.
- See: <https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/AFL-26-03.aspx>



AB 1007 (2023-2024) – Surgical Smoke Exposure

- AB 1007 requires promulgation of workplace safety regulations on preventing exposure of surgical smoke
- Proposed discussion draft issued August, 2025
- Advisory Meetings
 - January 20, 2026
 - Next meeting: TBD
 - See: <https://www.dir.ca.gov/dosh/doshreg/Surgical-Plume-and-Smoke/>



AB 2975 (2023-2024)– Weapons Detection Screening

- Directs Cal/OSHA Standards Board(OSHSB) to amend existing health care workplace violence protection standards to require hospitals adopt a weapons detection policy that includes screening at:
 - Hospital’s main public entrance (as defined),
 - Emergency department entrance, and
 - Labor and delivery if it has a separate entrance
- OSHSB must finalize implementing regulations by March 1, 2027
- OSHSB will set forth a compliance deadline not to exceed 90 days from the date the regulations are finalized



What's On the Horizon?

“Red sky at night, sailors delight. Red sky at morning, sailors take warning”

On the Horizon



- AI governance
- AI worker protections
 - SB 947 (McNerney)
 - SB 951 (Reyes)
- Workplace surveillance restrictions (AB 1331 (Elhawary))

.....Just to name a few

Reminders and Resources



- Always do your own research!
- Presentation is for informational purposes only, reflects personal opinions, not legal advice.
- leginfo.legislature.ca.gov
- dir.ca.gov
- dmhc.ca.gov
- dhcs.ca.gov
- hcai.ca.gov
- cdph.ca.gov



Thank you!