

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2598 (Krell)
Version: June 16, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
ME

SUBJECT

Health care facilities: notification of next of kin

DIGEST

This bill 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 that the person died in the hospital or facility.

EXECUTIVE SUMMARY

A KCRA News report exposed how a particular medical center in the author's district failed to notify the family and next of kin of recently deceased loved ones.¹ According to the author, "there were no public records of the patients' deaths" and family members received "no communication about their deceased loved one." In some cases, the family contacted law enforcement and learned that their family member passed away months earlier.

Under current law, 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 is required to give immediate notice of that fact to the public administrator of the county in which the hospital or facility is located, and if the person in charge fails to do so, the hospital or facility is liable for the cost of internment and specified losses incurred by the estate or beneficiaries as a result of the failure to notify. This bill, instead, 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 a reasonable attempt is made or the person who died expressed a desire that next of kin not be notified, then the hospital or facility must instead give notice of the death to the public administrator.

¹ Mitri, Lysée, *Dignity Delayed: A 1-year investigation of body backlog at Sacramento-area hospitals*, KCRA3 (Feb. 20, 2026). Link current as of June 26, 2026. <https://www.kcra.com/article/dignity-health-hospitals-kcra-3-investigation-1-year-later/65480551>.

A hospital or facility that fails to notify any known next of kin is 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 attempt to notify the next of kin, as determined by the State Department of Public Health (DPH), until the actual knowledge by the next of kin of the death. A hospital or facility that fails to notify the county public administrator, as required, is liable for a civil penalty of up to \$200 per day, up to a maximum of \$50,000, measured from the time it would take to provide notice to the county public administrator, as determined by the DPH, until the county public administrator is notified.

AB 2598 is supported by California Advocates for Nursing Home Reform. The Committee received no timely opposition to this bill. The bill passed out of the Senate Health Committee with a vote of 11 to 0. Should this bill be passed by this Committee, it will then be referred to the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires, if a person dies in a hospital, convalescent hospital, or board and care facility without known next of kin, that the person in charge of the hospital or facility shall give immediate notice of that fact to the public administrator of the county in which the hospital or facility is located. (Prob. Code § 7600.5.)
- 2) Specifies, if the notice required by 1), above, is not given, that the hospital or facility is liable for any cost of interment incurred by the estate or the county as a result of the failure; and 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. (Prob. Code § 7600.5.)
- 3) Requires a public administrator who is authorized to take possession or control of property of a decedent to make a prompt search for other property, a will, and instructions for disposition of the decedent's remains. (Prob. Code § 7602 (a).)
- 4) Requires the public administrator or custodian of the will to deliver the will, as specified, if a will is found. (Prob. Code § 7602 (b).)
- 5) Requires the public administrator to promptly deliver the instructions to the person upon whom the right to control disposition of the decedent's remains devolves, if instructions for disposition of the decedent's remains are found, as specified. (Prob. Code § 7602 (c).)
- 6) Requires the public administrator, if other property is located, to take possession or control of any property that, in the sole discretion of the public administrator, is

deemed to be subject to loss, injury, waste, or misappropriation and that is located anywhere in this state or that is subject to the laws of this state. Specifies that the public administrator does not have any liability for loss, injury, waste, or misappropriation of property of which they are unable to take possession or control. (Prob. Code § 7602 (d).)

This bill:

- 1) 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 a reasonable attempt is made or the person who died expressed a desire that next of kin not be notified then the hospital or facility must instead give notice of the death to the public administrator.
- 2) Specifies that a hospital or facility that fails to notify any known next of kin is 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 attempt to notify the next of kin, as determined by the State Department of Public Health (DPH), until the next of kin has actual knowledge of the death.
- 3) Specifies that a hospital or facility that fails to notify the county public administrator, as required, is liable for a civil penalty of up to \$200 per day, up to a maximum of \$50,000, measured from the time it would take to provide notice to the county public administrator, as determined by the DPH, until the county public administrator is notified.

COMMENTS

1. Genesis of the bill and the need for it

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.

The author's office provided the Committee with information about a local medical facility that failed to notify the family members and next of kin of recently deceased individuals. The author's office writes:

Recently, KCRA 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.² KCRA's reporting showed that the hospital held these individuals' remains in an off-site storage facility, leaving families completely in the dark. Further investigation by KCRA found that the problem, while most significant at Mercy San Juan Medical Center, spanned across Dignity Health facilities, including Mercy General Hospital and even one skilled nursing facility.³ There were at least 179 patients at these facilities' off-site morgues with a delayed death certificate of at least one month. In the most extreme example, a deceased individual had their death certificate and family notification delayed by 3.5 years.⁴

In response, the author brings this bill to require 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 of the death of the person in their hospital or facility. If a reasonable attempt is made or the person who died expressed a desire that next of kin not be notified, then the hospital or facility must instead give notice of the death to the public administrator. A hospital or facility that fails to notify any known next of kin is liable, under this legislation, 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 attempt to notify the next of kin, as determined by the DPH, until the actual knowledge by the next of kin of the death. Additionally, a hospital or facility that fails to notify the county public administrator, as required, is liable for a civil penalty of up to \$200 per day, up to a maximum of \$50,000, measured from the time it would take to provide notice to the county public administrator, as determined by the DPH, until the county public administrator is notified.

2. Support

California Advocates for Nursing Home Reform writes the following in support of AB 2598:

California Advocates for Nursing Home Reform (CANHR) would like to register its strong support for AB 2598, a bill to clarify the responsibility of health facilities for contacting a deceased individual's next of kin or representative and provide some enforcement teeth when identifiable next of kin are not notified of a loved one's death.

Since 1983, CANHR has advocated for the well-being of health care consumers. A recent KCRA Sacramento news story, describing the appalling failure of a hospital to report patients' deaths to their next of kin, exposed a surprising hole

² Ibid.

³ Ibid.

⁴ Ibid.

in California law: there is no explicit statutory requirement for health facilities to inform next of kin when a patient under its care has died. The story reinforced the occasional accounts CANHR staff hears about health facilities failing to notify known next of kin when a patient has died, despite having their contact information.

AB 2598 remedies the gaps in the law and provides sensible requirements and enforcement measures to ensure patient deaths are properly reported to the people who need and deserve to know about them.

SUPPORT

California Advocates for Nursing Home Reform

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: None known.

PRIOR VOTES:

Senate Health Committee (Ayes 11, Noes 0)

Assembly Floor (Ayes 78, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Health Committee (Ayes 16, Noes 0)
