

AMENDED IN SENATE JUNE 15, 2011

AMENDED IN ASSEMBLY APRIL 13, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 972

Introduced by Assembly Members Butler and Beall

February 18, 2011

An act to amend, repeal, and add Section 11834.02 of, *and to add Section 11833.05 to*, the Health and Safety Code, relating to alcoholism or drug abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 972, as amended, Butler. Substance abuse: treatment facilities.

Existing law provides for the licensure, certification, and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. These facilities are defined to mean any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

This bill would, until January 1, 2017, revise the definition of an alcoholism or drug abuse recovery or treatment facility to include a facility that provides a *prescribed* medical program exclusively to residents of the facility, ~~as specified~~, and that is accredited by a nationally recognized accrediting organization.

Existing law requires the department to charge a fee to license alcohol or drug abuse recovery or treatment facilities. Existing law establishes the Residential and Outpatient Program Licensing Fund, consisting of

specified fees, fines, and penalties. Under existing law, money in the fund, upon appropriation by the Legislature, is available to support the department's licensing and certification activities.

This bill would require the department to charge an alcohol or drug abuse recovery or treatment facility a reasonable fee for the initial license and for extension of the license, calculated every 2 years, as prescribed. This bill would prohibit the department from levying a fee for licensure of nonprofit organizations or local governmental entities for these purposes. This bill would also authorize the department to charge a specified fee for licensure or certification of a facility that provides a prescribed medical program exclusively to residents of the facility and that is accredited by a nationally recognized accrediting organization.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11833.05 is added to the Health and
2 Safety Code, to read:
3 11833.05. Notwithstanding Section 11833.02, for all programs,
4 facilities, or services licensed pursuant to Chapter 7.5
5 (commencing with Section 11834.01), the following shall apply:
6 (a) The department shall calculate and establish the fee for
7 initial licensure and for extension of the period of licensure. The
8 nonrefundable licensing fee shall be calculated every two years
9 in an amount sufficient to cover the department's cost in
10 administering the licensure under this chapter for other than
11 nonprofit and local government entities. No fee shall be levied for
12 licensure of nonprofit or local government entities. No fee shall
13 exceed the reasonable cost to the state incident to issuing the
14 license, performing investigations, inspections, and audits,
15 enforcing orders, and administrative enforcement and adjudication
16 thereof.
17 (b) For licensure or certification of a facility that provides a
18 program of limited medical services as authorized in subdivision
19 (e) of Section 11834.02, the department may charge a fee not in
20 excess of the patient slot fee for a narcotic treatment program
21 licensed by the department.

1 SECTION 1.

2 SEC. 2. Section 11834.02 of the Health and Safety Code is
3 amended to read:

4 11834.02. (a) As used in this chapter, “alcoholism or drug
5 abuse recovery or treatment facility” or “facility” means any
6 premises, place, or building that provides 24-hour residential
7 nonmedical services to adults who are recovering from problems
8 related to alcohol, drug, or alcohol and drug misuse or abuse, and
9 who need alcohol, drug, or alcohol and drug recovery treatment
10 or detoxification services, ~~including~~ and may include a facility
11 that provides a medical program exclusively to residents of the
12 facility pursuant to subdivision (e) and that is accredited by a
13 nationally recognized accrediting organization.

14 (b) As used in this chapter, “adults” includes, but is not limited
15 to, all of the following:

16 (1) Mothers over 18 years of age and their children.

17 (2) Emancipated minors, which may include, but are not limited
18 to, mothers under 18 years of age and their children.

19 (c) As used in this chapter, “emancipated minors” means persons
20 under 18 years of age who have acquired emancipation status
21 pursuant to Section 7002 of the Family Code.

22 (d) Notwithstanding subdivision (a), an alcoholism or drug
23 abuse recovery or treatment facility may serve adolescents upon
24 the issuance of a waiver granted by the department pursuant to
25 regulations adopted under subdivision (c) of Section 11834.50.

26 (e) An alcoholism or drug abuse recovery or treatment facility
27 may provide medical services by a ~~multidisciplinary team,~~
28 ~~including~~ a physician, exclusively to residents of the facility for
29 the purpose of assisting in detoxification and ~~recovery~~ treatment.
30 The medical services provided under this subdivision shall be
31 limited to the following:

32 (1) Medical evaluation, psychiatric counseling, and prescription
33 of medications for assistance with detoxification.

34 (2) Additional psychiatric evaluation and counseling, if
35 necessary.

36 (3) Prescribing and monitoring of medications, including public
37 health inoculations.

38 (4) Obtaining medical histories and routine examinations for
39 general oversight of the medical condition of residents within the
40 facility.

1 (5) Routine, noninvasive testing, including drawing blood
2 samples for laboratory examination and testing offsite.

3 (f) Nothing contained in this section shall be construed to permit
4 the state or a local governmental entity to require the provision of
5 medical services within a facility as a condition of licensure,
6 funding, or other regulatory supervision.

7 (g) This section shall remain in effect only until January 1, 2017,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2017, deletes or extends that date.

10 ~~SEC. 2.~~

11 *SEC. 3.* Section 11834.02 is added to the Health and Safety
12 Code, to read:

13 11834.02. (a) As used in this chapter, “alcoholism or drug
14 abuse recovery or treatment facility” or “facility” means a premises,
15 place, or building that provides 24-hour residential nonmedical
16 services to adults who are recovering from problems related to
17 alcohol, drug, or alcohol and drug misuse or abuse, and who need
18 alcohol, drug, or alcohol and drug recovery treatment or
19 detoxification services.

20 (b) As used in this chapter, “adults” includes, but is not limited
21 to, all of the following:

22 (1) Mothers over 18 years of age and their children.

23 (2) Emancipated minors, which may include, but are not limited
24 to, mothers under 18 years of age and their children.

25 (c) As used in this chapter, “emancipated minors” means persons
26 under 18 years of age who have acquired emancipation status
27 pursuant to Section 7002 of the Family Code.

28 (d) Notwithstanding subdivision (a), an alcoholism or drug
29 abuse recovery or treatment facility may serve adolescents upon
30 the issuance of a waiver granted by the department pursuant to
31 regulations adopted under subdivision (c) of Section 11834.50.

32 (e) This section shall become operative on January 1, 2017.