

AMENDED IN ASSEMBLY MAY 7, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 40

Introduced by Assembly Member Mansoor

December 6, 2012

An act to amend Sections 11833 and 11834.26 of, and to add Section 11830.01 to, the Health and Safety Code, relating to substance abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 40, as amended, Mansoor. Substance abuse: recovery and 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. Existing law authorizes the department to issue a license to specified types of facilities if certain criteria are met.

Existing law reorganizes the duties of the State Department of Alcohol and Drug Programs to be under the authority of the California Health and Human Services Agency, and to be continued by departments within that agency.

This bill would require an alcoholism or drug abuse program licensee to report specified events or incidents, including among other things, the death of a program resident, telephonically within one working day of the event or incident, and to provide a written report, as specified, within 7 days of the event or incident. ~~The bill would require licensees offering medical detoxification services to do so under the supervision of a medical doctor and would require the department that will succeed~~

~~to the State Department of Alcohol and Drug Programs' duties in this regard to confirm health care providers providing medical services, as specified, have appropriate licenses and that monitoring is in place, as specified. The bill would require the department to establish a formal procedure for obtaining information from boards that license health care providers as to any potential disciplinary proceedings against those providers by a board.~~

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 11830.01 is added to the Health and
- 2 Safety Code, to read:
- 3 11830.01. (a) The death investigation policy of the department
- 4 ~~is~~ *shall be* designed to ensure that a resident's death is reported by
- 5 the licensee and addressed by the department in a timely manner.
- 6 (b) The licensee shall make a telephonic report to the department
- 7 within one working day ~~for~~ *of* any of the following events or
- 8 incidents:
- 9 (1) Death of any resident for any cause, even if the death did
- 10 not occur at the facility.
- 11 (2) Any facility-related injury of any resident that requires
- 12 medical treatment.
- 13 (3) All cases of communicable disease reportable under Section
- 14 2500 of Title 17 of the California Code of Regulations.
- 15 (4) Poisonings.
- 16 (5) Natural disasters that affect the facility premises.
- 17 (6) Fires or explosions that occur in or on the facility premises.
- 18 (7) Unusual events or incidents that affect the physical or
- 19 emotional health or safety of any resident.
- 20 (c) The telephonic report described in subdivision (b) shall be
- 21 followed by a written report to the department, in a form prescribed
- 22 by the department, within seven days of the event or incident.
- 23 (d) The telephonic and written reports shall include, but not be
- 24 limited to, a description of the event or incident, including the
- 25 time, location, and nature of the event or incident, a list of
- 26 immediate actions that were taken, including persons contacted,
- 27 and a description of the followup action that is planned, including,

1 but not limited to, steps taken to prevent a recurrence of the event
2 or incident.

3 ~~SEC. 2. Section 11833 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 ~~11833. The department shall have the sole authority in state~~
6 ~~government to determine the qualifications, including the~~
7 ~~appropriate skills, education, training, and experience of personnel~~
8 ~~working within alcoholism or drug abuse recovery and treatment~~
9 ~~programs licensed, certified, or funded under this part. The~~
10 ~~department shall establish a formal procedure for obtaining, to the~~
11 ~~extent permitted by law, information from boards that license~~
12 ~~health care providers as to any potential disciplinary proceedings~~
13 ~~against those providers by the board.~~

14 ~~SEC. 3. Section 11834.26 of the Health and Safety Code is~~
15 ~~amended to read:~~

16 ~~11834.26. (a) The licensee shall provide at least one of the~~
17 ~~following nonmedical services:~~

18 ~~(1) Recovery services.~~

19 ~~(2) Treatment services.~~

20 ~~(3) Detoxification services.~~

21 ~~(b) Licensees offering medical detoxification services shall~~
22 ~~provide those services under the supervision of a medical doctor.~~

23 ~~(c) The department shall confirm that appropriate licensing is~~
24 ~~in place for medical doctors providing services pursuant to~~
25 ~~subdivision (b), and confirm that appropriate licensing and~~
26 ~~monitoring is in place for health care providers who provide any~~
27 ~~intravenous medication or detoxification medication.~~

28 ~~(d) The department shall adopt regulations requiring records~~
29 ~~and procedures that are appropriate for each of the services~~
30 ~~specified in subdivision (a). The records and procedures may~~
31 ~~include all of the following:~~

32 ~~(1) Admission criteria.~~

33 ~~(2) Intake process.~~

34 ~~(3) Assessments.~~

35 ~~(4) Recovery, treatment, or detoxification planning.~~

36 ~~(5) Referral.~~

37 ~~(6) Documentation of provision of recovery, treatment or~~
38 ~~detoxification services.~~

39 ~~(7) Discharge and continuing care planning.~~

40 ~~(8) Indicators of recovery, treatment, or detoxification outcomes.~~

- 1 (e) ~~In the development of regulations implementing this section,~~
- 2 ~~the written record requirements shall be modified or adapted for~~
- 3 ~~social model programs.~~

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