

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 395**

---

---

**Introduced by Assembly Member Fox  
(Coauthor: Assembly Member Chesbro)**

February 15, 2013

---

---

An act to amend ~~Section~~ *Sections 11834.02 and 11834.36* of the Health and Safety Code, relating to alcohol and drug programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 395, as amended, Fox. Alcoholism and drug abuse treatment facilities.

Existing law requires the State Department of Alcohol and Drug Programs to license adult alcoholism and drug abuse recovery or treatment facilities, as defined.

This bill would include in the definition of alcoholism and drug abuse recovery and treatment facilities a premises, place, or building that ~~does not require a health facility license and that provides a program, accredited by a nationally recognized accrediting organization, that uses a multidisciplinary team, as specified, to provide~~ *provides* 24-hour residential medical 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 *and medical care under specified circumstances*.

*Existing law provides that the State Department of Alcohol and Drug Programs has the sole authority in state government to license adult alcoholism or drug abuse recovery or treatment facilities. Existing law*

*authorizes the director of the department to suspend or revoke any license issued, or deny an application for licensure, for extension of the licensing period, or to modify the terms and conditions of a license under specified circumstances, including conduct in the operation of an alcoholism or drug abuse recovery or treatment facility that is inimical to the health, morals, welfare, or safety of either an individual in, or receiving services from, the facility or to the people of the State of California.*

*This bill would revise that circumstance to instead apply to conduct in the operation of an alcoholism or drug abuse recovery or treatment facility that endangers the health or safety of an individual receiving services. The bill would also revise the list of circumstances described above to include the failure to report to the department, within 24 hours, the death of any resident for any cause, even if the death did not occur at the facility.*

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 11834.02 of the Health and Safety Code  
2 is amended to read:

3 11834.02. (a) As used in this chapter, “alcoholism or drug  
4 abuse recovery or treatment facility” or “facility” means either of  
5 the following:

6 (1) A premises, place, or building that provides 24-hour  
7 residential nonmedical services to adults who are recovering from  
8 problems related to alcohol, drug, or alcohol and drug misuse or  
9 abuse, and who need alcohol, drug, or alcohol and drug recovery  
10 treatment or detoxification services.

11 (2) A premises, place, or building that ~~does not require a health~~  
12 ~~facility license and that provides a program, accredited by a~~  
13 ~~nationally recognized accrediting organization, that uses a~~  
14 ~~multidisciplinary team, which includes a physician knowledgeable~~  
15 ~~about addiction medicine, to provide~~ *provides* 24-hour residential  
16 medical services to adults who are recovering from problems  
17 related to alcohol, drug, or alcohol and drug misuse or abuse and  
18 who need alcohol, drug, or alcohol and drug recovery treatment  
19 or detoxification services *and medical care if the premises, place,*  
20 *or building is not a chemical recovery dependency hospital*

1 *pursuant to Section 1250.3, is accredited by a nationally*  
2 *recognized accrediting organization, and uses a multidisciplinary*  
3 *team that includes at least one physician and surgeon, licensed by*  
4 *the Medical Board of California or the Osteopathic Medical Board,*  
5 *who is knowledgeable about addiction medicine.*

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

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

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

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

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

18 *SEC. 2. Section 11834.36 of the Health and Safety Code is*  
19 *amended to read:*

20 11834.36. (a) The director may suspend or revoke any license  
21 issued under this chapter, or deny an application for licensure, for  
22 extension of the licensing period, or to modify the terms and  
23 conditions of a license, upon any of the following grounds and in  
24 the manner provided in this chapter:

25 (1) Violation by the licensee of any provision of this chapter or  
26 regulations adopted pursuant to this chapter.

27 (2) Repeated violation by the licensee of any of the provisions  
28 of this chapter or regulations adopted pursuant to this chapter.

29 (3) Aiding, abetting, or permitting the violation of, or any  
30 repeated violation of, any of the provisions described in paragraph  
31 (1) or (2).

32 (4) Conduct in the operation of an alcoholism or drug abuse  
33 recovery or treatment facility that is inimical to the health, morals,  
34 welfare, or safety of either an individual in, or receiving services  
35 from, the facility or to the people of the State of California  
36 *endangers the health or safety of an individual receiving services.*

37 (5) *Failure to report to the department, within 24 hours, the*  
38 *death of any resident for any cause, even if the death did not occur*  
39 *at the facility.*

40 (5)

1 (6) Misrepresentation of any material fact in obtaining the  
2 alcoholism or drug abuse recovery or treatment facility license.  
3 ~~(6)~~  
4 (7) Failure to pay any civil penalties assessed by the department.  
5 (b) The director may temporarily suspend any license prior to  
6 any hearing when, in the opinion of the director, the action is  
7 necessary to protect residents of the alcoholism or drug abuse  
8 recovery or treatment facility from physical or mental abuse,  
9 abandonment, or any other substantial threat to health or safety.  
10 The director shall notify the licensee of the temporary suspension  
11 and the effective date of the temporary suspension and at the same  
12 time shall serve the provider with an accusation. Upon receipt of  
13 a notice of defense to the accusation by the licensee, the director  
14 shall, within 15 days, set the matter for hearing, and the hearing  
15 shall be held as soon as possible. The temporary suspension shall  
16 remain in effect until the time the hearing is completed and the  
17 director has made a final determination on the merits. However,  
18 the temporary suspension shall be deemed vacated if the director  
19 fails to make a final determination on the merits within 30 days  
20 after the department receives the proposed decision from the Office  
21 of Administrative Hearings.

O