

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1847

Introduced by Assembly Member Chesbro

February 19, 2014

An act to amend ~~Sections 6276.30 and 6276.38 of the Government Code, to amend Section 26306 of the Water Code, and to amend Section 4135 of the Welfare and Institutions Code~~ *Sections 52.5 and 1587 of the Civil Code, to amend Sections 328, 352, 372, 373, and 1447 of the Code of Civil Procedure, to amend Section 56850 of the Education Code, to amend Sections 2310, 2312, 2313, 2332, and 7901 of the Family Code, to amend Sections 854.2, 1001, 6276.30, 6276.34, 6276.38, 7579.1, 12428, 26640, 26643, and 26749 of, and to repeal Section 203 of, the Government Code, to amend Sections 1250, 1250.2, 1267.8, 1275.5, 1276.5, 1276.9, 1505.5, 1566.3, 1568.0831, 1569.5, 1569.85, 11812.6, 11834.23, 13113, 36130, 50680, 50684, 50685.5, 50688, and 50689 of the Health and Safety Code, to amend Section 10235.8 of the Insurance Code, to amend Section 4662 of the Labor Code, to amend Sections 2672 and 11151 of the Penal Code, to amend Sections 9201 and 19201 of the Probate Code, to amend Section 734 of the Public Utilities Code, to amend Sections 5301, 18014, 18395, and 35466 of the Streets and Highways Code, to amend Section 26306 of the Water Code, and to amend Sections 1752.6, 1756, 4011, 4016, 4021, 4022, 4042, 4080, 4109.5, 4119, 4120, 4121, 4132, 4135, 4136, 4200, 4202.5, 4240, 4241, 4243, 4244, 4304, 4308, 4320, 4410, 4417, 4440, 4681.1, 5002, 5004, 5004.5, 5115, 5116, 5250, 5301, 5304, 5326.5, 5340, 5350, 5400, 5500, 5511, 5585.10, 5600, 5653, 5696, 5699, 5714, 5802, 6000, 6002, 6002.10, 6250, 6254, 6551, 6825, 7100, 7200, 7201, 7226, 7227, 7275, 7276, 7277, 7278, 7280, 7283, 7284, 7294, 7300, 7329, 7352, 7354, 7357, 7362, 7500, and 7501.5 of, and*

to repeal Section 5366 of, the Welfare and Institutions Code, relating to mental health disorders.

LEGISLATIVE COUNSEL’S DIGEST

AB 1847, as amended, Chesbro. Mental health disorders: language.

(1) Existing law refers to mentally disordered persons, or mentally defective persons in provisions relating to, among other things, education, social services, and civil law. Existing law also refers to the insane in provisions relating to, among other things, family law and social services.

This bill would revise these provisions to instead refer to persons with a mental health disorder or persons who lack legal capacity to make decisions, respectively. The bill would make related technical changes.

(1)

(2) Existing law requires that a person committed to a state hospital as a mentally abnormal sex offender remain a patient for the period specified in the court order of commitment or until discharged by the medical director of the state hospital in which the person is a patient, whichever occurs first. Existing law authorizes the medical director to grant the patient a leave of absence, as specified.

Existing law prohibits the inspection of the petition for commitment, reports, court orders, and court documents by anyone other than the parties to the proceeding and their attorneys and prohibits inspection of the records of supervision, care, and treatment by anyone not in the employ of the department or the state hospital.

This bill would remove the provisions relating to the term of commitment and leave of absence for a mentally abnormal sex offender. The bill would make conforming changes to the Public Records Act.

(2)

(3) The Irrigation District Law provides for the formation of irrigation districts with prescribed powers, including the power to levy an annual assessment upon the land in the district and to obtain a collector’s deed against the property if the assessment is not paid. Existing law requires an action proceeding, defense, answer, or cross-complaint based on the invalidity or irregularity of the collector’s deed to begin within one year after the recordation of the deed, unless otherwise specified, including when the owner of the land was, at the time of sale, a minor or insane

person in which case the statute of limitations begins to run when the disability is removed.

This bill would make a technical change to clarify that the statute of limitations is tolled if the owner is a minor or lacks mental capacity.

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

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

1 SECTION 1. Section 52.5 of the Civil Code is amended to read:

2 52.5. (a) A victim of human trafficking, as defined in Section
3 236.1 of the Penal Code, may bring a civil action for actual
4 damages, compensatory damages, punitive damages, injunctive
5 relief, any combination of those, or any other appropriate relief.
6 A prevailing plaintiff may also be awarded attorney’s fees and
7 costs.

8 (b) In addition to the remedies specified herein, in ~~any~~ *an* action
9 under subdivision (a), the plaintiff may be awarded up to three
10 times his or her actual damages or ten thousand dollars (\$10,000),
11 whichever is greater. In addition, punitive damages may also be
12 awarded upon proof of the defendant’s malice, oppression, fraud,
13 or duress in committing the act of human trafficking.

14 (c) An action brought pursuant to this section shall be
15 commenced within five years of the date on which the trafficking
16 victim was freed from the trafficking ~~situation~~, *situation* or, if the
17 victim was a minor when the act of human trafficking against the
18 victim occurred, within eight years after the date the plaintiff attains
19 the age of majority.

20 (d) If a person entitled to sue is under a disability at the time
21 the cause of action accrues, so that it is impossible or impracticable
22 for him or her to bring an action, then the time of the disability is
23 not part of the time limited for the commencement of the action.
24 Disability will toll the running of the statute of limitation for this
25 action.

26 (1) Disability includes being a minor, ~~insanity~~, *lacking legal*
27 *capacity to make decisions*, imprisonment, or other incapacity or
28 incompetence.

29 (2) The statute of limitations shall not run against ~~an incompetent~~
30 ~~or minor~~ *a plaintiff who is a minor or who lacks the legal*
31 *competence to make decisions* simply because a guardian ad litem

1 has been appointed. A guardian ad litem’s failure to bring a
2 plaintiff’s action within the applicable limitation period will not
3 prejudice the plaintiff’s right to do so after his or her disability
4 ceases.

5 (3) A defendant is estopped to assert a defense of the statute of
6 limitations when the expiration of the statute is due to conduct by
7 the defendant inducing the plaintiff to delay the filing of the action,
8 or due to threats made by the defendant causing duress upon the
9 plaintiff.

10 (4) The suspension of the statute of limitations due to disability,
11 lack of knowledge, or estoppel applies to all other related claims
12 arising out of the trafficking situation.

13 (5) The running of the statute of limitations is postponed during
14 the pendency of ~~any~~ criminal proceedings against the victim.

15 (e) The running of the statute of limitations may be suspended
16 where a person entitled to sue could not have reasonably discovered
17 the cause of action due to circumstances resulting from the
18 trafficking situation, such as psychological trauma, cultural and
19 linguistic isolation, and the inability to access services.

20 (f) A prevailing plaintiff may also be awarded reasonable
21 attorney’s fees and litigation costs including, but not limited to,
22 expert witness fees and expenses as part of the costs.

23 (g) ~~Any restitution~~ *Restitution* paid by the defendant to the
24 victim shall be credited against ~~any~~ a judgment, award, or
25 settlement obtained pursuant to this section. ~~Any~~ A judgment,
26 award, or settlement obtained pursuant to an action under this
27 section shall be subject to the provisions of Section 13963 of the
28 Government Code.

29 (h) ~~Any~~ A civil action filed under this section shall be stayed
30 during the pendency of any criminal action arising out of the same
31 occurrence in which the claimant is the victim. As used in this
32 section, a “criminal action” includes investigation and prosecution,
33 and is pending until a final adjudication in the trial ~~court~~, *court* or
34 dismissal.

35 *SEC. 2. Section 1587 of the Civil Code is amended to read:*

36 1587. A proposal is revoked by any of the following:

37 1.

38 (a) By the communication of notice of revocation by the
39 proposer to the other party, in the manner prescribed by Sections

1 1581 and 1583, before his *or her* acceptance has been
2 communicated to the ~~former~~; *former*.

3 ~~2.~~

4 (b) By the lapse of the time prescribed in ~~such~~ *the* proposal for
5 its ~~acceptance~~; *acceptance* or, if no time is ~~so~~ prescribed, the lapse
6 of a reasonable time without communication of the ~~acceptance~~;
7 *acceptance*.

8 ~~3.~~

9 (c) By the failure of the acceptor to fulfill a condition precedent
10 to ~~acceptance~~; ~~or~~; *acceptance*.

11 ~~4.~~

12 (d) By the death or ~~insanity~~ *legal incapacity to make decisions*
13 of the proposer.

14 *SEC. 3. Section 328 of the Code of Civil Procedure is amended*
15 *to read:*

16 328. If a person entitled to commence an action for the recovery
17 of real property, or for the recovery of the possession thereof, or
18 to make ~~any~~ *an* entry or defense founded on the title to real
19 property, or to rents or services out of the property, is, at the time
20 title first descends or accrues, either under the age of majority or
21 ~~insane~~ *lacking legal capacity to make decisions*, the time, not
22 exceeding 20 years, during which the disability continues is not
23 deemed ~~any~~ *a* portion of the time in this chapter limited for the
24 commencement of the action, or the making of the entry or defense,
25 but the action may be commenced, or entry or defense made, within
26 the period of five years after the disability shall cease, or after the
27 death of the person entitled, who shall die under the ~~disability~~; ~~but~~
28 ~~the disability~~. *The* action shall not be commenced, or entry or
29 defense made, after that period.

30 *SEC. 4. Section 352 of the Code of Civil Procedure is amended*
31 *to read:*

32 352. (a) If a person entitled to bring an action, mentioned in
33 Chapter 3 (commencing with Section 335) is, at the time the cause
34 of action accrued either under the age of majority or ~~insane~~ *lacking*
35 *the legal capacity to make decisions*, the time of the disability is
36 not part of the time limited for the commencement of the action.

37 (b) This section ~~does~~ *shall* not apply to an action against a public
38 entity or public employee upon a cause of action for which a claim
39 is required to be presented in accordance with Chapter 1
40 (commencing with Section 900) or Chapter 2 (commencing with

1 Section 910) of Part 3, or Chapter 3 (commencing with Section
 2 950) of Part 4, of Division 3.6 of Title 1 of the Government Code.
 3 This subdivision shall not apply to any claim presented to a public
 4 entity prior to January 1, 1971.

5 *SEC. 5. Section 372 of the Code of Civil Procedure is amended*
 6 *to read:*

7 372. (a) (1) When a minor, ~~an incompetent~~ a person who
 8 lacks legal capacity to make decisions, or a person for whom a
 9 conservator has been appointed is a party, that person shall appear
 10 either by a guardian or conservator of the estate or by a guardian
 11 ad litem appointed by the court in which the action or proceeding
 12 is pending, or by a judge thereof, in each case. A guardian ad litem
 13 may be appointed in any case when it is deemed by the court in
 14 which the action or proceeding is prosecuted, or by a judge thereof,
 15 expedient to appoint a guardian ad litem to represent the minor,
 16 ~~incompetent~~ person lacking legal capacity to make decisions, or
 17 person for whom a conservator has been appointed,
 18 notwithstanding that the person may have a guardian or conservator
 19 of the estate and may have appeared by the guardian or conservator
 20 of the estate. The guardian or conservator of the estate or guardian
 21 ad litem so appearing for any minor, ~~incompetent~~ person who lacks
 22 legal capacity to make decisions, or person for whom a conservator
 23 has been appointed shall have power, with the approval of the
 24 court in which the action or proceeding is pending, to compromise
 25 the same, to agree to the order or judgment to be entered therein
 26 for or against the ward or conservatee, and to satisfy any judgment
 27 or order in favor of the ward or conservatee or release or discharge
 28 any claim of the ward or conservatee pursuant to that compromise.
 29 ~~Any money~~ Money or other property to be paid or delivered
 30 pursuant to the order or judgment for the benefit of a minor,
 31 ~~incompetent~~ person lacking legal capacity to make decisions, or
 32 person for whom a conservator has been appointed shall be paid
 33 and delivered as provided in Chapter 4 (commencing with Section
 34 3600) of Part 8 of Division 4 of the Probate Code.

35 ~~Where~~

36 (2) ~~Where~~ reference is made in this section to "~~incompetent~~
 37 ~~person,~~" such "a person lacking legal competence to make
 38 decisions," the reference shall be deemed to include "a person for
 39 whom a conservator may be appointed."

40 ~~Nothing~~

1 (3) *Nothing* in this section, or in any other provision of this
2 code, the Civil Code, the Family Code, or the Probate Code is
3 intended by the Legislature to prohibit a minor from exercising an
4 intelligent and knowing waiver of his or her constitutional rights
5 ~~in any proceedings~~ *a proceeding* under the Juvenile Court Law,
6 Chapter 2 (commencing with Section 200) of Part 1 of Division 2
7 of the Welfare and Institutions Code.

8 (b) (1) Notwithstanding subdivision (a), a minor 12 years of
9 age or older may appear in court without a guardian, counsel, or
10 guardian ad litem, for the purpose of requesting or opposing a
11 request for any of the following:

12 (A) An injunction or temporary restraining order or both to
13 prohibit harassment pursuant to Section 527.6.

14 (B) An injunction or temporary restraining order or both against
15 violence or a credible threat of violence in the workplace pursuant
16 to Section 527.8.

17 (C) A protective order pursuant to Division 10 (commencing
18 with Section 6200) of the Family Code.

19 (D) A protective order pursuant to Sections 7710 and 7720 of
20 the Family Code.

21 The court may, either upon motion or in its own discretion, and
22 after considering reasonable objections by the minor to the
23 appointment of specific individuals, appoint a guardian ad litem
24 to assist the minor in obtaining or opposing the order, provided
25 that the appointment of the guardian ad litem does not delay the
26 issuance or denial of the order being sought. In making the
27 determination concerning the appointment of a particular guardian
28 ad litem, the court shall consider whether the minor and the
29 guardian have divergent interests.

30 (2) For purposes of this subdivision only, upon the issuance of
31 an order pursuant to paragraph (1), if the minor initially appeared
32 in court seeking an order without a guardian or guardian ad litem,
33 and if the minor is residing with a parent or guardian, the court
34 shall send a copy of the order to at least one parent or guardian
35 designated by the minor, unless, in the discretion of the court,
36 notification of a parent or guardian would be contrary to the best
37 interest of the minor. The court is not required to send the order
38 to more than one parent or guardian.

1 (3) The Judicial Council shall adopt forms by July 1, 1999, to
 2 facilitate the appointment of a guardian ad litem pursuant to this
 3 subdivision.

4 (c) (1) Notwithstanding subdivision (a), a minor may appear in
 5 court without a guardian ad litem in the following proceedings if
 6 the minor is a parent of the child who is the subject of the
 7 proceedings:

8 (A) Family court proceedings pursuant to Part 3 (commencing
 9 with Section 7600) of Division 12 of the Family Code.

10 (B) Dependency proceedings pursuant to Chapter 2
 11 (commencing with Section 200) of Part 1 of Division 2 of the
 12 Welfare and Institutions Code.

13 (C) Guardianship proceedings for a minor child pursuant to Part
 14 2 (commencing with Section 1500) of Division 4 of the Probate
 15 Code.

16 (D) Any other proceedings concerning child custody, visitation,
 17 or support.

18 (2) If the court finds that the minor parent is unable to
 19 understand the nature of the proceedings or to assist counsel in
 20 preparing the case, the court shall, upon its own motion or upon a
 21 motion by the minor parent or the minor parent's counsel, appoint
 22 a guardian ad litem.

23 *SEC. 6. Section 373 of the Code of Civil Procedure is amended*
 24 *to read:*

25 373. When a guardian ad litem is appointed, he or she shall be
 26 appointed as follows:

27 (a) If the minor is the plaintiff the appointment must be made
 28 before the summons is issued, upon the application of the minor,
 29 if the minor is ~~of the age of~~ 14 years *of age or older*, or, if under
 30 that age, upon the application of a relative or friend of the minor.

31 (b) If the minor is the defendant, upon the application of the
 32 minor, if the minor is ~~of the age of~~ 14 years *of age or older*, and
 33 the minor applies within 10 days after the service of the summons,
 34 or, if under that ~~age,~~ *age* or if the minor neglects to apply, then
 35 upon the application of a relative or friend of the minor, or of any
 36 other party to the action, or by the court on its own motion.

37 (c) ~~If an insane or incompetent~~ *the person lacking legal*
 38 *competence to make decisions* is a party to an action or proceeding,
 39 upon the application of a relative or friend of ~~such insane or~~
 40 ~~incompetent~~ *the person lacking legal competence to make*

1 *decisions*, or of any other party to the action or proceeding, or by
2 the court on its own motion.

3 *SEC. 7. Section 1447 of the Code of Civil Procedure is*
4 *amended to read:*

5 1447. Notwithstanding any other ~~provision~~ of law, all
6 unclaimed money or other property belonging to ~~any~~ a person who
7 dies while confined in ~~any~~ a state institution subject to the
8 jurisdiction of the ~~State Department of Mental Hygiene State~~
9 ~~Hospitals~~, which is paid or delivered to the ~~State state~~ or ~~any~~ an
10 officer or employee thereof under the provisions of Section 166
11 of the Welfare and Institutions Code, or under any amendment
12 thereof adopted after the effective date of ~~this section~~, *Chapter*
13 *1708 of the Statutes of 1951* shall be deemed to be paid or delivered
14 for deposit in the State Treasury under the provisions of this article,
15 and shall be transmitted, received, accounted for, and disposed of,
16 as provided in this part.

17 *SEC. 8. Section 56850 of the Education Code is amended to*
18 *read:*

19 56850. (a) The purpose of the Legislature, in enacting this
20 chapter, is to recognize that individuals with exceptional needs of
21 mandated schoolage, residing in California's state hospitals ~~for~~
22 ~~the developmentally disabled and mentally disordered~~ *and*
23 *developmental centers*, are entitled to, under the Individuals with
24 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and the
25 Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.), the same
26 access to educational programs as is provided for individuals with
27 exceptional needs residing in our communities.

28 ¶

29 (b) *It* is the intent of the Legislature to ensure that services shall
30 be provided in the community near the individual state hospitals
31 to the maximum extent appropriate, and in the least restrictive
32 environment.

33 ¶

34 (c) *It* is the further intent of the Legislature to ensure equal
35 access to the educational process and to a full continuum of
36 educational services for all individuals, regardless of their physical
37 residence.

38 ¶

39 (d) *It* is the further intent of the Legislature that educational
40 services designated for state hospital residents not eligible for

1 services mandated by the Individuals with Disabilities Education
 2 Act (20 U.S.C. Sec. 1400 et seq.) shall not be reduced or limited
 3 in any manner as a result of the enactment of this chapter.

4 ¶

5 (e) It is the further intent of the Legislature that any cooperative
 6 agreements to provide educational services for state hospitals shall
 7 seek to maximize federal financial participation in funding these
 8 services.

9 *SEC. 9. Section 2310 of the Family Code is amended to read:*

10 2310. Dissolution of the marriage or legal separation of the
 11 parties may be based on either of the following grounds, which
 12 shall be pleaded generally:

13 (a) Irreconcilable differences, which have caused the
 14 irremediable breakdown of the marriage.

15 (b) ~~Incurable insanity.~~ *Permanent legal incapacity to make*
 16 *decisions.*

17 *SEC. 10. Section 2312 of the Family Code is amended to read:*

18 2312. A marriage may be dissolved on the grounds of ~~incurable~~
 19 ~~insanity~~ *permanent legal incapacity to make decisions* only upon
 20 proof, including competent medical or psychiatric testimony, that
 21 the ~~insane~~ spouse was at the time the petition was filed, and
 22 remains, ~~incurably insane~~ *permanently lacking the legal capacity*
 23 *to make decisions.*

24 *SEC. 11. Section 2313 of the Family Code is amended to read:*

25 2313. No dissolution of marriage granted on the ground of
 26 ~~incurable insanity~~ *permanent legal incapacity to make decisions*
 27 relieves a spouse from any obligation imposed by law as a result
 28 of the marriage for the support of the spouse who ~~is incurably~~
 29 ~~insane~~ *lacks legal capacity to make decisions*, and the court may
 30 ~~make such an~~ order for support, or require a bond therefor, as the
 31 circumstances require.

32 *SEC. 12. Section 2332 of the Family Code is amended to read:*

33 2332. (a) If the petition for dissolution of the marriage is based
 34 on the ground of ~~incurable insanity~~ *permanent legal incapacity to*
 35 *make decisions* and the ~~insane~~ spouse *who lacks legal capacity to*
 36 *make decisions* has a guardian or conservator, other than the spouse
 37 filing the petition, the petition and summons shall be served upon
 38 the ~~insane~~ spouse and the guardian or conservator. The guardian
 39 or conservator shall defend and protect the interests of the ~~insane~~
 40 spouse *who lacks legal capacity to make decisions.*

1 (b) If the ~~insane~~ spouse *who lacks legal capacity to make*
 2 *decisions* has no guardian or conservator, or if the spouse filing
 3 the petition is the guardian or conservator ~~of the insane spouse~~,
 4 the court shall appoint a guardian ad litem, who may be the district
 5 attorney or the county counsel, if any, to defend and protect the
 6 interests of the ~~insane~~ spouse *who lacks legal capacity to make*
 7 *decisions*. If a district attorney or county counsel is appointed
 8 guardian ad litem pursuant to this subdivision, the successor in the
 9 office of district attorney or county counsel, as the case may be,
 10 succeeds as guardian ad litem, without further action by the court
 11 or parties.

12 (c) “Guardian or conservator” as used in this section means:
 13 (1) With respect to the issue of the dissolution of the marriage
 14 relationship, the guardian or conservator of the person.
 15 (2) With respect to support and property division issues, the
 16 guardian or conservator of the estate.

17 *SEC. 13. Section 7901 of the Family Code is amended to read:*
 18 7901. The provisions of the interstate compact referred to in
 19 Section 7900 are as follows:

20
 21
 22 INTERSTATE COMPACT ON THE PLACEMENT OF
 23 CHILDREN

24
 25 Article 1. Purpose and Policy

26
 27 It is the purpose and policy of the party states to cooperate with
 28 each other in the interstate placement of children to the end that:

29 (a) Each child requiring placement shall receive the maximum
 30 opportunity to be placed in a suitable environment and with persons
 31 or institutions having appropriate qualifications and facilities to
 32 provide a necessary and desirable degree and type of care.

33 (b) The appropriate authorities in a state where a child is to be
 34 placed may have full opportunity to ascertain the circumstances
 35 of the proposed placement, thereby promoting full compliance
 36 with applicable requirements for the protection of the child.

37 (c) The proper authorities of the state from which the placement
 38 is made may obtain the most complete information on the basis
 39 on which to evaluate a projected placement before it is made.

1 (d) Appropriate jurisdictional arrangements for the care of
2 children will be promoted.

3

4

Article 2. Definitions

5

6 As used in this compact:

7 (a) "Child" means a person who, by reason of minority, is legally
8 subject to parental, guardianship, or similar control.

9 (b) "Sending agency" means a party state, or officer or employee
10 thereof; subdivision of a party state, or officer or employee thereof;
11 a court of a party state; a person, corporation, association, charitable
12 agency, or other entity which sends, brings, or causes to be sent
13 or brought any child to another party state.

14 (c) "Receiving state" means the state to which a child is sent,
15 brought, or caused to be sent or brought, whether by public
16 authorities or private persons or agencies, and whether for
17 placement with state or local public authorities or for placement
18 with private agencies or persons.

19 (d) "Placement" means the arrangement for the care of a child
20 in a family free or boarding home or in a child-caring agency or
21 institution but does not include any institution caring for ~~the~~
22 ~~mentally ill, mentally defective or epileptic persons with~~
23 ~~developmental disabilities or mental health disorders~~ or any
24 institution primarily educational in character, and any hospital or
25 other medical facility.

26

27

Article 3. Conditions for Placement

28

29 (a) No sending agency shall send, bring, or cause to be sent or
30 brought into any other party state any child for placement in foster
31 care or as a preliminary to a possible adoption unless the sending
32 agency shall comply with each and every requirement set forth in
33 this article and with the applicable laws of the receiving state
34 governing the placement of children therein.

35 (b) Before sending, bringing, or causing any child to be sent or
36 brought into a receiving state for placement in foster care or as a
37 preliminary to a possible adoption, the sending agency shall furnish
38 the appropriate public authorities in the receiving state written
39 notice of the intention to send, bring, or place the child in the
40 receiving state. The notice shall contain:

- 1 (1) The name, date, and place of birth of the child.
2 (2) The identity and address or addresses of the parents or legal
3 guardian.
4 (3) The name and address of the person, agency, or institution
5 to or with which the sending agency proposes to send, bring, or
6 place the child.
7 (4) A full statement of the reasons for the proposed action and
8 evidence of the authority pursuant to which the placement is
9 proposed to be made.
10 (c) Any public officer or agency in a receiving state which is
11 in receipt of a notice pursuant to paragraph (b) of this article may
12 request of the sending agency, or any other appropriate officer or
13 agency of or in the sending agency's state, and shall be entitled to
14 receive therefrom, supporting or additional information as it may
15 deem necessary under the circumstances to carry out the purpose
16 and policy of this compact.
17 (d) The child shall not be sent, brought, or caused to be sent or
18 brought into the receiving state until the appropriate public
19 authorities in the receiving state shall notify the sending agency,
20 in writing, to the effect that the proposed placement does not appear
21 to be contrary to the interests of the child.

22
23 Article 4. Penalty for Illegal Placement
24

25 The sending, bringing, or causing to be sent or brought into any
26 receiving state of a child in violation of the terms of this compact
27 shall constitute a violation of the laws respecting the placement
28 of children of both the state in which the sending agency is located
29 or from which it sends or brings the child and of the receiving
30 state. A violation may be punished or subjected to penalty in either
31 jurisdiction in accordance with its laws. In addition to liability for
32 any punishment or penalty, any violation shall constitute full and
33 sufficient grounds for the suspension or revocation of any license,
34 permit, or other legal authorization held by the sending agency
35 which empowers or allows it to place, or care for children.

Article 5. Continuing Jurisdiction

1
 2
 3 (a) The sending agency shall retain jurisdiction over the child
 4 sufficient to determine all matters in relation to the custody,
 5 supervision, care, treatment, and disposition of the child which it
 6 would have had if the child had remained in the sending agency’s
 7 state, until the child is adopted, reaches majority, becomes
 8 self-supporting, or is discharged with the concurrence of the
 9 appropriate authority in the receiving state. That jurisdiction shall
 10 also include the power to effect or cause the return of the child or
 11 its transfer to another location and custody pursuant to law. The
 12 sending agency shall continue to have financial responsibility for
 13 support and maintenance of the child during the period of the
 14 placement. Nothing contained herein shall defeat a claim of
 15 jurisdiction by a receiving state sufficient to deal with an act of
 16 delinquency or crime committed therein.

17 (b) When the sending agency is a public agency, it may enter
 18 into an agreement with an authorized public or private agency in
 19 the receiving state providing for the performance of one or more
 20 services in respect of that case by the latter as agent for the sending
 21 agency.

22 (c) Nothing in this compact shall be construed to prevent a
 23 private charitable agency authorized to place children in the
 24 receiving state from performing services or acting as agent in that
 25 state for a private charitable agency of the sending state; nor to
 26 prevent the agency in the receiving state from discharging financial
 27 responsibility for the support and maintenance of a child who has
 28 been placed on behalf of the sending agency without relieving the
 29 responsibility set forth in paragraph (a) of this article.

Article 6. Institutional Care of Delinquent Children

30
 31
 32
 33 A child adjudicated delinquent may be placed in an institution
 34 in another party jurisdiction pursuant to this compact but no such
 35 placement shall be made unless the child is given a court hearing
 36 on notice to the parent or guardian with opportunity to be heard,
 37 before being sent to the other party jurisdiction for institutional
 38 care and the court finds that both of the following exist:

1 (a) Equivalent facilities for the child are not available in the
2 sending agency's jurisdiction.

3 (b) Institutional care in the other jurisdiction is in the best
4 interest of the child and will not produce undue hardship.

5
6 Article 7. Compact Administrator
7

8 The executive head of each jurisdiction party to this compact
9 shall designate an officer who shall be general coordinator of
10 activities under this compact in his or her jurisdiction and who,
11 acting jointly with like officers of other party jurisdictions, shall
12 have power to promulgate rules and regulations to carry out more
13 effectively the terms and provisions of this compact.
14

15 Article 8. Limitations
16

17 This compact shall not apply to:

18 (a) The sending or bringing of a child into a receiving state by
19 his or her parent, stepparent, grandparent, adult brother or sister,
20 adult uncle or aunt, or his or her guardian and leaving the child
21 with any such relative or nonagency guardian in the receiving state.

22 (b) Any placement, sending or bringing of a child into a
23 receiving state pursuant to any other interstate compact to which
24 both the state from which the child is sent or brought and the
25 receiving state are party, or to any other agreement between said
26 states which has the force of law.
27

28 Article 9. Enactment and Withdrawal
29

30 This compact shall be open to joinder by any state, territory, or
31 possession of the United States, the District of Columbia, the
32 Commonwealth of Puerto Rico, and, with the consent of Congress,
33 the government of Canada or any province thereof. It shall become
34 effective with respect to any of these jurisdictions when that
35 jurisdiction has enacted the same into law. Withdrawal from this
36 compact shall be by the enactment of a statute repealing the same,
37 but shall not take effect until two years after the effective date of
38 the statute and until written notice of the withdrawal has been
39 given by the withdrawing state to the Governor of each other party
40 jurisdiction. Withdrawal of a party state shall not affect the rights,

1 duties, and obligations under this compact of any sending agency
 2 therein with respect to a placement made before the effective date
 3 of withdrawal.

4
 5
 6

Article 10. Construction and Severability

7 The provisions of this compact shall be liberally construed to
 8 effectuate the purposes thereof. The provisions of this compact
 9 shall be severable and if any phrase, clause, sentence, or provision
 10 of this compact is declared to be contrary to the constitution of
 11 any party state or of the United States or the applicability thereof
 12 to any government, agency, person, or circumstance is held invalid,
 13 the validity of the remainder of this compact and the applicability
 14 thereof to any government, agency, person, or circumstance shall
 15 not be affected thereby. If this compact shall be held contrary to
 16 the constitution of any state party thereto, the compact shall remain
 17 in full force and effect as to the remaining states and in full force
 18 and effect as to the state affected as to all severable matters.

19 *SEC. 14. Section 203 of the Government Code is repealed.*

20 ~~203. The State may establish custody and restraint of:~~

21 ~~(a) Mentally ill persons, insane persons, chronic inebriates, and~~
 22 ~~other persons of unsound mind.~~

23 ~~(b) Paupers for the purposes of their maintenance.~~

24 ~~(c) Minors for the purposes of their education, reformation, and~~
 25 ~~maintenance.~~

26 *SEC. 15. Section 854.2 of the Government Code is amended*
 27 *to read:*

28 854.2. As used in this chapter, “mental institution” means a
 29 state hospital for the care and treatment of ~~the mentally disordered~~
 30 ~~or~~ persons with *mental health disorders or* intellectual disabilities,
 31 the California Rehabilitation Center referred to in Section 3300 of
 32 the Welfare and Institutions Code, or a county psychiatric hospital.

33 *SEC. 16. Section 1001 of the Government Code is amended to*
 34 *read:*

35 1001. The civil executive officers are: a Governor; a private
 36 secretary and an executive secretary for the Governor; a Lieutenant
 37 Governor; a Secretary of State; a Deputy Secretary of State; a
 38 Keeper of Archives of State for Secretary of State; a bookkeeper
 39 for the Secretary of State; three recording clerks for the Secretary
 40 of State; a Controller; a Deputy Controller; a bookkeeper for the

1 Controller; five clerks for the Controller; a Treasurer; a Deputy
2 Treasurer; a bookkeeper for the Treasurer; a clerk for six months
3 in each year for the Treasurer; an Attorney General and all assistant
4 and deputy attorneys general; a Superintendent of Public
5 Instruction; one clerk for the Superintendent of Public Instruction;
6 an Insurance Commissioner; a deputy for the Insurance
7 Commissioner; four port wardens for the Port of San Francisco; a
8 port warden for each port of entry except San Francisco; five State
9 Harbor Commissioners for San Francisco Harbor; six pilots for
10 each harbor where there is no board of pilot commissioners; three
11 members of the Board of Pilot Commissioners for Humboldt Bay
12 and Bar; 13 members of the State Board of Agriculture; four
13 members of the State Board of Equalization; a clerk of the Board
14 of Equalization; three members of the State Board of Education;
15 a librarian for the Supreme Court Library and the chief deputy
16 clerk and the deputy clerks of the Supreme Court; ~~five directors~~
17 ~~for the insane asylum at Stockton~~; five directors for the ~~insane~~
18 ~~asylum~~ *state hospital* at Napa; the manager, assistant manager,
19 chief counsel and division chiefs, State Compensation Insurance
20 Fund; the head of each department and all chiefs of divisions,
21 deputies and secretaries of a department; such other officers as fill
22 offices created by or under the authority of charters or laws for the
23 government of counties and cities or of the health, school, election,
24 road, or revenue laws.

25 SECTION 1.

26 SEC. 17. Section 6276.30 of the Government Code is amended
27 to read:

28 6276.30. Managed care health plans, confidentiality of
29 proprietary information, Section 14091.3, Welfare and Institutions
30 Code.

31 Managed Risk Medical Insurance Board, negotiations with
32 entities contracting or seeking to contract with the board,
33 subdivisions (v) and (y) of Section 6254.

34 Mandated blood testing and confidentiality to protect public
35 health, prohibition against compelling identification of test subjects,
36 Section 120975, Health and Safety Code.

37 Mandated blood testing and confidentiality to protect public
38 health, unauthorized disclosures of identification of test subjects,
39 Sections 1603.1, 1603.3, and 121022, Health and Safety Code.

1 Mandated blood testing and confidentiality to protect public
2 health, disclosure to patient's spouse, sexual partner, needle sharer,
3 or county health officer, Section 121015, Health and Safety Code.
4 Manufactured home, mobilehome, floating home, confidentiality
5 of home address of registered owner, Section 18081, Health and
6 Safety Code.
7 Marital confidential communications, Sections 980, 981, 982,
8 983, 984, 985, 986, and 987, Evidence Code.
9 Market reports, confidential, subdivision (e), Section 6254.
10 Marketing of commodities, confidentiality of financial
11 information, Section 58781, Food and Agricultural Code.
12 Marketing orders, confidentiality of processors' or distributors'
13 information, Section 59202, Food and Agricultural Code.
14 Marriage, confidential, certificate, Section 511, Family Code.
15 Medi-Cal Benefits Program, confidentiality of information,
16 Section 14100.2, Welfare and Institutions Code.
17 Medi-Cal Benefits Program, Request of Department for Records
18 of Information, Section 14124.89, Welfare and Institutions Code.
19 Medi-Cal Fraud Bureau, confidentiality of complaints, Section
20 12528.
21 Medi-Cal managed care program, exemption from disclosure
22 for financial and utilization data submitted by Medi-Cal managed
23 care health plans to establish rates, Section 14301.1, Welfare and
24 Institutions Code.
25 Medi-Cal program, exemption from disclosure for best price
26 contracts between the State Department of Health Care Services
27 and drug manufacturers, Section 14105.33, Welfare and Institutions
28 Code.
29 Medical information, disclosure by provider unless prohibited
30 by patient in writing, Section 56.16, Civil Code.
31 Medical information, types of information not subject to patient
32 prohibition of disclosure, Section 56.30, Civil Code.
33 Medical and other hospital committees and peer review bodies,
34 confidentiality of records, Section 1157, Evidence Code.
35 Medical or dental licensee, action for revocation or suspension
36 due to illness, report, confidentiality of, Section 828, Business and
37 Professions Code.
38 Medical or dental licensee, disciplinary action, denial or
39 termination of staff privileges, report, confidentiality of, Sections
40 805, 805.1, and 805.5, Business and Professions Code.

- 1 Meetings of state agencies, disclosure of agenda, Section
2 11125.1.
- 3 ~~Mentally disordered and developmentally disabled offenders,~~
4 ~~access to criminal histories of, Section 1620, Penal Code.~~
- 5 ~~Mentally disordered persons, court-ordered evaluation,~~
6 ~~confidentiality of reports, Section 5202, Welfare and Institutions~~
7 ~~Code.~~
- 8 ~~Mentally disordered or mentally ill person, confidentiality of~~
9 ~~written consent to detainment, Section 5326.4, Welfare and~~
10 ~~Institutions Code.~~
- 11 ~~Mentally disordered or mentally ill person, voluntarily or~~
12 ~~involuntarily detained and receiving services, confidentiality of~~
13 ~~records and information, Sections 5328, 5328.15, 5328.2, 5328.4,~~
14 ~~5328.8, and 5328.9, Welfare and Institutions Code.~~
- 15 ~~Mentally disordered or mentally ill person, weapons restrictions,~~
16 ~~confidentiality of information about, Section 8103, Welfare and~~
17 ~~Institutions Code.~~
- 18 Milk marketing, confidentiality of records, Section 61443, Food
19 and Agricultural Code.
- 20 Milk product certification, confidentiality of, Section 62121,
21 Food and Agricultural Code.
- 22 Milk, market milk, confidential records and reports, Section
23 62243, Food and Agricultural Code.
- 24 Milk product registration, confidentiality of information, Section
25 38946, Food and Agricultural Code.
- 26 Milk equalization pool plan, confidentiality of producers' voting,
27 Section 62716, Food and Agricultural Code.
- 28 Mining report, confidentiality of report containing information
29 relating to mineral production, reserves, or rate of depletion of
30 mining operation, Section 2207, Public Resources Code.
- 31 Minor, criminal proceeding testimony closed to public, Section
32 859.1, Penal Code.
- 33 Minors, material depicting sexual conduct, records of suppliers
34 to be kept and made available to law enforcement, Section 1309.5,
35 Labor Code.
- 36 Misdemeanor and felony reports by police chiefs and sheriffs
37 to Department of Justice, confidentiality of, Sections 11107 and
38 11107.5, Penal Code.
- 39 Monetary instrument transaction records, confidentiality of,
40 Section 14167, Penal Code.

1 Missing persons' information, disclosure of, Sections 14201 and
2 14203, Penal Code.
3 Morbidity and mortality studies, confidentiality of records,
4 Section 100330, Health and Safety Code.
5 Motor vehicle accident reports, disclosure, Sections 16005,
6 20012, and 20014, Vehicle Code.
7 Motor vehicles, department of, public records, exceptions,
8 Sections 1808 to 1808.7, inclusive, Vehicle Code.
9 Motor vehicle insurance fraud reporting, confidentiality of
10 information acquired, Section 1874.3, Insurance Code.
11 Motor vehicle liability insurer, data reported to Department of
12 Insurance, confidentiality of, Section 11628, Insurance Code.
13 Multijurisdictional drug law enforcement agency, closed sessions
14 to discuss criminal investigation, Section 54957.8.
15 *SEC. 18. Section 6276.34 of the Government Code is amended*
16 *to read:*
17 6276.34. Parole revocation proceedings, confidentiality of
18 information in reports, Section 3063.5, Penal Code.
19 Passenger fishing boat licenses, records, Section 7923, Fish and
20 Game Code.
21 Paternity, acknowledgement, confidentiality of records, Section
22 102760, Health and Safety Code.
23 Patient-physician confidential communication, Sections 992 and
24 994, Evidence Code.
25 Patient records, confidentiality of, Section 123135, Health and
26 Safety Code.
27 Payment instrument licensee records, inspection of, Section
28 33206, Financial Code.
29 Payroll records, confidentiality of, Section 1776, Labor Code.
30 Peace officer personnel records, confidentiality of, Sections
31 832.7 and 832.8, Penal Code.
32 Penitential communication between penitent and clergy, Sections
33 1032 and 1033, Evidence Code.
34 Personal Care Services Program, exemption from disclosure for
35 information regarding persons paid by the state to provide personal
36 care services, Section 6253.2.
37 Personal Income Tax, disclosure of information, Article 2
38 (commencing with Section 19542), Chapter 7, Part 10.2, Division
39 2, Revenue and Taxation Code.

1 Personal information, Information Practices Act, prohibitions
2 against disclosure by state agencies, Sections 1798.24 and 1798.75,
3 Civil Code.

4 Personal information, subpoena of records containing, Section
5 1985.4, Code of Civil Procedure.

6 Personal representative, confidentiality of personal
7 representative's birth date and driver's license number, Section
8 8404, Probate Code.

9 Personnel Administration, Department of, confidentiality of pay
10 data furnished to, Section 19826.5.

11 *Persons with mental health disorders, court-ordered evaluation,*
12 *confidentiality of reports, Section 5202, Welfare and Institutions*
13 *Code.*

14 *Persons with mental health disorders, confidentiality of written*
15 *consent to detainment, Section 5326.4, Welfare and Institutions*
16 *Code.*

17 *Persons with mental health disorders voluntarily detained and*
18 *receiving services, confidentiality of records and information,*
19 *Sections 5328, 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9,*
20 *Welfare and Institutions Code.*

21 *Persons with mental health disorders, weapons restrictions,*
22 *confidentiality of information about, Section 8103, Welfare and*
23 *Institutions Code.*

24 Petition signatures, Section 18650, Elections Code.

25 Petroleum supply and pricing, confidential information, Sections
26 25364 and 25366, Public Resources Code.

27 Pharmacist, alcohol or dangerous drug diversion and
28 rehabilitation records, confidentiality of, Section 4372, Business
29 and Professions Code.

30 Physical therapist or assistant, records of dangerous drug or
31 alcohol diversion and rehabilitation, confidentiality of, Section
32 2667, Business and Professions Code.

33 Physical or mental condition or conviction of controlled
34 substance offense, records in Department of Motor Vehicles,
35 confidentiality of, Section 1808.5, Vehicle Code.

36 Physician and surgeon, rehabilitation and diversion records,
37 confidentiality of, Section 2355, Business and Professions Code.

38 Physician assistant, alcohol or dangerous drug diversion and
39 rehabilitation records, confidentiality of, Section 3534.7, Business
40 and Professions Code.

1 Physician competency examination, confidentiality of reports,
2 Section 2294, Business and Professions Code.
3 Physicians and surgeons, confidentiality of reports of patients
4 with a lapse of consciousness disorder, Section 103900, Health
5 and Safety Code.
6 Physician Services Account, confidentiality of patient names in
7 claims, Section 16956, Welfare and Institutions Code.
8 Pilots, confidentiality of personal information, Section 1157.1,
9 Harbors and Navigation Code.
10 Pollution Control Financing Authority, financial data submitted
11 to, subdivision (o), Section 6254.
12 Postmortem or autopsy photos, Section 129, Code of Civil
13 Procedure.
14 ~~SEC. 2.~~
15 *SEC. 19.* Section 6276.38 of the Government Code is amended
16 to read:
17 6276.38. Radioactive materials, dissemination of information
18 about transportation of, Section 33002, Vehicle Code.
19 Railroad infrastructure protection program, disclosure not
20 required for risk assessments filed with the Public Utilities
21 Commission, the Director of Emergency Services, or the Office
22 of Emergency Services, Section 6254.23.
23 Real estate broker, annual report to Bureau of Real Estate of
24 financial information, confidentiality of, Section 10232.2, Business
25 and Professions Code.
26 Real property, acquisition by state or local government,
27 information relating to feasibility, subdivision (h), Section 6254.
28 Real property, change in ownership statement, confidentiality
29 of, Section 27280.
30 *Records described in Section 1620 of the Penal Code.*
31 Records of contract purchasers, inspection by public prohibited,
32 Section 85, Military and Veterans Code.
33 Records of persons committed to a state hospital pursuant to
34 Section 4135 of the Welfare and Institutions Code.
35 Registered public obligations, inspection of records of security
36 interests in, Section 5060.
37 Registration of exempt vehicles, nondisclosure of name of person
38 involved in alleged violation, Section 5003, Vehicle Code.
39 Rehabilitation, Department of, confidential information, Section
40 19016, Welfare and Institutions Code.

- 1 Reinsurance intermediary-broker license information,
2 confidentiality of, Section 1781.3, Insurance Code.
- 3 Relocation assistance, confidential records submitted to a public
4 entity by a business or farm operation, Section 7262.
- 5 Rent control ordinance, confidentiality of information concerning
6 accommodations sought to be withdrawn from, Section 7060.4.
- 7 Report of probation officer, inspection, copies, Section 1203.05,
8 Penal Code.
- 9 Repossession agency licensee application, confidentiality of
10 information, Sections 7503, 7504, and 7506.5, Business and
11 Professions Code.
- 12 Reproductive health facilities, disclosure not required for
13 personal information regarding employees, volunteers, board
14 members, owners, partners, officers, and contractors of a
15 reproductive health services facility who have provided requisite
16 notification, Section 6254.18.
- 17 Residence address in any record of Department of Housing and
18 Community Development, confidentiality of, Section 6254.1.
- 19 Residence address in any record of Department of Motor
20 Vehicles, confidentiality of, Section 6254.1, Government Code,
21 and Section 1808.21, Vehicle Code.
- 22 Residence and mailing addresses in records of Department of
23 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.
- 24 Residential care facilities, confidentiality of resident information,
25 Section 1568.08, Health and Safety Code.
- 26 Residential care facilities for the elderly, confidentiality of client
27 information, Section 1569.315, Health and Safety Code.
- 28 Respiratory care practitioner, professional competency
29 examination reports, confidentiality of, Section 3756, Business
30 and Professions Code.
- 31 Restraint of trade, civil action by district attorney, confidential
32 memorandum, Section 16750, Business and Professions Code.
- 33 Reward by governor for information leading to arrest and
34 conviction, confidentiality of person supplying information, Section
35 1547, Penal Code.
- 36 Safe surrender site, confidentiality of information pertaining to
37 a parent or individual surrendering a child, Section 1255.7, Health
38 and Safety Code.
- 39 *SEC. 20. Section 7579.1 of the Government Code is amended*
40 *to read:*

1 7579.1. (a) Prior to the discharge of any disabled child or youth
 2 who has an active individualized education program from a public
 3 hospital, proprietary hospital, or residential medical facility
 4 pursuant to Article 5.5 (commencing with Section 56167) of
 5 Chapter 2 of Part 30 of the Education Code, a licensed children’s
 6 institution or foster family home pursuant to Article 5 (commencing
 7 with Section 56155) of Chapter 2 of Part 30 of the Education Code,
 8 or a state hospital ~~for the developmentally disabled or mentally~~
 9 ~~disordered~~ or *developmental center*, the following shall occur:

10 (1) The operator of the hospital or medical facility, or the agency
 11 that placed the child in the licensed children’s institution or foster
 12 family home, shall, at least 10 days prior to the discharge of a
 13 disabled child or youth, notify in writing the local educational
 14 agency in which the special education program for the child is
 15 being provided, and the receiving special education local plan area
 16 where the child is being transferred, of the impending discharge.

17 (2) The operator or placing agency, as part of the written
 18 notification, shall provide the receiving special education local
 19 plan area with a copy of the child’s individualized education
 20 program, the identity of the individual responsible for representing
 21 the interests of the child for educational and related services for
 22 the impending placement, and other relevant information about
 23 the child that will be useful in implementing the child’s
 24 individualized education program in the receiving special education
 25 local plan area.

26 (b) Once the disabled child or youth has been discharged, it
 27 shall be the responsibility of the receiving local educational agency
 28 to ensure that the disabled child or youth receives an appropriate
 29 educational placement that commences without delay upon his or
 30 her discharge from the hospital, institution, facility, or foster family
 31 home in accordance with Section 56325 of the Education Code.
 32 Responsibility for the provision of special education rests with the
 33 school district of residence of the parent or guardian of the child
 34 unless the child is placed in another hospital, institution, facility,
 35 or foster family home in which case the responsibility of special
 36 education rests with the school district in which the child resides
 37 pursuant to Sections 56156.4, 56156.6, and 56167 of the Education
 38 Code.

39 (c) Special education local plan area directors shall document
 40 instances where the procedures in subdivision (a) are not being

1 adhered to and report these instances to the Superintendent of
2 Public Instruction.

3 *SEC. 21. Section 12428 of the Government Code is amended*
4 *to read:*

5 12428. In the event either the Governor or the Legislature
6 should obtain federal approval to transfer programs receiving
7 federal support for persons ~~who have~~ *with* an intellectual disability
8 or *a mental health* disorder from one state department to another
9 state department under the provisions of Public Law 90-577
10 (Intergovernmental Cooperation Act of 1968), the Controller shall,
11 upon approval of the Director of Finance, transfer to a department
12 designated by the Governor the parts of the appropriation of the
13 other departments that are related to programs for persons ~~who~~
14 ~~have~~ *with* an intellectual disability or *a mental health* disorder,
15 provided further, that the transfer shall enable the state to make
16 maximum utilization of available state and federal funds.

17 *SEC. 22. Section 26640 of the Government Code is amended*
18 *to read:*

19 26640. The sheriff shall take charge of, safely keep, and keep
20 a correct account of, all money and valuables found on each
21 prisoner when delivered at the county jail. Except when otherwise
22 ordered by a court of competent jurisdiction, the sheriff shall pay
23 such money or sums therefrom and deliver such valuables or
24 portions thereof as the prisoner directs and shall pay and deliver
25 all the remainder of his money and valuables to the prisoner or to
26 his order upon his release from the jail or to his legal representative
27 in case of his death or ~~insanity~~ *legal incapacity to make decisions*.

28 *SEC. 23. Section 26643 of the Government Code is amended*
29 *to read:*

30 26643. When any prisoner dies or ~~becomes insane~~ *loses the*
31 *legal capacity to make decisions*, the sheriff shall make diligent
32 effort to communicate the fact to friends or relatives of the prisoner,
33 together with information on the state of the prisoner's account.

34 *SEC. 24. Section 26749 of the Government Code is amended*
35 *to read:*

36 26749. The sheriff shall receive expenses necessarily incurred
37 in conveying ~~insane~~ persons to and from the state hospitals and in
38 conveying persons to and from the state prisons or other state
39 institutions, or to other destinations for the purpose of deportation
40 to other states, or in advancing actual traveling expenses to any

1 person committed to a state institution who is permitted to report
2 to an institution without escort, which expenses shall be allowed
3 as provided by Chapter 6 (commencing with Section 4750) of Title
4 5 of Part 3 of the Penal Code for cases subject to that chapter, and,
5 otherwise, by the California Victim Compensation and Government
6 Claims Board and paid by the state.

7 *SEC. 25. Section 1250 of the Health and Safety Code is*
8 *amended to read:*

9 1250. As used in this chapter, “health facility” means ~~any~~ a
10 facility, place, or building that is organized, maintained, and
11 operated for the diagnosis, care, prevention, and treatment of
12 human illness, physical or mental, including convalescence and
13 rehabilitation and including care during and after pregnancy, or
14 for any one or more of these purposes, for one or more persons,
15 to which the persons are admitted for a 24-hour stay or longer, and
16 includes the following types:

17 (a) “General acute care hospital” means a health facility having
18 a duly constituted governing body with overall administrative and
19 professional responsibility and an organized medical staff that
20 provides 24-hour inpatient care, including the following basic
21 services: medical, nursing, surgical, anesthesia, laboratory,
22 radiology, pharmacy, and dietary services. A general acute care
23 hospital may include more than one physical plant maintained and
24 operated on separate premises as provided in Section 1250.8. A
25 general acute care hospital that exclusively provides acute medical
26 rehabilitation center services, including at least physical therapy,
27 occupational therapy, and speech therapy, may provide for the
28 required surgical and anesthesia services through a contract with
29 another acute care hospital. In addition, a general acute care
30 hospital that, on July 1, 1983, provided required surgical and
31 anesthesia services through a contract or agreement with another
32 acute care hospital may continue to provide these surgical and
33 anesthesia services through a contract or agreement with an acute
34 care hospital. The general acute care hospital operated by the State
35 Department of Developmental Services at Agnews Developmental
36 Center may, until June 30, 2007, provide surgery and anesthesia
37 services through a contract or agreement with another acute care
38 hospital. Notwithstanding the requirements of this subdivision, a
39 general acute care hospital operated by the Department of
40 Corrections and Rehabilitation or the Department of Veterans

1 Affairs may provide surgery and anesthesia services during normal
2 weekday working hours, and not provide these services during
3 other hours of the weekday or on weekends or holidays, if the
4 general acute care hospital otherwise meets the requirements of
5 this section.

6 A “general acute care hospital” includes a “rural general acute
7 care hospital.” However, a “rural general acute care hospital” shall
8 not be required by the department to provide surgery and anesthesia
9 services. A “rural general acute care hospital” shall meet either of
10 the following conditions:

11 (1) The hospital meets criteria for designation within peer group
12 six or eight, as defined in the report entitled Hospital Peer Grouping
13 for Efficiency Comparison, dated December 20, 1982.

14 (2) The hospital meets the criteria for designation within peer
15 group five or seven, as defined in the report entitled Hospital Peer
16 Grouping for Efficiency Comparison, dated December 20, 1982,
17 and has no more than 76 acute care beds and is located in a census
18 dwelling place of 15,000 or less population according to the 1980
19 federal census.

20 (b) “Acute psychiatric hospital” means a health facility having
21 a duly constituted governing body with overall administrative and
22 professional responsibility and an organized medical staff that
23 provides 24-hour inpatient care for ~~mentally disordered,~~
24 ~~incompetent,~~ *persons with mental health disorders, persons lacking*
25 *legal capacity to make decisions*, or other patients referred to in
26 Division 5 (commencing with Section 5000) or Division 6
27 (commencing with Section 6000) of the Welfare and Institutions
28 Code, including the following basic services: medical, nursing,
29 rehabilitative, pharmacy, and dietary services.

30 (c) (1) “Skilled nursing facility” means a health facility that
31 provides skilled nursing care and supportive care to patients whose
32 primary need is for availability of skilled nursing care on an
33 extended basis.

34 (2) “Skilled nursing facility” includes a “small house skilled
35 nursing facility (SHSNF),” as defined in Section 1323.5.

36 (d) “Intermediate care facility” means a health facility that
37 provides inpatient care to ambulatory or nonambulatory patients
38 who have recurring need for skilled nursing supervision and need
39 supportive care, but who do not require availability of continuous
40 skilled nursing care.

1 (e) “Intermediate care facility/developmentally disabled
2 habilitative” means a facility with a capacity of 4 to 15 beds that
3 provides 24-hour personal care, habilitation, developmental, and
4 supportive health services to 15 or fewer persons with
5 developmental disabilities who have intermittent recurring needs
6 for nursing services, but have been certified by a physician and
7 surgeon as not requiring availability of continuous skilled nursing
8 care.

9 (f) “Special hospital” means a health facility having a duly
10 constituted governing body with overall administrative and
11 professional responsibility and an organized medical or dental staff
12 that provides inpatient or outpatient care in dentistry or maternity.

13 (g) “Intermediate care facility/developmentally disabled” means
14 a facility that provides 24-hour personal care, habilitation,
15 developmental, and supportive health services to persons with
16 developmental disabilities whose primary need is for
17 developmental services and who have a recurring but intermittent
18 need for skilled nursing services.

19 (h) “Intermediate care facility/developmentally
20 disabled-nursing” means a facility with a capacity of 4 to 15 beds
21 that provides 24-hour personal care, developmental services, and
22 nursing supervision for persons with developmental disabilities
23 who have intermittent recurring needs for skilled nursing care but
24 have been certified by a physician and surgeon as not requiring
25 continuous skilled nursing care. The facility shall serve medically
26 fragile persons with developmental disabilities or who demonstrate
27 significant developmental delay that may lead to a developmental
28 disability if not treated.

29 (i) (1) “Congregate living health facility” means a residential
30 home with a capacity, except as provided in paragraph (4), of no
31 more than 12 beds, that provides inpatient care, including the
32 following basic services: medical supervision, 24-hour skilled
33 nursing and supportive care, pharmacy, dietary, social, recreational,
34 and at least one type of service specified in paragraph (2). The
35 primary need of congregate living health facility residents shall
36 be for availability of skilled nursing care on a recurring,
37 intermittent, extended, or continuous basis. This care is generally
38 less intense than that provided in general acute care hospitals but
39 more intense than that provided in skilled nursing facilities.

1 (2) Congregate living health facilities shall provide one of the
2 following services:

3 (A) Services for persons who are mentally alert, persons with
4 physical disabilities, who may be ventilator dependent.

5 (B) Services for persons who have a diagnosis of terminal
6 illness, a diagnosis of a life-threatening illness, or both. Terminal
7 illness means the individual has a life expectancy of six months
8 or less as stated in writing by his or her attending physician and
9 surgeon. A “life-threatening illness” means the individual has an
10 illness that can lead to a possibility of a termination of life within
11 five years or less as stated in writing by his or her attending
12 physician and surgeon.

13 (C) Services for persons who are catastrophically and severely
14 disabled. A person who is catastrophically and severely disabled
15 means a person whose origin of disability was acquired through
16 trauma or nondegenerative neurologic illness, for whom it has
17 been determined that active rehabilitation would be beneficial and
18 to whom these services are being provided. Services offered by a
19 congregate living health facility to a person who is catastrophically
20 disabled shall include, but not be limited to, speech, physical, and
21 occupational therapy.

22 (3) A congregate living health facility license shall specify which
23 of the types of persons described in paragraph (2) to whom a
24 facility is licensed to provide services.

25 (4) (A) A facility operated by a city and county for the purposes
26 of delivering services under this section may have a capacity of
27 59 beds.

28 (B) A congregate living health facility not operated by a city
29 and county servicing persons who are terminally ill, persons who
30 have been diagnosed with a life-threatening illness, or both, that
31 is located in a county with a population of 500,000 or more persons,
32 or located in a county of the 16th class pursuant to Section 28020
33 of the Government Code, may have not more than 25 beds for the
34 purpose of serving persons who are terminally ill.

35 (C) A congregate living health facility not operated by a city
36 and county serving persons who are catastrophically and severely
37 disabled, as defined in subparagraph (C) of paragraph (2) that is
38 located in a county of 500,000 or more persons may have not more
39 than 12 beds for the purpose of serving persons who are
40 catastrophically and severely disabled.

1 (5) A congregate living health facility shall have a
 2 noninstitutional, homelike environment.

3 (j) (1) “Correctional treatment center” means a health facility
 4 operated by the Department of Corrections and Rehabilitation, the
 5 Department of Corrections and Rehabilitation, Division of Juvenile
 6 Facilities, or a county, city, or city and county law enforcement
 7 agency that, as determined by the department, provides inpatient
 8 health services to that portion of the inmate population who do not
 9 require a general acute care level of basic services. This definition
 10 shall not apply to those areas of a law enforcement facility that
 11 houses inmates or wards who may be receiving outpatient services
 12 and are housed separately for reasons of improved access to health
 13 care, security, and protection. The health services provided by a
 14 correctional treatment center shall include, but are not limited to,
 15 all of the following basic services: physician and surgeon,
 16 psychiatrist, psychologist, nursing, pharmacy, and dietary. A
 17 correctional treatment center may provide the following services:
 18 laboratory, radiology, perinatal, and any other services approved
 19 by the department.

20 (2) Outpatient surgical care with anesthesia may be provided,
 21 if the correctional treatment center meets the same requirements
 22 as a surgical clinic licensed pursuant to Section 1204, with the
 23 exception of the requirement that patients remain less than 24
 24 hours.

25 (3) Correctional treatment centers shall maintain written service
 26 agreements with general acute care hospitals to provide for those
 27 inmate physical health needs that cannot be met by the correctional
 28 treatment center.

29 (4) Physician and surgeon services shall be readily available in
 30 a correctional treatment center on a 24-hour basis.

31 (5) It is not the intent of the Legislature to have a correctional
 32 treatment center supplant the general acute care hospitals at the
 33 California Medical Facility, the California Men’s Colony, and the
 34 California Institution for Men. This subdivision shall not be
 35 construed to prohibit the Department of Corrections and
 36 Rehabilitation from obtaining a correctional treatment center
 37 license at these sites.

38 (k) “Nursing facility” means a health facility licensed pursuant
 39 to this chapter that is certified to participate as a provider of care
 40 either as a skilled nursing facility in the federal Medicare Program

1 under Title XVIII of the federal Social Security Act (42 U.S.C.
2 Sec. 1395 et seq.) or as a nursing facility in the federal Medicaid
3 Program under Title XIX of the federal Social Security Act (42
4 U.S.C. Sec. 1396 et seq.), or as both.

5 (l) Regulations defining a correctional treatment center described
6 in subdivision (j) that is operated by a county, city, or city and
7 county, the Department of Corrections and Rehabilitation, or the
8 Department of Corrections and Rehabilitation, Division of Juvenile
9 Facilities, shall not become effective prior to, or if effective, shall
10 be inoperative until January 1, 1996, and until that time these
11 correctional facilities are exempt from any licensing requirements.

12 (m) “Intermediate care facility/developmentally
13 disabled-continuous nursing (ICF/DD-CN)” means a homelike
14 facility with a capacity of four to eight, inclusive, beds that
15 provides 24-hour personal care, developmental services, and
16 nursing supervision for persons with developmental disabilities
17 who have continuous needs for skilled nursing care and have been
18 certified by a physician and surgeon as warranting continuous
19 skilled nursing care. The facility shall serve medically fragile
20 persons who have developmental disabilities or demonstrate
21 significant developmental delay that may lead to a developmental
22 disability if not treated. ICF/DD-CN facilities shall be subject to
23 licensure under this chapter upon adoption of licensing regulations
24 in accordance with Section 1275.3. A facility providing continuous
25 skilled nursing services to persons with developmental disabilities
26 pursuant to Section 14132.20 or 14495.10 of the Welfare and
27 Institutions Code shall apply for licensure under this subdivision
28 within 90 days after the regulations become effective, and may
29 continue to operate pursuant to those sections until its licensure
30 application is either approved or denied.

31 (n) “Hospice facility” means a health facility licensed pursuant
32 to this chapter with a capacity of no more than 24 beds that
33 provides hospice services. Hospice services include, but are not
34 limited to, routine care, continuous care, inpatient respite care, and
35 inpatient hospice care as defined in subdivision (d) of Section
36 1339.40, and is operated by a provider of hospice services that is
37 licensed pursuant to Section 1751 and certified as a hospice
38 pursuant to Part 418 of Title 42 of the Code of Federal Regulations.

39 *SEC. 26. Section 1250.2 of the Health and Safety Code is*
40 *amended to read:*

1 1250.2. (a) (1) As defined in Section 1250, “health facility”
2 includes a “psychiatric health facility,” defined to mean a health
3 facility, licensed by the State Department of Health Care Services,
4 that provides 24-hour inpatient care for ~~mentally disordered,~~
5 ~~incompetent,~~ *people with mental health disorders, people lacking*
6 *legal capacity to make decisions,* or other persons described in
7 Division 5 (commencing with Section 5000) or Division 6
8 (commencing with Section 6000) of the Welfare and Institutions
9 Code. This care shall include, but not be limited to, the following
10 basic services: psychiatry, clinical psychology, psychiatric nursing,
11 social work, rehabilitation, drug administration, and appropriate
12 food services for those persons whose physical health needs can
13 be met in an affiliated hospital or in outpatient settings.

14 (2) It is the intent of the Legislature that the psychiatric health
15 facility shall provide a distinct type of service to psychiatric
16 patients in a 24-hour acute inpatient setting. The State Department
17 of Health Care Services shall require regular utilization reviews
18 of admission and discharge criteria and lengths of stay in order to
19 ~~assure~~ *ensure* that these patients are moved to less restrictive levels
20 of care as soon as appropriate.

21 (b) (1) The State Department of Health Care Services may issue
22 a special permit to a psychiatric health facility for it to provide
23 structured outpatient services (commonly referred to as SOPS)
24 consisting of morning, afternoon, or full daytime organized
25 programs, not exceeding 10 hours, for acute daytime care for
26 patients admitted to the facility. This subdivision shall not be
27 construed as requiring a psychiatric health facility to apply for a
28 special permit to provide these alternative levels of care.

29 (2) The Legislature recognizes that, with access to structured
30 outpatient services, as an alternative to 24-hour inpatient care,
31 certain patients would be provided with effective intervention and
32 less restrictive levels of care. The Legislature further recognizes
33 that, for certain patients, the less restrictive levels of care eliminate
34 the need for inpatient care, enable earlier discharge from inpatient
35 care by providing a continuum of care with effective aftercare
36 services, or reduce or prevent the need for a subsequent readmission
37 to inpatient care.

38 (c) Any reference in any statute to Section 1250 of the Health
39 and Safety Code shall be deemed and construed to also be a
40 reference to this section.

1 (d) Notwithstanding any other ~~provision~~ of law, and to the extent
2 consistent with federal law, a psychiatric health facility shall be
3 eligible to participate in the medicare program under Title XVIII
4 of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.),
5 and the medicaid program under Title XIX of the federal Social
6 Security Act (42 U.S.C. Sec. 1396 et seq.), if all of the following
7 conditions are met:

8 (1) The facility is a licensed facility.

9 (2) The facility is in compliance with all related statutes and
10 regulations enforced by the State Department of Health Care
11 Services, including regulations contained in Chapter 9
12 (commencing with Section 77001) of Division 5 of Title 22 of the
13 California Code of Regulations.

14 (3) The facility meets the definitions and requirements contained
15 in subdivisions (e) and (f) of Section 1861 of the federal Social
16 Security Act (42 U.S.C. Sec. 1395x(e) and (f)), including the
17 approval process specified in Section 1861(e)(7)(B) of the federal
18 Social Security Act (42 U.S.C. Sec. 1395x(e)(7)(B)), which
19 requires that the state agency responsible for licensing hospitals
20 ~~has assured~~ *ensured* that the facility meets licensing requirements.

21 (4) The facility meets the conditions of participation for hospitals
22 pursuant to Part 482 of Title 42 of the Code of Federal Regulations.

23 *SEC. 27. Section 1267.8 of the Health and Safety Code is*
24 *amended to read:*

25 1267.8. (a) An intermediate care facility/developmentally
26 disabled habilitative or an intermediate care
27 facility/developmentally disabled—nursing or a congregate living
28 health facility shall meet the same fire safety standards adopted
29 by the State Fire Marshal pursuant to Sections 13113, 13113.5,
30 13143, and 13143.6 that apply to community care facilities, as
31 defined in Section 1502, of similar size and with residents of
32 similar age and ambulatory status. No other state or local
33 regulations relating to fire safety shall apply to these facilities and
34 the requirements specified in this section shall be uniformly
35 enforced by state and local fire authorities.

36 (b) An intermediate care facility/developmentally disabled
37 habilitative or an intermediate care facility/developmentally
38 disabled—nursing or a congregate living health facility shall meet
39 the same seismic safety requirements applied to community care
40 facilities of similar size with residents of similar age and

1 ambulatory status. No additional requirements relating to seismic
 2 safety shall apply to such facilities.

3 (c) Whether or not unrelated persons are living together, an
 4 intermediate care facility/developmentally disabled habilitative
 5 which serves six or fewer persons or an intermediate care
 6 facility/developmentally disabled—nursing which serves six or
 7 fewer persons or a congregate living health facility shall be
 8 considered a residential use of property for the purposes of this
 9 article. In addition, the residents and operators of the facility shall
 10 be considered a family for the purposes of any law or zoning
 11 ordinance ~~which~~ *that* is related to the residential use of property
 12 pursuant to this article.

13 **For**

14 (d) *For* the purposes of all local ordinances, an intermediate
 15 care facility/developmentally disabled habilitative ~~which~~ *that*
 16 serves six or fewer persons or an intermediate care
 17 facility/developmentally disabled—nursing ~~which~~ *that* serves six
 18 or fewer persons or a congregate living health facility shall not be
 19 included within the definition of a boarding house, rooming house,
 20 institution or home for the care of minors, the aged, or ~~the mentally~~
 21 ~~infirm~~, *persons with mental health disorders*, foster care home,
 22 guest home, rest home, ~~sanitarium, mental hygiene home,~~
 23 *community residence*, or other similar term ~~which~~ *that* implies that
 24 the intermediate care facility/developmentally disabled habilitative
 25 or intermediate care facility/developmentally disabled—nursing
 26 or a congregate living health facility is a business run for profit or
 27 differs in any other way from a single-family residence.

28 **This**

29 (e) *This* section does not forbid ~~any~~ a city, county, or other
 30 local public entity from placing restrictions on building heights,
 31 setback, lot dimensions, or placement of signs of an intermediate
 32 care facility/developmentally disabled habilitative ~~which~~ *that*
 33 serves six or fewer persons or an intermediate care
 34 facility/developmentally disabled—nursing ~~which~~ *that* serves six
 35 or fewer persons or a congregate living health facility as long as
 36 ~~such~~ *those* restrictions are identical to those applied to other
 37 single-family residences.

38 **This**

39 (f) *This* section does not forbid the application to an
 40 intermediate care facility/developmentally disabled habilitative or

1 an intermediate care facility/developmentally disabled—nursing
 2 or a congregate living health facility of any local ordinance ~~which~~
 3 *that* deals with health and safety, building standards, environmental
 4 impact standards, or any other matter within the jurisdiction of a
 5 local public entity, as long as that ordinance does not distinguish
 6 intermediate care facility/developmentally disabled habilitative
 7 ~~which~~ *that* serves six or fewer persons or an intermediate care
 8 facility/developmentally ~~disabled—nursing~~ *ly* *facility/developmentally*
 9 disabled—nursing or a congregate living health facility from other
 10 single-family dwellings and that the ordinance does not distinguish
 11 residents of the intermediate care facility/developmentally disabled
 12 habilitative or intermediate care facility/developmentally
 13 disabled—nursing ~~which~~ *that* serves six or fewer persons or a
 14 congregate living health facility from persons who reside in other
 15 single-family dwellings.

16 ~~No~~

17 (g) *No* conditional use permit, zoning variance, or other zoning
 18 clearance shall be required of an intermediate care
 19 facility/developmentally disabled habilitative ~~which~~ *that* serves
 20 six or fewer persons or an intermediate care
 21 facility/developmentally disabled—nursing ~~which~~ *that* serves six
 22 or fewer persons or a congregate living health facility ~~which~~ *that*
 23 is not required of a single-family residence in the same zone.

24 ~~Use~~

25 (h) *Use* of a single-family dwelling for purposes of an
 26 intermediate care facility/developmentally disabled habilitative
 27 serving six or fewer persons or an intermediate care
 28 facility/developmentally disabled—nursing ~~which~~ *that* serves six
 29 or fewer persons or a congregate living health facility shall not
 30 constitute a change of occupancy for purposes of Part 1.5
 31 (commencing with Section 17910) of Division 13 or local building
 32 codes. However, nothing in this section supersedes Section 13143
 33 to the extent these provisions are applicable to intermediate care
 34 facility/developmentally disabled habilitative providing care for
 35 six or fewer residents or an intermediate care
 36 facility/developmentally disabled—nursing serving six or fewer
 37 persons or a congregate living health facility.

38 *SEC. 28. Section 1275.5 of the Health and Safety Code is*
 39 *amended to read:*

1 1275.5. (a) The regulations relating to the licensing of
2 hospitals, heretofore adopted by the State Department of Public
3 Health pursuant to former Chapter 2 (commencing with Section
4 1400) of Division 2, and in effect immediately prior to July 1,
5 1973, shall remain in effect and shall be fully enforceable with
6 respect to any hospital required to be licensed by this chapter,
7 unless and until the regulations are readopted, amended, or repealed
8 by the director.

9 (b) The regulations relating to private institutions receiving or
10 caring for ~~any mentally disordered persons, intellectually disabled~~
11 ~~persons, and other incompetent persons,~~ *persons with mental health*
12 *disorders, persons with developmental disabilities, and persons*
13 *who lack legal competence to make decisions* heretofore adopted
14 by the Department of Mental Hygiene pursuant to Chapter 1
15 (commencing with Section 7000) of Division 7 of the Welfare and
16 Institutions Code, and in effect immediately prior to July 1, 1973,
17 shall remain in effect and shall be fully enforceable with respect
18 to any facility, establishment, or institution for the reception and
19 care of ~~mentally disordered persons, intellectually disabled persons~~
20 ~~and other incompetent persons,~~ *persons with mental health*
21 *disorders, persons with developmental disabilities, and persons*
22 *who lack legal competence to make decisions* required to be
23 licensed by the provisions of this chapter unless and until ~~said~~
24 ~~those~~ regulations are readopted, amended, or repealed by the
25 director.

26 (c) (1) All regulations relating to the licensing of psychiatric
27 health facilities heretofore adopted by the State Department of
28 Health Services, pursuant to authority now vested in the State
29 Department of Health Care Services by Section 4080 of the Welfare
30 and Institutions Code, and in effect immediately preceding
31 September 20, 1988, shall remain in effect and shall be fully
32 enforceable by the State Department of Health Care Services with
33 respect to any facility or program required to be licensed as a
34 psychiatric health facility, unless and until readopted, amended,
35 or repealed by the Director of Health Care Services.

36 (2) The State Department of Health Care Services shall succeed
37 to and be vested with all duties, powers, purposes, functions,
38 responsibilities, and jurisdiction as they relate to licensing
39 psychiatric health facilities.

1 SEC. 29. Section 1276.5 of the Health and Safety Code is
2 amended to read:

3 1276.5. (a) The department shall adopt regulations setting
4 forth the minimum number of equivalent nursing hours per patient
5 required in skilled nursing and intermediate care facilities, subject
6 to the specific requirements of Section 14110.7 of the Welfare and
7 Institutions Code. However, notwithstanding Section 14110.7 or
8 any other ~~provision~~ of law, commencing January 1, 2000, the
9 minimum number of actual nursing hours per patient required in
10 a skilled nursing facility shall be 3.2 hours, except as provided in
11 Section 1276.9.

12 (b) (1) For the purposes of this section, “nursing hours” means
13 the number of hours of work performed per patient day by aides,
14 nursing assistants, or orderlies plus two times the number of hours
15 worked per patient day by registered nurses and licensed vocational
16 nurses (except directors of nursing in facilities of 60 or larger
17 capacity) and, in the distinct part of facilities and freestanding
18 facilities providing care for ~~the developmentally disabled or~~
19 ~~mentally disordered~~, *persons with developmental disabilities or*
20 *mental health disorders* by licensed psychiatric technicians who
21 perform direct nursing services for patients in skilled nursing and
22 intermediate care facilities, except when the skilled nursing and
23 intermediate care facility is licensed as a part of a state hospital,
24 and except that nursing hours for skilled nursing facilities means
25 the actual hours of work, without doubling the hours performed
26 per patient day by registered nurses and licensed vocational nurses.

27 (2) Concurrent with implementation of the first year of rates
28 established under the Medi-Cal Long Term Care Reimbursement
29 Act of 1990 (Article 3.8 (commencing with Section 14126) of
30 Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions
31 Code), for the purposes of this section, “nursing hours” means the
32 number of hours of work performed per patient day by aides,
33 nursing assistants, registered nurses, and licensed vocational nurses
34 (except directors of nursing in facilities of 60 or larger capacity)
35 and, in the distinct part of facilities and freestanding facilities
36 providing care for ~~the developmentally disabled or mentally~~
37 ~~disordered~~, *persons with developmental disabilities or mental*
38 *health disorders*, by licensed psychiatric technicians who
39 performed direct nursing services for patients in skilled nursing

1 and intermediate care facilities, except when the skilled nursing
2 and intermediate care facility is licensed as a part of a state hospital.

3 (c) Notwithstanding Section 1276, the department shall require
4 the utilization of a registered nurse at all times if the department
5 determines that the services of a skilled nursing and intermediate
6 care facility require the utilization of a registered nurse.

7 (d) (1) Except as otherwise provided by law, the administrator
8 of an intermediate care facility/developmentally disabled,
9 intermediate care facility/developmentally disabled habilitative,
10 or an intermediate care facility/developmentally disabled—nursing
11 shall be either a licensed nursing home administrator or a qualified
12 ~~mental retardation~~ *intellectual disability* professional as defined
13 in Section 483.430 of Title 42 of the Code of Federal Regulations.

14 (2) To qualify as an administrator for an intermediate care
15 facility for the developmentally disabled, a qualified—~~mental~~
16 ~~retardation~~ *intellectual disability* professional shall complete at
17 least six months of administrative training or demonstrate six
18 months of experience in an administrative capacity in a licensed
19 health facility, as defined in Section 1250, excluding those facilities
20 specified in subdivisions (e), (h), and (i).

21 *SEC. 30. Section 1276.9 of the Health and Safety Code is*
22 *amended to read:*

23 1276.9. (a) A special treatment program service unit distinct
24 part shall have a minimum 2.3 nursing hours per patient per day.

25 (b) For purposes of this section, “special treatment program
26 service unit distinct part” means an identifiable and physically
27 separate unit of a skilled nursing facility or an entire skilled nursing
28 facility that provides therapeutic programs to an identified—~~mentally~~
29 ~~disordered~~ *population group of persons with mental health*
30 *disorders.*

31 (c) For purposes of this section, “nursing hours” means the
32 number of hours of work performed per patient day by aides,
33 nursing assistants, or orderlies, plus two times the number of hours
34 worked per patient day by registered nurses and licensed vocational
35 nurses (except directors of nursing in facilities of 60 or larger
36 capacity), and, in the distinct part of facilities and freestanding
37 facilities providing care for—~~the developmentally disabled or~~
38 ~~mentally disordered~~, *persons with developmental disabilities or*
39 *mental health disorders*, by licensed psychiatric technicians who
40 perform direct nursing services for patients in skilled nursing and

1 intermediate care facilities, except when the skilled nursing and
2 intermediate care facility is licensed as a part of a state hospital.

3 (d) A special treatment program service unit distinct part shall
4 also have an overall average weekly staffing level of 3.2 hours per
5 patient per day, calculated without regard to the doubling of nursing
6 hours, as described in paragraph (1) of subdivision (b) of Section
7 1276.5, for the special treatment program service unit distinct part.

8 (e) The calculation of the overall staffing levels in these facilities
9 for the special treatment program service unit distinct part shall
10 include staff from all of the following categories:

- 11 (1) Certified nurse assistants.
- 12 (2) Licensed vocational nurses.
- 13 (3) Registered nurses.
- 14 (4) Licensed psychiatric technicians.
- 15 (5) Psychiatrists.
- 16 (6) Psychologists.
- 17 (7) Social workers.
- 18 (8) Program staff who provide rehabilitation, counseling, or
19 other therapeutic services.

20 *SEC. 31. Section 1505.5 of the Health and Safety Code is*
21 *amended to read:*

22 1505.5. (a) The director shall adopt regulations authorizing
23 residential facilities, as defined in Section 1502, to fill unused
24 capacity on a short-term, time-limited basis to provide temporary
25 respite care for ~~frail elderly persons, functionally impaired adults,~~
26 ~~or mentally disordered persons who are frail and elderly, adults~~
27 *with functional impairments, and persons with mental health*
28 *disorders* who need 24-hour supervision and who are being cared
29 for by a caretaker or caretakers. The regulations shall address
30 provisions for liability coverage and the level of facility
31 responsibility for routine medical care and medication management,
32 and may require screening of persons to determine the level of
33 care required, a physical history completed by the person's personal
34 physician, and other alternative admission criteria to protect the
35 health and safety of persons applying for respite care. The
36 regulations shall permit these facilities to charge a fee for services
37 provided, which shall include, but not be limited to, supervision,
38 room, leisure activities, and meals.

39 ~~No~~

1 (b) No facility shall accept persons in need of care beyond the
 2 level of care for which that facility is licensed.

3 SEC. 32. Section 1566.3 of the Health and Safety Code is
 4 amended to read:

5 1566.3. (a) Whether or not unrelated persons are living
 6 together, a residential facility that serves six or fewer persons shall
 7 be considered a residential use of property for the purposes of this
 8 article. In addition, the residents and operators of such a facility
 9 shall be considered a family for the purposes of any law or zoning
 10 ordinance ~~which~~ that relates to the residential use of property
 11 pursuant to this article.

12 (b) For the purpose of all local ordinances, a residential facility
 13 that serves six or fewer persons shall not be included within the
 14 definition of a boarding house, rooming house, institution or home
 15 for the care of minors, the aged, or ~~the mentally infirm,~~ persons
 16 with mental health disorders, foster care home, guest home, rest
 17 home, ~~sanitarium, mental hygiene home,~~ community residence, or
 18 other similar term ~~which~~ that implies that the residential facility
 19 is a business run for profit or differs in any other way from a family
 20 dwelling.

21 (c) This section shall not be construed to prohibit ~~any~~ a city,
 22 county, or other local public entity from placing restrictions on
 23 building heights, setback, lot dimensions, or placement of signs
 24 of a residential facility ~~which~~ that serves six or fewer persons as
 25 long as ~~such~~ those restrictions are identical to those applied to
 26 other family dwellings of the same type in the same zone.

27 (d) This section shall not be construed to prohibit the application
 28 to a residential care facility of any local ordinance that deals with
 29 health and safety, building standards, environmental impact
 30 standards, or any other matter within the jurisdiction of a local
 31 public entity if the ordinance does not distinguish residential care
 32 facilities ~~which~~ that serve six or fewer persons from other family
 33 dwellings of the same type in the same zone and if the ordinance
 34 does not distinguish residents of the residential care facilities from
 35 persons who reside in other family dwellings of the same type in
 36 the same zone. Nothing in this section shall be construed to limit
 37 the ability of a local public entity to fully enforce a local ordinance,
 38 including, but not limited to, the imposition of fines and other
 39 penalties associated with violations of local ordinances covered
 40 by this section.

1 (e) No conditional use permit, zoning variance, or other zoning
2 clearance shall be required of a residential facility ~~which~~ *that* serves
3 six or fewer persons ~~which~~ *that* is not required of a family dwelling
4 of the same type in the same zone.

5 (f) Use of a family dwelling for purposes of a residential facility
6 serving six or fewer persons shall not constitute a change of
7 occupancy for purposes of Part 1. 5 (commencing with Section
8 17910) of Division 13 or local building codes. However, nothing
9 in this section is intended to supersede Section 13143 or 13143.6,
10 to the extent such sections are applicable to residential facilities
11 providing care for six or fewer residents.

12 (g) For the purposes of this section, “family dwelling,” includes,
13 but is not limited to, single-family dwellings, units in multifamily
14 dwellings, including units in duplexes and units in apartment
15 dwellings, mobilehomes, including mobilehomes located in
16 mobilehome parks, units in cooperatives, units in condominiums,
17 units in townhouses, and units in planned unit developments.

18 *SEC. 33. Section 1568.0831 of the Health and Safety Code is*
19 *amended to read:*

20 1568.0831. (a) (1) Whether or not unrelated persons are living
21 together, a residential care facility ~~which~~ *that* serves six or fewer
22 persons shall be considered a residential use of property for the
23 purposes of this chapter. In addition, the residents and operators
24 of the facility shall be considered a family for the purposes of any
25 law or zoning ordinance ~~which~~ *that* relates to the residential use
26 of property pursuant to this chapter.

27 (2) For the purpose of all local ordinances, a residential care
28 facility ~~which~~ *that* serves six or fewer persons shall not be included
29 within the definition of a boarding house, rooming house,
30 institution, guest home, rest home, ~~sanitarium, mental hygiene~~
31 ~~home, community residence~~, or other similar term ~~which~~ *that*
32 implies that the residential care facility is a business run for profit
33 or differs in any other way from a family dwelling.

34 (3) This section shall not be construed to prohibit ~~any~~ *a* city,
35 county, or other local public entity from placing restrictions on
36 building heights, setback, lot dimensions, or placement of signs
37 of a residential care facility ~~which~~ *that* serves six or fewer persons
38 as long as the restrictions are identical to those applied to other
39 family dwellings of the same type in the same zone.

1 (4) This section shall not be construed to prohibit the application
 2 to a residential care facility of any local ordinance ~~which~~ *that* deals
 3 with health and safety, building standards, environmental impact
 4 standards, or any other matter within the jurisdiction of a local
 5 public entity if the ordinance does not distinguish residential care
 6 facilities ~~which~~ *that* serve six or fewer persons from other family
 7 dwellings of the same type in the same zone and if the ordinance
 8 does not distinguish residents of residential care facilities from
 9 persons who reside in other family dwellings of the same type in
 10 the same zone.

11 (5) No conditional use permit, zoning variance, or other zoning
 12 clearance shall be required of a residential care facility ~~which~~ *that*
 13 serves six or fewer persons ~~which~~ *that* is not required of a family
 14 dwelling of the same type in the same zone.

15 (6) Use of a family dwelling for purposes of a residential care
 16 facility serving six or fewer persons shall not constitute a change
 17 of occupancy for purposes of Part 1.5 (commencing with Section
 18 17910) of Division 13 or local building codes. However, nothing
 19 in this section is intended to supersede Section 13143 or 13143.6,
 20 to the extent these sections are applicable to residential care
 21 facilities serving six or fewer persons.

22 (b) No fire inspection clearance or other permit, license,
 23 clearance, or similar authorization shall be denied to a residential
 24 care facility because of a failure to comply with local ordinances
 25 from which the facilities are exempt under subdivision (a), provided
 26 that the applicant otherwise qualifies for the fire clearance, license,
 27 permit, or similar authorization.

28 (c) For the purposes of any contract, deed, or covenant for the
 29 transfer of real property executed on or after January 1, 1979, a
 30 residential care facility ~~which~~ *that* serves six or fewer persons shall
 31 be considered a residential use of property and a use of property
 32 by a single family, notwithstanding any disclaimers to the contrary.

33 (d) Nothing in this chapter shall authorize the imposition of rent
 34 regulations or controls for licensed residential care facilities.

35 (e) Licensed residential care facilities shall not be subject to
 36 controls on rent imposed by any state or local agency or other local
 37 government or entity.

38 *SEC. 34. Section 1569.5 of the Health and Safety Code is*
 39 *amended to read:*

1 1569.5. (a) The director shall adopt regulations authorizing
2 residential care facilities for the elderly, as defined in Section
3 1569.2, to fill unused capacity on a short-term, time-limited basis
4 to provide temporary respite care for ~~frail elderly persons,~~
5 ~~functionally impaired adults, or mentally disordered persons who~~
6 ~~are frail and elderly, adults who have functional impairments, or~~
7 ~~persons with mental health disorders~~ who need 24-hour supervision
8 and who are being cared for by a caretaker or caretakers. The
9 regulations shall address provisions for liability coverage and the
10 level of facility responsibility for routine medical care and
11 medication management, and may require screening of persons to
12 determine the level of care required, a physical history completed
13 by the person's personal physician, and other alternative admission
14 criteria to protect the health and safety of persons applying for
15 respite care. The regulations shall permit these facilities to charge
16 a fee for the services provided, which shall include, but not be
17 limited to, supervision, room, leisure activities, and meals.

18 (b) No facility shall accept persons in need of care beyond the
19 level of care for which that facility is licensed.

20 *SEC. 35. Section 1569.85 of the Health and Safety Code is*
21 *amended to read:*

22 1569.85. (a) Whether or not unrelated persons are living
23 together, a residential care facility for the elderly ~~which that~~ serves
24 six or fewer persons shall be considered a residential use of
25 property for the purposes of this article. In addition, the residents
26 and operators of the facility shall be considered a family for the
27 purposes of any law or zoning ordinance ~~which that~~ relates to the
28 residential use of property pursuant to this article.

29 ~~For~~

30 (b) ~~For~~ the purpose of all local ordinances, a residential care
31 facility for the elderly ~~which that~~ serves six or fewer persons shall
32 not be included within the definition of a boarding house, rooming
33 house, institution or home for the care of the aged, guest home,
34 rest home, ~~sanitarium, mental hygiene home, community residence,~~
35 or other similar term ~~which that~~ implies that the residential care
36 facility for the elderly is a business run for profit or differs in any
37 other way from a family dwelling.

38 ~~This~~

39 (c) ~~This~~ section shall not be construed to forbid ~~any~~ a city,
40 county, or other local public entity from placing restrictions on

1 building heights, setback, lot dimensions, or placement of signs
2 of a residential care facility for the elderly ~~which~~ that serves six
3 or fewer persons as long as the restrictions are identical to those
4 applied to other family dwellings of the same type in the same
5 zone.

6 ~~This~~

7 (d) This section shall not be construed to forbid the application
8 to a residential care facility for the elderly of any local ordinance
9 ~~which~~ that deals with health and safety, building standards,
10 environmental impact standards, or any other matter within the
11 jurisdiction of a local public entity if the ordinance does not
12 distinguish residential care facilities for the elderly ~~which~~ that
13 serve six or fewer persons from other family dwellings of the same
14 type in the same ~~zone~~; zone and if the ordinance does not
15 distinguish residents of the residential care facilities for the elderly
16 from persons who reside in other family dwellings of the same
17 type in the same zone.

18 ~~No~~

19 (e) No conditional use permit, zoning variance, or other zoning
20 clearance shall be required of a residential care facility for the
21 elderly ~~which~~ that serves six or fewer persons ~~which~~ that is not
22 required of a family dwelling of the same type in the same zone.

23 ~~Use~~

24 (f) Use of a family dwelling for purposes of a residential care
25 facility for the elderly serving six or fewer persons shall not
26 constitute a change of occupancy for purposes of Part 1.5
27 (commencing with Section 17910) of Division 13 or local building
28 codes. However, nothing in this section is intended to supersede
29 Section 13143 or 13143.6, to the extent these sections are
30 applicable to residential care facilities for the elderly providing
31 care for six or fewer residents.

32 ~~For~~

33 (g) For the purposes of this section, "family dwelling," includes,
34 but is not limited to, single-family dwellings, units in multifamily
35 dwellings, including units in duplexes and units in apartment
36 dwellings, mobilehomes, including mobilehomes located in
37 mobilehome parks, units in cooperatives, units in condominiums,
38 units in townhouses, and units in planned unit developments.

39 SEC. 36. Section 11812.6 of the Health and Safety Code is
40 amended to read:

1 11812.6. In addition to any other services authorized under
2 this chapter, the department shall urge the county to develop within
3 existing resources specific policies and procedures to address the
4 unique treatment problems presented by persons who are ~~both~~
5 ~~mentally disordered and~~ chemically dependent *and also have a*
6 *mental health disorder*. Priority may be given to developing
7 policies and procedures that relate to the diagnosis and treatment
8 of homeless persons who ~~are mentally disordered~~ *have mental*
9 *health disorders* and are chemically dependent.

10 *SEC. 37. Section 11834.23 of the Health and Safety Code is*
11 *amended to read:*

12 11834.23. (a) Whether or not unrelated persons are living
13 together, an alcoholism or drug abuse recovery or treatment facility
14 ~~which that~~ serves six or fewer persons shall be considered a
15 residential use of property for the purposes of this article. In
16 addition, the residents and operators of ~~such a~~ *the* facility shall be
17 considered a family for the purposes of any law or zoning ordinance
18 ~~which that~~ relates to the residential use of property pursuant to
19 this article.

20 **For**

21 (b) *For* the purpose of all local ordinances, an alcoholism or
22 drug abuse recovery or treatment facility ~~which that~~ serves six or
23 fewer persons shall not be included within the definition of a
24 boarding house, rooming house, institution or home for the care
25 of minors, the aged, or ~~the mentally infirm~~, *persons with mental*
26 *health disorders*, foster care home, guest home, rest home,
27 ~~sanitarium, mental hygiene home~~, *community residence*, or other
28 similar term ~~which that~~ implies that the alcoholism or drug abuse
29 recovery or treatment home is a business run for profit or differs
30 in any other way from a single-family residence.

31 **This**

32 (c) *This* section shall not be construed to forbid ~~any a~~ city,
33 county, or other local public entity from placing restrictions on
34 building heights, setback, lot dimensions, or placement of signs
35 of an alcoholism or drug abuse recovery or treatment facility ~~which~~
36 *that* serves six or fewer persons as long as the restrictions are
37 identical to those applied to other single-family residences.

38 **This**

39 (d) *This* section shall not be construed to forbid the application
40 to an alcoholism or drug abuse recovery or treatment facility of

1 any local ordinance~~which~~ *that* deals with health and safety,
 2 building standards, environmental impact standards, or any other
 3 matter within the jurisdiction of a local public entity. However,
 4 the ordinance shall not distinguish alcoholism or drug abuse
 5 recovery or treatment facilities~~which~~ *that* serve six or fewer
 6 persons from other single-family dwellings or distinguish residents
 7 of alcoholism or drug abuse recovery or treatment facilities from
 8 persons who reside in other single-family dwellings.

9 ~~No~~

10 (e) *No* conditional use permit, zoning variance, or other zoning
 11 clearance shall be required of an alcoholism or drug abuse recovery
 12 or treatment facility~~which~~ *that* serves six or fewer persons that is
 13 not required of a single-family residence in the same zone.

14 ~~Use~~

15 (f) *Use* of a single-family dwelling for purposes of an
 16 alcoholism or drug abuse recovery facility serving six or fewer
 17 persons shall not constitute a change of occupancy for purposes
 18 of Part 1.5 (commencing with Section 17910) of Division 13 or
 19 local building codes. However, nothing in this section is intended
 20 to supersede Section 13143 or 13143.6, to the extent those sections
 21 are applicable to alcoholism or drug abuse recovery or treatment
 22 facilities serving six or fewer residents.

23 *SEC. 38. Section 13113 of the Health and Safety Code is*
 24 *amended to read:*

25 13113. (a) Except as otherwise provided in this section, a
 26 person, firm, or corporation shall not establish, maintain, or operate
 27 a hospital, children’s home, children’s nursery, or institution, home
 28 or institution for the care of ~~aged or senile persons, sanitarium or~~
 29 ~~institution for insane persons or persons with intellectual~~
 30 ~~disabilities, people who are elderly, persons with mental health~~
 31 ~~disorders or intellectual disabilities,~~ or nursing or convalescent
 32 home, wherein more than six guests or patients are housed or cared
 33 for on a 24-hour-per-day basis unless there is installed and
 34 maintained in an operable condition in every building, or portion
 35 thereof where patients or guests are housed, an automatic sprinkler
 36 system approved by the State Fire Marshal.

37 (b) This section ~~does~~ *shall* not apply to homes or institutions
 38 for the 24-hour-per-day care of ambulatory children if all of the
 39 following conditions are satisfied:

1 (1) The buildings, or portions thereof where children are housed,
2 are not more than two stories in height and are constructed and
3 maintained in accordance with regulations adopted by the State
4 Fire Marshal pursuant to Section 13143 and building standards
5 published in the California Building Standards Code.

6 (2) The buildings, or portions thereof housing more than six
7 children, shall have installed and maintained in an operable
8 condition therein a fire alarm system of a type approved by the
9 State Fire Marshal. The system shall be activated by detectors
10 responding to invisible products of combustion other than heat.

11 (3) The buildings or portions thereof do not house ~~mentally ill~~
12 children *with mental health disorders* or children with intellectual
13 disabilities.

14 (c) This section ~~does~~ *shall* not apply to any one-story building
15 or structure of an institution or home for the care of the aged
16 providing 24-hour-per-day care if the building or structure is used
17 or intended to be used for the housing of no more than six
18 ambulatory aged persons. However, the buildings or institutions
19 shall have installed and maintained in an operable condition therein
20 a fire alarm system of a type approved by the State Fire Marshal.
21 The system shall be activated by detectors responding to products
22 of combustion other than heat.

23 (d) This section does not apply to occupancies, or any alterations
24 thereto, located in type I construction, as defined by the State Fire
25 Marshal, under construction or in existence on March 4, 1972.

26 (e) “Under construction,” as used in this section, means that
27 actual work shall have been performed on the construction site
28 and shall not be construed to mean that the hospital, home, nursery,
29 institution, sanitarium, or a portion thereof, is in the planning stage.

30 *SEC. 39. Section 36130 of the Health and Safety Code is*
31 *amended to read:*

32 36130. The directors of the following departments of state
33 government shall designate or arrange for the designation of local
34 liaison personnel to assist each of the Model Cities programs in
35 the state:

- 36 Department of Corrections *and Rehabilitation*
- 37 Department of Education
- 38 Department of Health Care Services
- 39 Department of Housing and Community Development
- 40 Department of Human Resources Development

1 Department of Industrial Relations
 2 ~~Department of Mental Hygiene~~
 3 State Department of Public Health
 4 Department of Public Works
 5 Department of Rehabilitation
 6 Department of Social Welfare Services
 7 ~~Department of the Youth Authority~~ Department of Corrections
 8 and Rehabilitation, Division of Juvenile Facilities

9 SEC. 40. Section 50680 of the Health and Safety Code is
 10 amended to read:

11 50680. (a) The Legislature finds and declares that recent
 12 deemphasis of programs of institutional care for ~~the~~
 13 ~~developmentally disabled, the mentally disordered, and the~~
 14 ~~physically disabled persons with developmental and physical~~
 15 ~~disabilities and persons with mental health disorders~~ has resulted
 16 in participation by many of those persons in programs of
 17 rehabilitation, education, and social services within the community.
 18 Because of the outpatient status of persons enrolled in those
 19 programs, there is a need to provide housing for them ~~which that~~
 20 will aid in accomplishment and maintenance of the objectives of
 21 those programs, thereby minimizing the numbers of
 22 ~~developmentally disabled, mentally disordered, and physically~~
 23 ~~disabled persons with developmental and physical disabilities and~~
 24 ~~persons with mental health disorders~~ in public institutions and
 25 improving the quality of life for those persons. In order to assist
 26 in providing the variety of living arrangements required for ~~such~~
 27 ~~this~~ purpose, it is necessary that the state cooperate with cities,
 28 counties, cities and counties, and nonprofit corporations in
 29 obtaining federal housing subsidies therefor.

30 It
 31 (b) It is the intent of the Legislature in enacting this chapter to
 32 vest in the department authority to obtain federal housing subsidies
 33 for housing for persons requiring supportive services, as defined
 34 in this part.

35 SEC. 41. Section 50684 of the Health and Safety Code is
 36 amended to read:

37 50684. As used in this chapter, ~~“mentally disordered”~~ “persons
 38 with a mental health disorder” means a person who is affected by
 39 a mental health disorder rendering the ~~affected person individual~~
 40 eligible to participate in programs of rehabilitation, education, or

1 social services conducted by or on behalf of a public agency, ~~and~~
2 ~~also means persons affected by such a mental disorder.~~

3 *SEC. 42. Section 50685.5 of the Health and Safety Code is*
4 *amended to read:*

5 50685.5. As used in this chapter, “persons requiring supportive
6 services” means persons who are eligible to receive housing
7 assistance pursuant to federal law because of financial inability to
8 provide adequate housing for themselves or persons dependent
9 upon them, who are or will be participating in programs of
10 rehabilitation, education, or social services, and who meet any of
11 the following criteria:

12 (a) The person shall have been determined to ~~be developmentally~~
13 ~~disabled~~, *have a developmental disability*, but not ~~requiring to~~
14 *require* institutional care, by the State Department of
15 Developmental Services, a regional center established pursuant to
16 Section 4620 of the Welfare and Institutions Code, or by the
17 designated representative thereof.

18 (b) The person shall have been determined to ~~be mentally~~
19 ~~disordered~~, *have a mental health disorder*, but not ~~requiring to~~
20 *require* institutional care, by a local director of mental health
21 services, by the State Department of Health Care Services, or by
22 the designated representatives thereof.

23 (c) The person shall have been determined to ~~be physically~~
24 ~~disabled~~ *have a physical disability* by the Department of
25 Rehabilitation or by the designated representatives thereof.

26 *SEC. 43. Section 50688 of the Health and Safety Code is*
27 *amended to read:*

28 50688. The Legislature finds and declares that proper housing
29 serves as a stabilizing factor and is an important facet of any
30 program designed to rehabilitate ~~mentally disordered,~~
31 ~~developmentally disabled, and physically disabled~~ persons *with*
32 *mental and physical disabilities and persons who have mental*
33 *health disorders* and that the disruption of continued occupancy
34 in a dwelling could cause a setback in treatment in particular cases.
35 It is, therefore, the intent of the Legislature that persons who have
36 received housing under a program established pursuant to Section
37 50680 shall be allowed to continue to receive rental housing
38 assistance payments subsidies after termination of participation in
39 a public program of rehabilitation, education, or social services if

1 the persons meet the criteria established by federal regulations
2 governing low-rent housing programs.

3 *SEC. 44. Section 50689 of the Health and Safety Code is*
4 *amended to read:*

5 50689. (a) It is the intent of the Legislature in enacting this
6 section to provide housing assistance for ~~the developmentally or~~
7 ~~physically disabled, and mentally disordered persons with~~
8 *developmental and physical disabilities and persons with mental*
9 *health disorders where ~~such~~ that assistance is for the purpose of*
10 *providing a transition from an institutional to an independent*
11 *setting, and where that assistance is administered in the context of*
12 *ongoing local programs leading to rehabilitation and independence.*

13 (b) The department shall establish a program for the purpose of
14 housing assistance for ~~the physically or developmentally disabled,~~
15 ~~or mentally disordered persons with developmental and physical~~
16 *disabilities and persons with mental health disorders.* The
17 department shall contract with local agencies or nonprofit
18 corporations incorporated pursuant to Part 1 (commencing with
19 Section 9000) of Division 2 of Title 1 of the Corporations Code
20 ~~which that~~ provide supportive services for ~~such those~~ individuals,
21 where those services are designed to provide a transition to
22 independent living. The local agencies or nonprofit corporation
23 shall ensure that recipients of housing assistance are income
24 qualified under guidelines for programs of the federal Department
25 of Housing and Urban Development under Section 8 of the United
26 States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437(f)),
27 and shall not contract for housing ~~which that~~ exceeds ~~such those~~
28 guidelines for fair market rents for the Section 8 program. Public
29 and private agencies participating in the program established
30 pursuant to this section shall be those whose program philosophies
31 and activities conform substantially to the principles of community
32 living under Chapter 12 (commencing with Section 4830) of
33 Division 4.5, community residential treatment under Chapter 5
34 (commencing with Section 5450) of Part 1 of Division 5, and
35 independent living under Chapter 8 (commencing with Section
36 19800) of Part 2 of Division 10, of the Welfare and Institutions
37 Code.

38 (c) ~~Any~~ A local agency ~~making application~~ *applying to the*
39 *department* for housing assistance payments ~~to the department~~
40 shall, in its application, explain how the housing assistance

1 payments are part of its ongoing programs to establish independent
2 living for its ~~disabled~~ clientele. The department, in reviewing these
3 applications, may consult with the Department of Developmental
4 Disabilities, the State Department of Health Care Services, and
5 the Department of Rehabilitation.

6 (d) In order to receive housing assistance payments for ~~any~~ a
7 specific structure pursuant to the provisions of this section, the
8 local agency or nonprofit corporation shall not contract for rental
9 of more than 12 units, or for rental of space for more than 24
10 persons, in the structure. No individual shall remain in a payment
11 assisted unit for more than 18 months.

12 *SEC. 45. Section 10235.8 of the Insurance Code is amended*
13 *to read:*

14 10235.8. No policy may be delivered or issued for delivery in
15 this state as long-term care insurance if the policy limits or excludes
16 coverage by type of illness, treatment, medical condition, or
17 accident, except as to the following:

18 (a) Preexisting conditions or diseases.

19 (b) Alcoholism and drug addiction.

20 (c) Illness, treatment, or a medical condition arising out of any
21 of the following:

22 (1) War or act of war, whether declared or undeclared.

23 (2) Participation in a felony, riot, or insurrection.

24 (3) Service in the armed forces or units auxiliary thereto.

25 (4) Suicide, whether ~~sane or insane~~ or not the person had mental
26 capacity to control what he or she was doing, attempted suicide,
27 or intentionally self-inflicted injury.

28 (5) Aviation in the capacity of a non-fare-paying passenger.

29 (d) Treatment provided in a government facility, unless
30 otherwise required by law, services for which benefits are available
31 under Medicare or other governmental programs (except Medi-Cal
32 or medicaid), ~~any~~ state or federal workers' compensation,
33 employer's liability or occupational disease law, or ~~any~~ a motor
34 vehicle no fault law, services provided by a member of the covered
35 person's immediate family, and services for which no charge is
36 normally made in the absence of insurance.

37 ~~This~~

38 (e) *This* section does not prohibit exclusions and limitations by
39 type of provider or territorial limitations.

40 *SEC. 46. Section 4662 of the Labor Code is amended to read:*

1 4662. (a) Any of the following permanent disabilities shall
2 be conclusively presumed to be total in character:

- 3 (a)
- 4 (1) Loss of both eyes or the sight thereof.
- 5 (b)
- 6 (2) Loss of both hands or the use thereof.
- 7 (c)
- 8 (3) An injury resulting in a practically total paralysis.
- 9 (d)
- 10 (4) An injury to the brain resulting in ~~incurable permanent~~
11 ~~mental incapacity or insanity.~~

12 ~~In~~
13 (b) In all other cases, permanent total disability shall be
14 determined in accordance with the fact.

15 SEC. 47. Section 2672 of the Penal Code is amended to read:

16 2672. (a) For purposes of this article, "informed consent"
17 means that a person must knowingly and intelligently, without
18 duress or coercion, and clearly and explicitly manifest his consent
19 to the proposed organic therapy to the attending physician.

20 (b) A person confined shall not be deemed incapable of informed
21 consent solely by virtue of being diagnosed ~~as a mentally ill,~~
22 ~~disordered, abnormal or mentally defective person with a mental~~
23 ~~health disorder.~~

24 (c) A person confined shall be deemed incapable of informed
25 consent if ~~such~~ the person cannot understand, or knowingly and
26 intelligently act upon, the information specified in Section 2673.

27 (d) A person confined shall be deemed incapable of informed
28 consent if, for any reason, he *or she* cannot manifest his *or her*
29 consent to the attending physician.

30 SEC. 48. Section 11151 of the Penal Code is amended to read:

31 11151. Within five days after release of a person convicted of
32 arson from an institution under the jurisdiction of the ~~Department~~
33 ~~of Mental Hygiene~~ State Department of State Hospitals, the
34 Director of ~~Mental Hygiene~~ State Hospitals shall send the notice
35 provided in Section 11150.

36 SEC. 49. Section 9201 of the Probate Code is amended to read:

37 9201. (a) Notwithstanding any other statute, if a claim of a
38 public entity arises under a law, act, or code listed in subdivision
39 (b):

1 (1) The public entity may provide a form to be used for the
2 written notice or request to the public entity required by this
3 chapter. Where appropriate, the form may require the decedent’s
4 social security number, if known.

5 (2) The claim is barred only after written notice or request to
6 the public entity and expiration of the period provided in the
7 applicable section. If no written notice or request is made, the
8 claim is enforceable by the remedies, and is barred at the time,
9 otherwise provided in the law, act, or code.

10 (b)

11 Law, Act, or Code	12 Applicable Section
13 Sales and Use Tax Law (com- 14 mencing with Section 6001 of 15 the Revenue and Taxation 16 Code)	17 Section 6487.1 of the Revenue 18 and Taxation Code
19 Bradley–Burns Uniform Local 20 Sales and Use Tax Law (com- 21 mencing with Section 7200 of 22 the Revenue and Taxation 23 Code)	24 Section 6487.1 of the Revenue 25 and Taxation Code
26 Transactions and Use Tax Law 27 (commencing with Section 7251 28 of the Revenue and Taxation 29 Code)	30 Section 6487.1 of the Revenue 31 and Taxation Code
32 Motor Vehicle Fuel License Tax Law 33 (commencing with Section 34 7301 of the Revenue and Taxa- 35 tion Code)	36 Section 7675.1 of the Revenue 37 and Taxation Code
38 Use Fuel Tax Law (commencing 39 with Section 8601 of the Reve- 40 nue and Taxation Code)	41 Section 8782.1 of the Revenue and 42 Taxation Code
43 Administration of Franchise and 44 Income Tax Law (commencing 45 with Section 18401 of the Reve- 46 nue and Taxation Code)	47 Section 19517 of the Revenue 48 and Taxation Code
49 Cigarette Tax Law (commenc- 50 ing with Section 30001 of the Revenue and Taxation Code)	51 Section 30207.1 of the Reve- 52 nue and Taxation Code

1	Alcoholic Beverage Tax Law	Section 32272.1 of the Reve-
2	(commencing with Section	nuce and Taxation Code
3	32001 of the Revenue and Taxa-	
4	tion Code)	
5	Unemployment Insurance Code	Section 1090 of the Unemploy-
6		ment Insurance Code
7	State Hospitals for the Mentally	Section 7277.1 of the Welfare
8	Disordered (commencing with	and Institutions Code
9	Section 7200 of the Welfare and	
10	Institutions Code)	
11	Medi-Cal Act (commencing	Section 9202 of the Probate
12	with Section 14000 of the Wel-	Code
13	fare and Institutions Code)	
14	Waxman-Duffy Prepaid Health	Section 9202 of the Probate
15	Plan Act (commencing with Sec-	Code
16	tion 14200 of the Welfare and	
17	Institutions Code)	

18
19 *SEC. 50. Section 19201 of the Probate Code is amended to*
20 *read:*

21 19201. (a) Notwithstanding any other statute, if a claim of a
22 public entity arises under a law, act, or code listed in subdivision
23 (b):

24 (1) The public entity may provide a form to be used for the
25 written notice or request to the public entity required by this
26 chapter. Where appropriate, the form may require the decedent's
27 social security number, if known.

28 (2) The claim is barred only after written notice or request to
29 the public entity and expiration of the period provided in the
30 applicable section. If no written notice or request is made, the
31 claim is enforceable by the remedies, and is barred at the time,
32 otherwise provided in the law, act, or code.

33 (b)

34	Law, Act, or Code	Applicable Section
35	Sales and Use Tax Law	Section 6487.1 of the Revenue and
36	(commencing with Section 6001 of	Taxation Code
37	the Revenue and Taxation Code)	
38		
39		

1	Bradley–Burns Uniform Local Sales	Section 6487.1 of the Revenue and
2	and Use Tax Law (commencing with	Taxation Code
3	Section 7200 of the Revenue and	
4	Taxation Code)	
5		
6	Transactions and Use Tax Law	Section 6487.1 of the Revenue and
7	(commencing with Section 7251 of	Taxation Code
8	the Revenue and Taxation Code)	
9		
10	Motor Vehicle Fuel License Tax Law	Section 7675.1 of the Revenue and
11	(commencing with Section 7301 of	Taxation Code
12	the Revenue and Taxation Code)	
13		
14	Use Fuel Tax Law (commencing	Section 8782.1 of the Revenue and
15	with Section 8601 of the Revenue	Taxation Code
16	and Taxation Code)	
17		
18	Administration of Franchise and	Section 19517 of the Revenue and
19	Income Tax Law (commencing with	Taxation Code
20	Section 18401 of the Revenue and	
21	Taxation Code)	
22		
23	Cigarette Tax Law (commencing	Section 30207.1 of the Revenue and
24	with Section 30001 of the Revenue	Taxation Code
25	and Taxation Code)	
26		
27	Alcoholic Beverage Tax Law	Section 32272.1 of the Revenue and
28	(commencing with Section 32001 of	Taxation Code
29	the Revenue and Taxation Code)	
30		
31	Unemployment Insurance Code	Section 1090 of the Unemployment
32		Insurance Code
33		
34	State Hospitals— for the Mentally	Section 7277.1 of the Welfare and
35	Disordered (commencing with	Institutions Code
36	Section 7200 of the Welfare and	
37	Institutions Code)	
38		

1 Medi-Cal Act (commencing with Section 9202 of the Probate Code
2 Section 14000 of the Welfare and
3 Institutions Code)

4
5 Waxman-Duffy Prepaid Health Plan Section 9202 of the Probate Code
6 Act (commencing with Section
7 14200 of the Welfare and Institutions
8 Code)

9
10 *SEC. 51. Section 734 of the Public Utilities Code is amended*
11 *to read:*

12 734. When complaint has been made to the commission
13 concerning ~~any~~ a rate for ~~any~~ a product or commodity furnished
14 or service performed by ~~any~~ a public utility, and the commission
15 has found, after investigation, that the public utility has charged
16 an unreasonable, excessive, or discriminatory amount therefor in
17 violation of any of the provisions of this part, the commission may
18 order that the public utility make due reparation to the complainant
19 therefor, with interest from the date of collection if no
20 discrimination will result from ~~such~~ that reparation. No order for
21 the payment of reparation upon the ground of unreasonableness
22 shall be made by the commission ~~in any instance wherein~~ when
23 the rate in question has, by formal finding, been declared by the
24 commission to be reasonable, and no assignment of a reparation
25 claim shall be recognized by the commission except assignments
26 by operation of law as in cases of death, ~~insanity~~, lack of legal
27 capacity to make decisions, bankruptcy, receivership, or order of
28 court.

29 *SEC. 52. Section 5301 of the Streets and Highways Code is*
30 *amended to read:*

31 5301. If ~~any~~ a lot or parcel of land belonging to the United
32 States, or to the ~~State~~ state, or to ~~any~~ a county, city, public agent,
33 mandatory of the government, school board, educational, penal or
34 reform institution, or ~~institution for the feeble minded or the insane,~~
35 *facility for the housing of persons with developmental or*
36 *intellectual disabilities or mental health disorders* is in use in the
37 performance of ~~any~~ a public function, and is included within the
38 district to be assessed to pay the costs and expenses thereof, the
39 legislative body may, in the resolution of intention, declare that
40 ~~such~~ the lots or parcels of land, or any of them, shall be omitted

1 from the assessment thereafter to be made to cover the costs and
2 expenses of the work.

3 *SEC. 53. Section 18014 of the Streets and Highways Code is*
4 *amended to read:*

5 18014. If ~~any~~ lots or parcels of land belonging to the United
6 States, ~~or to this State~~ *state*, or to ~~any~~ a county, city, public agency,
7 mandatory of the government, school board, educational, penal or
8 reform institution, or ~~institution for the feebleminded or the insane~~
9 *facility for housing of persons with developmental or intellectual*
10 *disabilities or mental health disorders* are in use in the performance
11 of ~~any~~ a public function and are included within the assessment
12 district, the city council may, in the resolution of intention, declare
13 that ~~such~~ *the* lots or parcels of land, or any of them, shall be omitted
14 from the assessment thereafter to be made to cover the costs and
15 expenses of the improvement. If the lots or parcels of land, or any
16 of them, are omitted from the assessment by the resolution, the
17 total cost and expense of all work done shall be assessed on the
18 remaining lots lying within the limits of the assessment district,
19 without regard to ~~such~~ *the* omitted lots or parcels of land. If the
20 city declares in the resolution of intention that ~~said~~ *the* lots or
21 parcels of land, or any of them, shall be included in the assessment,
22 or if no declaration is made respecting ~~such~~ *the* lots or parcels of
23 land, or any of them, the city shall be liable for ~~such~~ *the* sums ~~as~~
24 ~~may~~ thereafter be assessed against ~~such~~ *the* lots or parcels of land,
25 and ~~such~~ *the* sums shall be payable by the city out of the general
26 fund unless the city council ~~shall~~, in its resolution of intention
27 ~~designate~~, *designates* another fund. However, ~~any such sums which~~
28 ~~sums that~~ may be assessed against ~~any such~~ *those* lots or parcels
29 of ~~land~~, *land* shall not be payable by the city when ~~such~~ *those* sums
30 are paid by the owner of or the governing body controlling ~~such~~
31 *the* lots or parcels of land.

32 *SEC. 54. Section 18395 of the Streets and Highways Code is*
33 *amended to read:*

34 18395. Whenever ~~any~~ a lot or parcel of land belonging to the
35 United States or to the ~~State of California~~ *state*, or to ~~any~~ a county,
36 city, public agent, mandatory of the government, school board,
37 educational, penal or reform institution, or ~~institution for the~~
38 ~~feeble-minded or the insane~~ *facility for the housing of persons with*
39 *developmental or intellectual disabilities or mental health disorders*
40 and being in use in the performance of ~~any~~ a public function abuts

1 the public ~~streets~~, *streets* in which street lighting systems are
 2 located and are to be improved under the proceedings, the city
 3 council may, by resolution adopted prior to the levy of ~~any~~ *an*
 4 installment assessment, declare that the ~~said~~ lots or parcels of land
 5 or any of them shall be omitted from the installment assessments
 6 thereafter to be levied to cover the costs and expenses of the
 7 improvement.

8 *SEC. 55. Section 35466 of the Streets and Highways Code is*
 9 *amended to read:*

10 35466. ~~Any~~ *A* lot or parcel of land in ~~any~~ *a* public use belonging
 11 to the state or to ~~any~~ *a* county, city, district, or other public
 12 corporation, public agent, mandatory of the government, school
 13 board, educational, ~~penal~~, *penal* or reform institution, or ~~institution~~
 14 ~~for the feebleminded or insane~~, *facility for the housing of persons*
 15 *with developmental or intellectual disabilities or mental health*
 16 *disorders* in use in the performance of a public function and lying
 17 within the district is not subject to assessment unless the consent
 18 of its governing body to the assessment is filed with the legislative
 19 body at or prior to the confirmation of the assessment. ~~If such that~~
 20 consent is filed, the land is subject to assessment in the same
 21 manner as other land within the district.

22 ~~SEC. 3.~~

23 *SEC. 56. Section 26306 of the Water Code is amended to read:*

24 26306. The provisions of Sections 26304 and 26305 shall not
 25 apply in the following cases:

- 26 (a) Where the assessments for which the property was sold were
 27 paid before the sale.
- 28 (b) Where the property was redeemed after the sale.
- 29 (c) Where the land was not subject to assessment at the time it
 30 was assessed.
- 31 (d) Where no assessments were due on the land at the time of
 32 the sale.
- 33 (e) Where fraud is established.
- 34 (f) Where the deed is void on its face.
- 35 (g) Where the owner of the land was, at the time of the sale, a
 36 minor or a person who lacked mental capacity, in which case the
 37 earliest time that the statute of limitations begins to run is when
 38 the disability is removed.
- 39 (h) In an action described in Section 26304 or 26305 based on
 40 the alleged ineffectiveness of the collector's deed to convey the

1 title to minerals or to oil, gas or other hydrocarbon substances
2 which was held by one or more persons other than the owner of
3 the land on the date of the assessment for which the property was
4 sold.

5 *SEC. 57. Section 1752.6 of the Welfare and Institutions Code*
6 *is amended to read:*

7 1752.6. The director may, with the approval of the Director of
8 General Services, enter into contracts with colleges, universities,
9 and other organizations for the purposes of research in the field of
10 delinquency and crime prevention and of training special workers,
11 including teachers, institution employees, probation and parole
12 officers, social workers and others engaged, whether as volunteers
13 or for compensation, and whether part time or full time, in the
14 fields of education, recreation, mental hygiene, health, and
15 treatment and prevention of delinquency.

16 *SEC. 58. Section 1756 of the Welfare and Institutions Code is*
17 *amended to read:*

18 1756. Notwithstanding any other ~~provision of~~ law, if, in the
19 opinion of the Chief Deputy Secretary for the Division of Juvenile
20 Justice, the rehabilitation of ~~any mentally disordered, or~~
21 ~~developmentally disabled~~ a person with a mental health disorder
22 or a developmental disability who is confined in a state correctional
23 school may be expedited by treatment at one of the state hospitals
24 under the jurisdiction of the State Department of State Hospitals
25 or the State Department of Developmental Services, the Chief
26 Deputy Secretary for the Division of Juvenile Justice shall certify
27 that fact to the director of the appropriate department who may
28 authorize receipt of the person at one of the hospitals for care and
29 treatment. Upon notification from the director that the person will
30 no longer benefit from further care and treatment in the state
31 hospital, the Chief Deputy Secretary for the Division of Juvenile
32 Justice shall immediately send for, take, and receive the person
33 back into a state correctional school. ~~Any~~ A person placed in a
34 state hospital under this section who is committed to the authority
35 shall be released from the hospital upon termination of his or her
36 commitment unless a petition for detention of that person is filed
37 under the provisions of Part 1 (commencing with Section 5000)
38 of Division 5.

39 *SEC. 59. Section 4011 of the Welfare and Institutions Code is*
40 *amended to read:*

1 4011. (a) The State Department of Health Care Services has
 2 jurisdiction over the execution of the laws relating to the care,
 3 custody, and treatment of ~~mentally-disordered~~ persons *with mental*
 4 *health disorders* only to the extent and in the manner provided in
 5 this code. The State Department of State Hospitals shall have
 6 jurisdiction over the execution of the laws relating to care and
 7 treatment of ~~the mentally-ill individuals~~ *persons with mental health*
 8 *disorders* under the custody of the State Department of State
 9 Hospitals.

10 As

11 (b) As used in this division, “establishment” and “institution”
 12 include every hospital, ~~sanitarium~~, boarding home, or other place
 13 receiving or caring for ~~mentally-disordered~~ persons *with mental*
 14 *health disorders*.

15 *SEC. 60. Section 4016 of the Welfare and Institutions Code is*
 16 *amended to read:*

17 4016. In every place in which a ~~mentally-disordered~~ person
 18 *with a mental health disorder* may be involuntarily held, the
 19 persons confined therein shall be permitted access to, and
 20 examination or inspection of, copies of this code.

21 *SEC. 61. Section 4021 of the Welfare and Institutions Code is*
 22 *amended to read:*

23 4021. (a) When the department has reason to believe that ~~any~~
 24 *a person held in custody as ~~mentally-disordered~~ as having a mental*
 25 *health disorder* is wrongfully deprived of his *or her* liberty, or is
 26 cruelly or negligently treated, or that inadequate provision is made
 27 for the skillful medical care, proper supervision, and safekeeping
 28 of ~~any such~~ *that* person, it may ascertain the facts. It may issue
 29 compulsory process for the attendance of witnesses and the
 30 production of papers, and may exercise the powers conferred upon
 31 a referee in a superior court. It may make such orders for the care
 32 and treatment of such person as it deems proper.

33 (b) Whenever the department undertakes an investigation into
 34 the general management and administration of ~~any~~ *an* establishment
 35 or place of detention for ~~the mentally-disordered~~, *persons with*
 36 *mental health disorders*, it may give notice of ~~such~~ *that*
 37 investigation to the Attorney General, who shall appear personally
 38 or by deputy, to examine witnesses in attendance and to assist the
 39 department in the exercise of the powers conferred upon it in this
 40 code.

1 *SEC. 62. Section 4022 of the Welfare and Institutions Code is*
2 *amended to read:*

3 4022. When complaint is made to the department regarding
4 the officers or management of ~~any a~~ hospital or institution for ~~the~~
5 ~~mentally disordered,~~ *persons with mental health disorders,* or
6 regarding the management of ~~any a~~ person detained therein or
7 regarding ~~any a~~ person held in custody as ~~mentally disordered,~~
8 *having a mental health disorder,* the department may, before
9 making an examination regarding ~~such the~~ complaint, require it
10 to be made in writing and sworn to before an officer authorized to
11 administer oaths. On receipt of such a complaint, sworn to if so
12 required, the department shall direct that a copy of the complaint
13 be served on the authorities of the hospital or institution or the
14 person against whom complaint is made, together with notice of
15 the time and place of the investigation, as the department directs.

16 *SEC. 63. Section 4042 of the Welfare and Institutions Code is*
17 *amended to read:*

18 4042. The State Department of State Hospitals shall cooperate
19 and coordinate with other state and local agencies engaged in
20 research and evaluation studies. Effort shall be made to coordinate
21 with research, evaluation, and demonstration efforts of local mental
22 health programs, state hospitals serving ~~the mentally disordered,~~
23 *persons with mental health disorders,* the Department of
24 Rehabilitation, the State Department of Developmental Services,
25 the State Department of Health Care Services, universities, and
26 other special projects conducted or contracted for by the State
27 Department of State Hospitals.

28 *SEC. 64. Section 4080 of the Welfare and Institutions Code is*
29 *amended to read:*

30 4080. (a) Psychiatric health facilities, as defined in Section
31 1250.2 of the Health and Safety Code, shall only be licensed by
32 the State Department of Health Care Services subsequent to
33 application by counties, county contract providers, or other
34 organizations pursuant to this part.

35 (b) (1) For counties or county contract providers that choose
36 to apply, the local mental health director shall first present to the
37 local mental health advisory board for its review an explanation
38 of the need for the facility and a description of the services to be
39 provided. The local mental health director shall then submit to the
40 governing body the explanation and description. The governing

1 body, upon its approval, may submit the application to the State
2 Department of Health Care Services.

3 (2) Other organizations that will be applying for licensure and
4 do not intend to use any Bronzan-McCorquodale funds pursuant
5 to Section 5707 shall submit to the local mental health director
6 and the governing body in the county in which the facility is to be
7 located a written and dated proposal of the services to be provided.
8 The local mental health director and governing body shall have
9 30 days during which to provide ~~any~~ advice and recommendations
10 regarding licensure, as they deem appropriate. At any time after
11 the 30-day period, the organizations may then submit their
12 applications, along with the mental health director's and governing
13 body's advice and recommendations, if any, to the State
14 Department of Health Care Services.

15 (c) The State Fire Marshal and other appropriate state agencies,
16 to the extent required by law, shall cooperate fully with the State
17 Department of Health Care Services to ensure that the State
18 Department of Health Care Services approves or disapproves the
19 licensure applications not later than 90 days after the application
20 submission by a county, county contract provider, or other
21 organization.

22 (d) Every psychiatric health facility and program for which a
23 license has been issued shall be periodically inspected by a
24 multidisciplinary team appointed or designated by the State
25 Department of Health Care Services. The inspection shall be
26 conducted no less than once every two years and as often as
27 necessary to ensure the quality of care provided. During the
28 inspections the review team shall offer ~~such~~ advice and assistance
29 to the psychiatric health facility as it deems appropriate.

30 (e) (1) The program aspects of a psychiatric health facility that
31 shall be reviewed and may be approved by the State Department
32 of Health Care Services shall include, but not be limited to:

- 33 (A) Activities programs.
- 34 (B) Administrative policies and procedures.
- 35 (C) Admissions, including provisions for a mental evaluation.
- 36 (D) Discharge planning.
- 37 (E) Health records content.
- 38 (F) Health records services.
- 39 (G) Interdisciplinary treatment teams.
- 40 (H) Nursing services.

- 1 (I) Patient rights.
- 2 (J) Pharmaceutical services.
- 3 (K) Program space requirements.
- 4 (L) Psychiatrist and clinical psychological services.
- 5 (M) Rehabilitation services.
- 6 (N) Restraint and seclusion.
- 7 (O) Social work services.
- 8 (P) Space, supplies, and equipment.
- 9 (Q) Staffing standards.
- 10 (R) Unusual occurrences.
- 11 (S) Use of outside resources, including agreements with general
- 12 acute care hospitals.
- 13 (T) Linguistic access and cultural competence.
- 14 (U) Structured outpatient services to be provided under special
- 15 permit.
- 16 (2) The State Department of Health Care Services has the sole
- 17 authority to grant program flexibility.
- 18 (f) Commencing July 1, 2013, the State Department of Health
- 19 Care Services may adopt regulations regarding psychiatric health
- 20 facilities that shall include, but not be limited to, all of the
- 21 following:
- 22 (1) Procedures by which the State Department of Health Care
- 23 Services shall review and may approve the program and facility
- 24 requesting licensure as a psychiatric health facility as being in
- 25 compliance with program standards established by the department.
- 26 (2) Procedures by which the Director of Health Care Services
- 27 shall approve, or deny approval of, the program and facility
- 28 licensed as a psychiatric health facility pursuant to this section.
- 29 (3) Provisions for site visits by the State Department of Health
- 30 Care Services for the purpose of reviewing a facility's compliance
- 31 with program and facility standards.
- 32 (4) Provisions for the State Department of Health Care Services
- 33 for any administrative proceeding regarding denial, suspension,
- 34 or revocation of a psychiatric health facility license.
- 35 (5) Procedures for the appeal of an administrative finding or
- 36 action pursuant to paragraph (4) of this subdivision and subdivision
- 37 (j).
- 38 (g) Regulations may be adopted by the State Department of
- 39 Health Care Services that establish standards for pharmaceutical
- 40 services in psychiatric health facilities. Licensed psychiatric health

1 facilities shall be exempt from requirements to obtain a separate
2 pharmacy license or permit.

3 (h) (1) It is the intent of the Legislature that the State
4 Department of Health Care Services shall license the facility in
5 order to establish innovative and more competitive and specialized
6 acute care services.

7 (2) The State Department of Health Care Services shall review
8 and may approve the program aspects of public or private facilities,
9 with the exception of those facilities that are federally certified or
10 accredited by a nationally recognized commission that accredits
11 health care facilities, only if the average per diem charges or costs
12 of service provided in the facility is approximately 60 percent of
13 the average per diem charges or costs of similar psychiatric services
14 provided in a general hospital.

15 (3) (A) When a private facility is accredited by a nationally
16 recognized commission that accredits health care facilities, the
17 State Department of Health Care Services shall review and may
18 approve the program aspects only if the average per diem charges
19 or costs of service provided in the facility do not exceed
20 approximately 75 percent of the average per diem charges or costs
21 of similar psychiatric service provided in a psychiatric or general
22 hospital.

23 (B) When a private facility serves county patients, the State
24 Department of Health Care Services shall review and may approve
25 the program aspects only if the facility is federally certified by the
26 federal Centers for Medicare and Medicaid Services and serves a
27 population mix that includes a proportion of Medi-Cal patients
28 sufficient to project an overall cost savings to the county, and the
29 average per diem charges or costs of service provided in the facility
30 do not exceed approximately 75 percent of the average per diem
31 charges or costs of similar psychiatric service provided in a
32 psychiatric or general hospital.

33 (4) When a public facility is federally certified by the federal
34 Centers for Medicare and Medicaid Services and serves a
35 population mix that includes a proportion of Medi-Cal patients
36 sufficient to project an overall program cost savings with
37 certification, the State Department of Health Care Services shall
38 approve the program aspects only if the average per diem charges
39 or costs of service provided in the facility do not exceed
40 approximately 75 percent of the average per diem charges or costs

1 of similar psychiatric service provided in a psychiatric or general
2 hospital.

3 (5) (A) The State Department of Health Care Services may set
4 a lower rate for private or public facilities than that required by
5 paragraph (3) or (4), if so required by the federal Centers for
6 Medicare and Medicaid Services as a condition for the receipt of
7 federal matching funds.

8 (B) This section does not impose any obligation on any private
9 facility to contract with a county for the provision of services to
10 Medi-Cal beneficiaries, and any contract for that purpose is subject
11 to the agreement of the participating facility.

12 (6) (A) In using the guidelines specified in this subdivision,
13 the State Department of Health Care Services shall take into
14 account local conditions affecting the costs or charges.

15 (B) In those psychiatric health facilities authorized by special
16 permit to offer structured outpatient services not exceeding 10
17 daytime hours, the following limits on per diem rates shall apply:

18 (i) The per diem charge for patients in both a morning and an
19 afternoon program on the same day shall not exceed 60 percent of
20 the facility's authorized per diem charge for inpatient services.

21 (ii) The per diem charge for patients in either a morning or
22 afternoon program shall not exceed 30 percent of the facility's
23 authorized per diem charge for inpatient services.

24 (i) The licensing fees charged for these facilities shall be credited
25 to the State Department of Health Care Services for its costs
26 incurred in the review of psychiatric health facility programs, in
27 connection with the licensing of these facilities.

28 (j) (1) The State Department of Health Care Services shall
29 establish a system for the imposition of prompt and effective civil
30 sanctions against psychiatric health facilities in violation of the
31 laws and regulations of this state pertaining to psychiatric health
32 facilities. If the State Department of Health Care Services
33 determines that there is or has been a failure, in a substantial
34 manner, on the part of a psychiatric health facility to comply with
35 the laws and regulations, the Director of Health Care Services may
36 impose the following sanctions:

37 (A) Cease and desist orders.

38 (B) Monetary sanctions, which may be imposed in addition to
39 the penalties of suspension, revocation, or cease and desist orders.
40 The amount of monetary sanctions permitted to be imposed

1 pursuant to this subparagraph shall not be less than fifty dollars
2 (\$50) nor more than one hundred dollars (\$100) multiplied by the
3 licensed bed capacity, per day, for each violation. However, the
4 monetary sanction shall not exceed three thousand dollars (\$3,000)
5 per day. A facility that is assessed a monetary sanction under this
6 subparagraph, and that repeats the deficiency, may, in accordance
7 with the regulations adopted pursuant to this subdivision, be subject
8 to immediate suspension of its license until the deficiency is
9 corrected.

10 (2) The State Department of Health Care Services may adopt
11 regulations necessary to implement this subdivision and paragraph
12 (5) of subdivision (f) in accordance with the Administrative
13 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
14 Part 1 of Division 3 of Title 2 of the Government Code).

15 (k) Proposed changes in the standards or regulations affecting
16 health facilities that serve ~~the mentally disordered~~ *persons with*
17 *mental health disorders* shall be effected only with the review and
18 coordination of the California Health and Human Services Agency.

19 (l) In psychiatric health facilities where the clinical director is
20 not a physician, a psychiatrist, or if one is temporarily not available,
21 a physician shall be designated who shall direct those medical
22 treatments and services that can only be provided by, or under the
23 direction of, a physician.

24 *SEC. 65. Section 4109.5 of the Welfare and Institutions Code*
25 *is amended to read:*

26 4109.5. (a) Whenever the department proposes the closure of
27 a state hospital, it shall submit as part of the Governor's proposed
28 budget to the Legislature a complete program, to be developed
29 jointly by the State Department of State Hospitals and the county
30 in which the state hospital is located, for absorbing as many of the
31 staff of the hospital into the local mental health programs as may
32 be needed by the county. Those programs shall include a
33 redefinition of occupational positions, if necessary, and a
34 recognition by the counties of licensed psychiatric technicians for
35 treatment of ~~the mentally disordered, developmentally disabled,~~
36 *persons with developmental disabilities, persons with mental health*
37 *disorders*, drug abusers, and alcoholics.

38 (b) The Director of State Hospitals shall submit all plans for the
39 closure of state hospitals as a report with the department's budget.
40 This report shall include all of the following:

- 1 (1) The land and buildings affected.
- 2 (2) The number of patients affected.
- 3 (3) Alternative plans for patients presently in the facilities.
- 4 (4) Alternative plans for patients who would have been served
- 5 by the facility assuming it was not closed.
- 6 (5) A joint statement of the impact of the closure by the
- 7 department and affected local treatment programs.
- 8 (c) These plans may be submitted to the Legislature until April
- 9 1 of each budget year. ~~Any plans~~ *Plans* submitted after that date
- 10 shall not be considered until the fiscal year following that in which
- 11 ~~it is being considered~~ *was submitted*.
- 12 (d) The plan shall not be placed into effect unless the Legislature
- 13 specifically approves the plan.
- 14 (e) This section shall not apply to the proposed closure of a
- 15 developmental center.

16 *SEC. 66. Section 4119 of the Welfare and Institutions Code is*

17 *amended to read:*

18 4119. (a) The State Department of State Hospitals shall

19 investigate and examine all nonresident persons residing in ~~any a~~

20 state hospital ~~for the mentally disordered~~ and shall cause these

21 persons, when found to be nonresidents as defined in this chapter,

22 to be promptly and humanely returned under proper supervision

23 to the states in which they have legal residence. The department

24 may defer that action by reason of a patient's medical condition.

25 ~~Prior~~

26 (b) *Prior* to returning the judicially committed nonresident to

27 his or her proper state of residency, the department shall do either

28 of the following:

29 ~~(a)~~

30 (1) Obtain the written consent of the prosecuting attorney of

31 the committing county, the judicially committed nonresident

32 person, and the attorney of record for the judicially committed

33 nonresident person.

34 ~~(b)~~

35 (2) In the department's discretion request a hearing in the

36 superior court of the committing county requesting a judicial

37 determination of the proposed transfer, notify the court that the

38 state of residence has agreed to the transfer, and file the

39 department's recommendation with a report explaining the reasons

40 for its recommendation.

1 ~~The~~

2 (c) ~~The~~ court shall give notice of ~~such a~~ *the* hearing to the
3 prosecuting attorney, the judicially committed nonresident person,
4 the attorney of record for the judicially committed nonresident
5 person, and the department, no less than 30 days before the hearing.
6 At the hearing, the prosecuting attorney and the judicially
7 committed nonresident person may present evidence bearing on
8 the intended transfer. After considering all evidence presented, the
9 court shall determine whether the intended transfer is in the best
10 interest of, and for the proper protection of, the nonresident person
11 and the public. The court shall use the same procedures and
12 standard of proof as used in conducting probation revocation
13 hearings pursuant to Section 1203.2 of the Penal Code.

14 ~~For~~

15 (d) ~~For~~ the purpose of facilitating the prompt and humane return
16 of ~~such these~~ persons, the State Department of State Hospitals may
17 enter into reciprocal agreements with the proper boards,
18 commissions, or officers of other states or political subdivision
19 thereof for the mutual exchange or return of persons residing in
20 any state hospital ~~for the mentally disordered~~ in one state whose
21 legal residence is in the other, and it may in these reciprocal
22 agreements vary the period of residence as defined in this chapter
23 to meet the requirements or laws of the other states.

24 ~~The~~

25 (e) ~~The~~ department may give written permission for the return
26 of ~~any a~~ resident of this state confined in a public institution in
27 another state, corresponding to ~~any a~~ state hospital ~~for the mentally~~
28 ~~disordered~~ of this state. When a resident is returned to this state
29 pursuant to this chapter, he or she may be admitted as a voluntary
30 patient to ~~any an~~ institution of the department as designated by
31 the Director of State Hospitals. If he or she ~~is mentally disordered~~
32 *has a mental health disorder* and is a danger to himself or herself
33 or others, or he or she is gravely disabled, he or she may be
34 detained and given care and services in accordance with the
35 provisions of Part 1 (commencing with Section 5000) of Division
36 5.

37 ~~SEC. 67. Section 4120 of the Welfare and Institutions Code is~~
38 ~~amended to read:~~

39 4120. (a) Except as otherwise provided in this section, in
40 determining residence for purposes of being entitled to

1 hospitalization in this state and for purposes of returning patients
2 to the states of their residence, an adult person who has lived
3 continuously in this state for a period of one year and who has not
4 acquired residence in another state by living continuously therein
5 for at least one year subsequent to his residence in this state shall
6 be deemed to be a resident of this state. Except as otherwise
7 provided in this section a minor is entitled to hospitalization in
8 this state if the parent or guardian or conservator having custody
9 of the minor has lived continuously in this state for a period of one
10 year and has not acquired residence in another state by living
11 continuously therein for at least one year subsequent to his
12 residence in this state. ~~Such~~ The parent, guardian, or conservator
13 shall be deemed a resident of this state for the purposes of this
14 section, and ~~such~~ the minor shall be eligible for hospitalization in
15 this state as a ~~mentally disordered~~ person *with a mental health*
16 *disorder*. The eligibility of ~~such~~ the minor for hospitalization in
17 this state ceases when ~~such~~ the parent, guardian, or conservator
18 ceases to be a resident of this state and ~~such~~ the minor shall be
19 transferred to the state of residence of the parent, guardian, or
20 conservator in accordance with the applicable provisions of this
21 code. Time spent in a public institution for the care of ~~the mentally~~
22 ~~disordered or developmentally disabled~~ *persons with developmental*
23 *disabilities or mental health disorders*, or on leave of absence
24 therefrom, shall not be counted in determining the matter of
25 residence in this or another state.

26 **Residence**

27 (b) *Residence* acquired in this or in another state shall not be
28 lost by reason of military service in the ~~armed forces~~ *Armed Forces*
29 of the United States.

30 *SEC. 68. Section 4121 of the Welfare and Institutions Code is*
31 *amended to read:*

32 4121. (a) All expenses incurred in returning these persons to
33 other states shall be paid by this state, the person, or his or her
34 relatives, but the expense of returning residents of this state shall
35 be borne by the states making the returns.

36 ~~The~~

37 (b) *The* cost and expense incurred in effecting the transportation
38 of these nonresident persons to the states in which they have
39 residence shall be advanced from the funds appropriated for that
40 purpose, or, if necessary, from the money appropriated for the care

1 of ~~delinquent or mentally disordered~~ persons *who are delinquent*
 2 *or have mental health disorders.*

3 *SEC. 69. Section 4132 of the Welfare and Institutions Code is*
 4 *amended to read:*

5 4132. (a) It is hereby declared that the provisions of this code
 6 reflect the concern of the Legislature that ~~mentally disordered~~
 7 persons *with mental health disorders* are to be regarded as patients
 8 to be provided care and treatment and not as inmates of institutions
 9 for the purposes of secluding them from the rest of the public.

10 ~~Whenever~~

11 (b) *Whenever* any provision of this code heretofore or hereafter
 12 enacted uses the term “inmate,” it shall be construed to mean
 13 “patient.”

14 ~~SEC. 4.~~

15 *SEC. 70. Section 4135 of the Welfare and Institutions Code is*
 16 *amended to read:*

17 4135. The petition for commitment of a person as a mentally
 18 abnormal sex offender, the reports, the court orders, and other
 19 court documents filed in the court in connection therewith shall
 20 not be open to inspection by any other than the parties to the
 21 proceeding, the attorneys for the party or parties, and the State
 22 Department of State Hospitals, except upon the written authority
 23 of a judge of the superior court of the county in which the
 24 proceedings were had.

25 Records of the supervision, care, and treatment given to a person
 26 committed to the State Department of State Hospitals as a mentally
 27 abnormal sex offender shall not be open to the inspection of any
 28 person not in the employ of the department or of the state hospital,
 29 except that a judge of the superior court may by order permit
 30 examination of those records.

31 *SEC. 71. Section 4136 of the Welfare and Institutions Code is*
 32 *amended to read:*

33 4136. (a) Each patient in a state hospital ~~for the mentally~~
 34 ~~disordered~~ who has resided in the state hospital for a period of at
 35 least 30 days shall be paid an amount of aid for his or her personal
 36 and incidental needs that, when added to his or her income, equals
 37 twelve dollars and fifty cents (\$12.50) per month. If a patient elects
 38 to do so, a patient may save all or any portion of his or her monthly
 39 amount of aid provided for personal and incidental needs for
 40 expenditure in subsequent months.

1 (b) Each indigent patient in a state hospital ~~for the mentally~~
2 ~~disordered~~ shall be allotted sufficient materials for one letter each
3 week, including postage in an amount not to exceed the cost of
4 one stamp for first-class mail for a one-ounce letter, at no cost to
5 the patient.

6 (c) Each newly admitted patient, for the first 30 days after his
7 or her initial admission, shall be allotted sufficient materials for
8 two letters each week, including postage for first-class mail for up
9 to two one-ounce letters per week. The hospital administrator shall
10 ensure that additional writing materials and postage are available
11 for purchase by patients at the store or canteen on hospital grounds.

12 (d) For purposes of this section, "indigent patient" means ~~any~~
13 a patient whose income is no more than twelve dollars and fifty
14 cents (\$12.50) per month.

15 *SEC. 72. Section 4200 of the Welfare and Institutions Code is*
16 *amended to read:*

17 4200. (a) Each state hospital under the jurisdiction of the State
18 Department of State Hospitals shall have a hospital advisory board
19 of eight members appointed by the Governor from a list of
20 nominations submitted to him or her by the boards of supervisors
21 of counties within each hospital's designated service area. If a state
22 hospital provides services for both ~~the mentally disordered persons~~
23 *with mental health disorders* and ~~the developmentally disabled,~~
24 *persons with developmental disabilities*, there shall be a separate
25 advisory board for the program provided ~~the mentally disordered~~
26 *to persons with mental health disorders* and a separate board for
27 the program provided ~~the developmentally disabled to persons~~
28 *with developmental disabilities*. To the extent feasible, an advisory
29 board serving a hospital for ~~the mentally disordered persons with~~
30 *mental health disorders* shall consist of one member who has been
31 a patient in a state ~~mental~~ hospital and two members shall be the
32 parents, spouse, siblings, or adult children of persons who are or
33 have been patients in a state ~~mental~~ hospital, three representatives
34 of different professional disciplines selected from primary user
35 counties for patients under Part 1 (commencing with Section 5000)
36 of Division 5, and two representatives of the general public who
37 have demonstrated an interest in services to ~~the mentally disordered~~
38 *people with mental health disorders*.

39 (b) Of the members first appointed after the operative date of
40 the amendments made to this section during the 1975-76 legislative

1 session, one shall be appointed for a term of two years, and one
 2 for three years. Thereafter, each appointment shall be for the term
 3 of three years, except that an appointment to fill a vacancy shall
 4 be for the unexpired term only. No person shall be appointed to
 5 serve more than a maximum of two terms as a member of the
 6 board.

7 (c) Notwithstanding any provision of this section, members
 8 serving on the hospital advisory board on the operative date of the
 9 amendments made to this section during the 1987–88 legislative
 10 session, may continue to serve on the board until the expiration of
 11 their term. The Legislature intends that changes in the composition
 12 of the board required by these amendments apply to future
 13 vacancies on the board.

14 *SEC. 73. Section 4202.5 of the Welfare and Institutions Code*
 15 *is amended to read:*

16 4202.5. (a) The chairman of a hospital advisory board advising
 17 a hospital for ~~the mentally disordered~~ *persons with mental health*
 18 *disorders* shall meet annually with the hospital director, the
 19 community mental health directors, and the chairmen of the mental
 20 health advisory boards representing counties within the hospital’s
 21 designated service area.

22 (b) The chairmen shall be allowed necessary expenses incurred
 23 in attending ~~such~~ *these* meetings.

24 (c) It is the intent of the Legislature that the department assist
 25 the development of annual regional meetings required by this
 26 section.

27 *SEC. 74. Section 4240 of the Welfare and Institutions Code is*
 28 *amended to read:*

29 4240. The Legislature finds and declares all of the following:

30 (a) The symptoms and behaviors of persons with serious mental
 31 *health* disorders may cause severe disruption of normal family
 32 relationships.

33 (b) Families are often the principal caregivers, housing
 34 providers, and case managers for family members with serious
 35 mental *health* disorders.

36 (c) Families of persons with serious mental *health* disorders
 37 more often than not have little or no legal authority over their adult
 38 ~~mentally disordered~~ *and family members with mental health*
 39 *disorders who are* sometimes difficult to ~~manage family members~~
 40 ~~and consequently~~ *manage. Consequently, they* need advice, skills,

1 emotional support, and guidance to cope with the stressful burden
2 of caregiving in order to be effective and helpful.

3 (d) Involved families are of inestimable value to the publicly
4 funded and professionally operated state and county mental health
5 system and programs emphasizing self-help can be the best way
6 to assist families in maintaining the cohesion of family life while
7 caring for and assisting a ~~mentally disordered~~ family member *with*
8 *a mental health disorder*.

9 (e) Since the state's mental health resources are limited and are
10 increasingly being directed on a priority basis toward provision of
11 services to persons with serious mental *health* disorders, informed
12 and active families helping one another can effectively extend and
13 amplify the value of state mental health dollars.

14 *SEC. 75. Section 4241 of the Welfare and Institutions Code is*
15 *amended to read:*

16 4241. (a) It is the intent of the Legislature, by this chapter, to
17 support an organized program of self-help in which families
18 exchange information, advice, and emotional support to enable
19 them to maintain and strengthen family life and secure or provide
20 more effective treatment, care, and rehabilitation for ~~mentally~~
21 ~~disordered~~ family members *with mental health disorders*.

22 (b) It is further the intent of the Legislature to utilize an existing
23 organized statewide network of families, who have ~~mentally~~
24 ~~disordered~~ family members *with mental health disorders*, as a
25 means of delivering the services designated in this chapter.

26 *SEC. 76. Section 4243 of the Welfare and Institutions Code is*
27 *amended to read:*

28 4243. (a) All funds appropriated for the purposes of this
29 chapter shall be used to contract with an organization to establish
30 a statewide network of families who have ~~mentally disordered~~
31 family members *with mental health disorders* for the purpose of
32 providing information, advice, support, and other assistance to
33 these families.

34 (b) A request for proposal shall be issued seeking applicants
35 who are capable of supplying the services specified in Section
36 4244. The respondent organizations shall demonstrate that they:

37 (1) Focus their activities exclusively on ~~the seriously mentally~~
38 ~~disordered persons with serious mental health disorders~~.

1 (2) Have experience in successfully working with state agencies,
2 including, but not limited to, the State Department of State
3 Hospitals.

4 (3) Have the ability to reach and involve the target population
5 as active members.

6 (4) Have proven experience providing structured self-help
7 services that benefit the target population.

8 (5) Have experience holding statewide and local conferences
9 to educate families and professionals regarding the needs of ~~the~~
10 ~~mentally disordered~~ *persons with mental health disorders*.

11 (6) Have the financial and organizational structure and
12 experience to manage the funds provided under the proposed
13 contract.

14 *SEC. 77. Section 4244 of the Welfare and Institutions Code is*
15 *amended to read:*

16 4244. The Director of State Hospitals shall enter into a contract
17 with the successful bidder to provide services ~~which~~ *that* shall
18 include, but not be necessarily limited to, all of the following:

19 (a) Production and statewide dissemination of information to
20 families regarding methods of obtaining and evaluating services
21 needed by ~~mentally disordered~~ family members *with mental health*
22 *disorders*.

23 (b) Provision of timely advice, counseling, and other supportive
24 services to assist families in coping with emotional stress and to
25 enable them to care for or otherwise assist ~~mentally disordered~~
26 family members *with mental disorders*.

27 (c) Organizing family self-help services in local communities,
28 accessible to families throughout the state.

29 (d) Conducting training programs for mental health practitioners
30 and college and university students to inform current and future
31 mental health professionals of the needs of families and methods
32 of utilizing family resources to assist ~~mentally disordered~~ clients
33 *with mental health disorders*.

34 *SEC. 78. Section 4304 of the Welfare and Institutions Code is*
35 *amended to read:*

36 4304. The primary purpose of a state hospital is the medical
37 and nursing care of patients ~~who are mentally disordered with~~
38 *mental health disorders*. The efforts and direction of the officers
39 and employees of each state hospital shall be directed to this end.

1 *SEC. 79. Section 4308 of the Welfare and Institutions Code is*
2 *amended to read:*

3 4308. (a) If a vacancy occurs in a hospital under the
4 jurisdiction of the Director of State Hospitals, he or she shall
5 appoint, as provided in Section 4301, a clinical director, a hospital
6 administrator, a hospital director, and program directors.

7 (b) A hospital administrator shall be a college graduate,
8 preferably with an advanced degree in hospital, business, or public
9 administration and shall have had experience in this area. He or
10 she shall receive a salary that is competitive with other private and
11 public mental hospital administrators.

12 (c) A clinical director for a state hospital ~~for the mentally~~
13 ~~disordered~~ shall be a physician who has passed, or shall pass, an
14 examination for a license to practice medicine in California and
15 shall be a qualified specialist in a branch of medicine that includes
16 diseases affecting the brain and nervous system. The clinical
17 director for ~~any~~ a state hospital shall be well qualified by training
18 or experience to have proven skills in mental hospital program
19 administration.

20 (d) The hospital director shall be either the hospital administrator
21 or the clinical director. He or she shall be selected based on his or
22 her overall knowledge of the hospital, its programs, and its
23 relationship to its community, and on his or her demonstrated
24 abilities to administer a large facility.

25 (e) The standards for the professional qualifications of a program
26 director shall be established by the Director of State Hospitals for
27 each patient program. The director shall not adopt ~~any~~ regulations
28 that prohibit a licensed psychiatrist, psychologist, psychiatric
29 technician, or clinical social worker from employment in a patient
30 program in any professional, administrative, or technical position;
31 provided, however, that the program director of a medical-surgical
32 unit shall be a licensed physician.

33 (f) If the program director is not a physician, a physician shall
34 be available to assume responsibility for all those acts of diagnosis,
35 treatment, or prescribing or ordering of drugs that may only be
36 performed by a licensed physician.

37 *SEC. 80. Section 4320 of the Welfare and Institutions Code is*
38 *amended to read:*

39 4320. To ensure an adequate supply of licensed psychiatric
40 technicians for state hospitals ~~for the mentally disordered~~, the State

1 Department of State Hospitals, to the extent necessary, shall
 2 establish in state hospitals ~~for the mentally disordered~~ a course of
 3 study and training equivalent, as determined by the Board of
 4 Vocational Nursing and Psychiatric Technicians of the State of
 5 California, to the minimum requirements of an accredited program
 6 for psychiatric technicians in the state. No unlicensed psychiatric
 7 technician trainee shall be permitted to perform the duties of a
 8 licensed psychiatric technician as provided by Section 4502 of the
 9 Business and Professions Code unless the trainee performs the
 10 duties pursuant to a plan of supervision approved by the Board of
 11 Vocational Nursing and Psychiatric Technicians of the State of
 12 California as part of the equivalency trainee program. This section
 13 shall not be construed to reduce the effort presently expended by
 14 the community college system or private colleges in training
 15 psychiatric technicians.

16 *SEC. 81. Section 4410 of the Welfare and Institutions Code is*
 17 *amended to read:*

18 4410. With the approval of the Department of General Services
 19 and for use in the furtherance of the work of the State Department
 20 of Developmental Services, the director may accept any or all of
 21 the following:

- 22 (a) Grants of interest in real property.
- 23 (b) Grants of money received by this state from the United
 24 States, the expenditure of which is administered through or under
 25 the direction of any department of this state.
- 26 (c) Gifts of money from public agencies or from persons,
 27 organizations, or associations interested in scientific, educational,
 28 charitable, or mental ~~hygiene~~ *health* fields.

29 *SEC. 82. Section 4417 of the Welfare and Institutions Code is*
 30 *amended to read:*

31 4417. (a) The State Department of Developmental Services
 32 may:

- 33 ~~(a)~~
- 34 (1) Disseminate educational information relating to the
 35 prevention, diagnosis and treatment of ~~intellectual disability~~
 36 *persons with intellectual disabilities.*
- 37 ~~(b)~~
- 38 (2) Upon request, advise all public officers, organizations and
 39 agencies interested in the developmental disabilities of the people
 40 of the state.

1 (e)
2 (3) Conduct educational and related work that will tend to
3 encourage the development of proper ~~developmental disabilities~~
4 facilities *for persons with developmental disabilities* throughout
5 the state.

6 ~~The~~
7 (b) *The* department may organize, establish, and maintain
8 community mental ~~hygiene~~ *health* clinics for the prevention, early
9 diagnosis, and treatment of intellectual disability. These clinics
10 may be maintained only for persons not requiring institutional
11 care, who voluntarily seek the aid of the clinics. These clinics may
12 be maintained at the locations in the communities of the state
13 designated by the director, or at any institution under the
14 jurisdiction of the department designated by the director.

15 ~~The~~
16 (c) *The* department may establish rules and regulations that are
17 necessary to carry out this section. This section does not authorize
18 any form of compulsory medical or physical examination,
19 treatment, or control of any person.

20 *SEC. 83. Section 4440 of the Welfare and Institutions Code is*
21 *amended to read:*

22 4440. The department has jurisdiction over the following
23 institutions:

- 24 Agnews State Hospital.
- 25 Camarillo State Hospital.
- 26 Fairview State Hospital.
- 27 Frank D. Lanterman State Hospital.
- 28 Porterville State Hospital.
- 29 Sonoma State Hospital.
- 30 ~~Stockton State Hospital.~~

31 *SEC. 84. Section 4681.1 of the Welfare and Institutions Code*
32 *is amended to read:*

33 4681.1. (a) The department shall adopt regulations that specify
34 rates for community care facilities serving persons with
35 developmental disabilities. The implementation of the regulations
36 shall be contingent upon an appropriation in the annual Budget
37 Act for this purpose. These rates shall be calculated on the basis
38 of a cost model designed by the department ~~which~~ *that* ensures
39 that aggregate facility payments support the provision of services
40 to each person in accordance with his or her individual program

1 plan and applicable program requirements. The cost model shall
2 reflect cost elements that shall include, but are not limited to, all
3 of the following:

4 (1) “Basic living needs” include utilities, furnishings, food,
5 supplies, incidental transportation, housekeeping, personal care
6 items, and other items necessary to ensure a quality environment
7 for persons with developmental disabilities. The amount identified
8 for the basic living needs element of the rate shall be calculated
9 as the average projected cost of these items in an economically
10 and efficiently operated community care facility.

11 (2) “Direct care” includes salaries, wages, benefits, and other
12 expenses necessary to supervise or support the person’s functioning
13 in the areas of self-care and daily living skills, physical
14 coordination mobility, and behavioral self-control, choice making,
15 and integration. The amount identified for direct care shall be
16 calculated as the average projected cost of providing the level of
17 service required to meet each person’s functional needs in an
18 economically and efficiently operated community care facility.
19 The direct care portion of the rate shall reflect specific service
20 levels defined by the department on the basis of relative resident
21 need and the individual program plan.

22 (3) “Special services” include specialized training, treatment,
23 supervision, or other services ~~which~~ *that* a person’s individual
24 program plan requires to be provided by the residential facility in
25 addition to the direct care provided under paragraph (2). The
26 amount identified for special services shall be calculated for each
27 individual based on the additional services specified in the person’s
28 individual program plan and the prevailing rates paid for similar
29 services in the area. The special services portion of the rate shall
30 reflect a negotiated agreement between the facility and the regional
31 center in accordance with Section 4648.

32 (4) “Indirect costs” include managerial personnel, facility
33 operation, maintenance and repair, other nondirect care, employee
34 benefits, contracts, training, travel, licenses, taxes, interest,
35 insurance, depreciation, and general administrative expenses. The
36 amount identified for indirect costs shall be calculated as the
37 average projected cost for these expenses in an economically and
38 efficiently operated community care facility.

39 (5) “Property costs” include mortgages, leases, rent, taxes,
40 capital or leasehold improvements, depreciation, and other

1 expenses related to the physical structure. The amount identified
2 for property costs shall be based on the fair rental value of a model
3 facility—~~which~~ *that* is adequately designed, constructed, and
4 maintained to meet the needs of persons with developmental
5 disabilities. The amount identified for property costs shall be
6 calculated as the average projected fair rental value of an
7 economically and efficiently operated community care facility.

8 (b) The cost model shall take into account factors—~~which~~ *that*
9 include, but are not limited to, all of the following:

10 (1) Facility size, as defined by the department on the basis of
11 the number of facility beds licensed by the State Department of
12 Social Services and vendorized by the regional center.

13 (2) Specific geographic areas, as defined by the department on
14 the basis of cost of living and other pertinent economic indicators.

15 (3) Common levels of direct care, as defined by the department
16 on the basis of services specific to an identifiable group of persons
17 as determined through the individual program plan.

18 (4) Positive outcomes, as defined by the department on the basis
19 of increased integration, independence, and productivity at the
20 aggregate facility and individual consumer level.

21 (5) Owner-operated and staff-operated reimbursement, which
22 ~~shall~~, *shall* not differ for facilities that are required to comply with
23 the same program requirements.

24 (c) The rates established for individual community care facilities
25 serving persons with developmental disabilities shall reflect all of
26 the model cost elements and rate development factors described
27 in this section. The cost model design shall include a process for
28 updating the cost model elements that address variables, including,
29 but not limited to, all of the following:

30 (1) Economic trends in California.

31 (2) New state or federal program requirements.

32 (3) Changes in the state or federal minimum wage.

33 (4) Increases in fees, taxes, or other business costs.

34 (5) Increases in federal supplemental security income/state
35 supplementary program for the aged, blind, and disabled payments.

36 (d) Rates established for ~~developmentally disabled~~ persons *with*
37 *developmental disabilities* who are also dually diagnosed with a
38 mental *health* disorder may be fixed at a higher rate. The
39 department shall work with the State Department of Health Care
40 Services to establish criteria upon which higher rates may be fixed

1 pursuant to this subdivision. The higher rate for ~~developmentally~~
 2 ~~disabled~~ persons *with developmental disabilities* who are also
 3 dually diagnosed with a mental *health* disorder may be paid when
 4 requested by the director of the regional center and approved by
 5 the Director of Developmental Services.

6 (e) By January 1, 2001, the department shall prepare proposed
 7 regulations to implement the changes outlined in this section. The
 8 department may use a private firm to assist in the development of
 9 these changes and shall confer with consumers, providers, and
 10 other interested parties concerning the proposed regulations. By
 11 May 15, 2001, and each year thereafter, the department shall
 12 provide the Legislature with annual community care facility rates,
 13 including any draft amendments to the regulations as required. By
 14 July 1, 2001, and each year thereafter, contingent upon an
 15 appropriation in the annual Budget Act for this purpose, the
 16 department shall adopt emergency regulations ~~which~~ *that* establish
 17 the annual rates for community care facilities serving persons with
 18 developmental disabilities for each fiscal year.

19 (f) During the first year of operation under the revised rate
 20 model, individual facilities shall be held harmless for any reduction
 21 in aggregate facility payments caused solely by the change in
 22 reimbursement methodology.

23 *SEC. 85. Section 5002 of the Welfare and Institutions Code is*
 24 *amended to read:*

25 ~~5002. Mentally disordered persons—~~*(a) Persons with mental*
 26 *health disorders* and persons impaired by chronic alcoholism may
 27 no longer be judicially committed.

28 ~~Mentally disordered persons~~

29 *(b) Persons with mental health disorders* shall receive services
 30 pursuant to this part. Persons impaired by chronic alcoholism may
 31 receive services pursuant to this part if they elect to do so pursuant
 32 to Article 3 (commencing with Section 5225) of Chapter 2.

33 ~~Epileptics~~

34 *(c) Persons with epilepsy* may no longer be judicially committed.

35 ~~This~~

36 *(d) This* part shall not be construed to repeal or modify laws
 37 relating to the commitment of mentally disordered sex offenders,
 38 persons with an intellectual disability, and mentally disordered
 39 criminal offenders, except as specifically provided in Section

1 4011.6 of the Penal Code, or as specifically provided in other
2 statutes.

3 *SEC. 86. Section 5004 of the Welfare and Institutions Code is*
4 *amended to read:*

5 5004. ~~Mentally disordered persons and developmentally~~
6 ~~disabled persons~~ *Persons with mental health disorders and persons*
7 *with developmental disabilities* shall receive protection from
8 criminal acts equal to that provided any other resident in this state.

9 *SEC. 87. Section 5004.5 of the Welfare and Institutions Code*
10 *is amended to read:*

11 5004.5. (a) Notwithstanding any other ~~provision of law~~, a
12 legal guardian, conservator, or ~~any~~ other person who reasonably
13 believes a ~~mentally disordered or developmentally disabled~~ person
14 *with a mental health disorder or developmental disability* is the
15 victim of a crime may file a report with an appropriate law
16 enforcement agency. The report shall specify the nature of the
17 alleged offense and any pertinent evidence. Notwithstanding any
18 other ~~provision of law~~, the information in ~~such~~ *that* report shall
19 not be deemed confidential in any manner. No person shall incur
20 any civil or criminal liability as a result of making ~~any~~ *a* report
21 authorized by this section unless it can be shown that a false report
22 was made and the person knew or should have known that the
23 report was false.

24 ~~Where~~

25 (b) *Where* the district attorney of the county in which the alleged
26 offense occurred finds, based upon the evidence contained in the
27 report and any other evidence obtained through regular
28 investigatory procedures, that a reasonable probability exists that
29 a crime or public offense has been committed and that the ~~mentally~~
30 ~~disordered or developmentally disabled~~ person *with the mental*
31 *health disorder or developmental disability* is the victim, the district
32 attorney may file a complaint verified on information and belief.

33 ~~The~~

34 (c) *The* filing of a report by a legal guardian, conservator, or
35 any other person pursuant to this section shall not constitute
36 evidence that a crime or public offense has been committed and
37 shall not be considered in any manner by the trier of fact.

38 *SEC. 88. Section 5115 of the Welfare and Institutions Code is*
39 *amended to read:*

40 5115. The Legislature hereby finds and declares:

1 (a) It is the policy of this state, as declared and established in
 2 this section and in the Lanterman Developmental Disabilities
 3 Services Act, Division 4.5 (commencing with Section 4500), that
 4 ~~mentally and physically handicapped~~ persons *with mental health*
 5 *disorders or physical disabilities* are entitled to live in normal
 6 residential surroundings and should not be excluded therefrom
 7 because of their disability.

8 (b) In order to achieve uniform statewide implementation of the
 9 policies of this section and those of the Lanterman Developmental
 10 Disabilities Services Act, it is necessary to establish the statewide
 11 policy that the use of property for the care of six or fewer ~~mentally~~
 12 ~~disordered or otherwise handicapped~~ persons *with mental health*
 13 *disorders or other disabilities* is a residential use of ~~such~~ *the*
 14 property for the purposes of zoning.

15 *SEC. 89. Section 5116 of the Welfare and Institutions Code is*
 16 *amended to read:*

17 5116. (a) Pursuant to the policy stated in Section 5115, a
 18 state-authorized, certified, or licensed family care home, foster
 19 home, or group home serving six or fewer ~~mentally disordered or~~
 20 ~~otherwise handicapped~~ persons *with mental health disorders or*
 21 *other disabilities* or dependent and neglected children, shall be
 22 considered a residential use of property for the purposes of zoning
 23 if ~~such~~ *the* homes provide care on a 24-hour-a-day basis.

24 ~~Such~~

25 (b) *These* homes shall be a permitted use in all residential zones,
 26 including, but not limited to, residential zones for single-family
 27 dwellings.

28 *SEC. 90. Section 5250 of the Welfare and Institutions Code is*
 29 *amended to read:*

30 5250. If a person is detained for 72 hours under the provisions
 31 of Article 1 (commencing with Section 5150), or under court order
 32 for evaluation pursuant to Article 2 (commencing with Section
 33 5200) or Article 3 (commencing with Section 5225) and has
 34 received an evaluation, he or she may be certified for not more
 35 than 14 days of intensive treatment related to the *mental health*
 36 *disorder or impairment by chronic alcoholism*, under the following
 37 conditions:

38 (a) The professional staff of the agency or facility providing
 39 evaluation services has analyzed the person's condition and has
 40 found the person is, as a result of *a mental health* disorder or

1 impairment by chronic alcoholism, a danger to others, or to himself
2 or herself, or gravely disabled.

3 (b) The facility providing intensive treatment is designated by
4 the county to provide intensive treatment, and agrees to admit the
5 person. No facility shall be designated to provide intensive
6 treatment unless it complies with the certification review hearing
7 required by this article. The procedures shall be described in the
8 county Short-Doyle plan as required by Section 5651.3.

9 (c) The person has been advised of the need for, but has not
10 been willing or able to accept, treatment on a voluntary basis.

11 (d) (1) Notwithstanding paragraph (1) of subdivision (h) of
12 Section 5008, a person is not “gravely disabled” if that person can
13 survive safely without involuntary detention with the help of
14 responsible family, friends, or others who are both willing and
15 able to help provide for the person’s basic personal needs for food,
16 clothing, or shelter.

17 (2) However, unless they specifically indicate in writing their
18 willingness and ability to help, family, friends, or others shall not
19 be considered willing or able to provide this help.

20 (3) The purpose of this subdivision is to avoid the necessity for,
21 and the harmful effects of, requiring family, friends, and others to
22 publicly state, and requiring the certification review officer to
23 publicly find, that no one is willing or able to assist ~~the mentally~~
24 ~~disordered~~ a person *with a mental health disorder* in providing for
25 the person’s basic needs for food, clothing, or shelter.

26 *SEC. 91. Section 5301 of the Welfare and Institutions Code is*
27 *amended to read:*

28 5301. (a) At any time during the 14-day intensive treatment
29 period the professional person in charge of the licensed health
30 facility, or his or her designee, may ask the public officer required
31 by Section 5114 to present evidence at proceedings under this
32 article to petition the superior court in the county in which the
33 licensed health facility providing treatment is located for an order
34 requiring ~~such~~ the person to undergo an additional period of
35 treatment on the grounds set forth in Section 5300. ~~Such~~ This
36 petition shall summarize the facts ~~which~~ that support the contention
37 that the person falls within the standard set forth in Section 5300.
38 The petition shall be supported by affidavits describing in detail
39 the behavior ~~which~~ that indicates that the person falls within the
40 standard set forth in Section 5300.

1 Copies

2 (b) Copies of the petition for postcertification treatment and
3 the affidavits in support thereof shall be served upon the person
4 named in the petition on the same day as they are filed with the
5 clerk of the superior court.

6 The

7 (c) The petition shall be in the following form:

8

9 Petition for Postcertification Treatment of a Dangerous
10 Person

11

12 I, _____, (the professional person in charge of the _____ intensive
13 treatment facility) (the designee of _____ the professional person
14 in charge of the _____, treatment facility) in which _____ has been
15 under treatment pursuant to the certification by _____ and _____,
16 hereby petition the court for an order requiring _____ to undergo
17 an additional period of treatment, not to exceed 180 days, pursuant
18 to the provisions of Article 6 (commencing with Section 5300) of
19 Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions
20 Code. ~~Such~~ This petition is based upon my allegation that (a) _____
21 has attempted, inflicted, or made a serious threat of substantial
22 physical harm upon the person of another after having been taken
23 into custody, and while in custody, for evaluation, and that, by
24 reason of mental *health* disorder ~~or mental defect~~, presents a
25 demonstrated danger of inflicting substantial physical harm upon
26 others, or that (b) _____ had attempted or inflicted physical harm
27 upon the person of another, that act having resulted in his or her
28 being taken into custody, and that he or she presents, as a result
29 of mental *health* disorder ~~or mental defect~~, a demonstrated danger
30 of inflicting substantial physical harm upon others, or that (c) _____
31 had made a serious threat of substantial physical harm upon the
32 person of another within seven days of being taken into custody,
33 that threat having at least in part resulted in his or her being taken
34 into custody, and that he or she presents, as a result of mental
35 *health* disorder ~~or mental defect~~, a demonstrated danger of
36 inflicting substantial physical harm upon others.

37 My allegation is based upon the following facts:

38

39

40

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____

7 This allegation is supported by the accompanying affidavits
 8 signed by _____.

9
 10 Signed _____

11
 12
 13 ~~The~~
 14 (d) *The* courts may receive the affidavits in evidence and may
 15 allow the affidavits to be read to the jury and the contents thereof
 16 considered in rendering a verdict, unless counsel for the person
 17 named in the petition subpoenas the treating professional person.
 18 If ~~such~~ *the* treating professional person is subpoenaed to testify,
 19 the public officer, pursuant to Section 5114, shall be entitled to a
 20 continuance of the hearing or trial.

21 *SEC. 92. Section 5304 of the Welfare and Institutions Code is*
 22 *amended to read:*

23 5304. (a) The court shall remand a person named in the petition
 24 for postcertification treatment to the custody of the State
 25 Department of State Hospitals or to a licensed health facility
 26 designated by the county of residence of that person for a further
 27 period of intensive treatment, not to exceed 180 days from the date
 28 of court judgment, if the court or jury finds that the person named
 29 in the petition for postcertification treatment has done any of the
 30 following:

31 (1) Attempted, inflicted, or made a serious threat of substantial
 32 physical harm upon the person of another after having been taken
 33 into custody, and while in custody, for evaluation and treatment,
 34 and who, as a result of mental *health* disorder ~~or mental defect~~,
 35 presents a demonstrated danger of inflicting substantial physical
 36 harm upon others.

37 (2) Attempted or inflicted physical harm upon the person of
 38 another, that act having resulted in his or her being taken into
 39 custody, and who, as a result of mental *health* disorder ~~or mental~~

1 defect, presents a demonstrated danger of inflicting substantial
2 physical harm upon others.

3 (3) Expressed a serious threat of substantial physical harm upon
4 the person of another within seven days of being taken into custody,
5 that threat having at least in part resulted in his or her being taken
6 into custody, and who presents, as a result of mental *health* disorder
7 ~~or mental defect~~, a demonstrated danger of inflicting substantial
8 physical harm upon others.

9 (b) The person shall be released from involuntary treatment at
10 the expiration of 180 days unless the public officer, pursuant to
11 Section 5114, files a new petition for postcertification treatment
12 on the grounds that he or she has attempted, inflicted, or made a
13 serious threat of substantial physical harm upon another during
14 his or her period of postcertification treatment, and he or she is a
15 person who by reason of mental *health* disorder ~~or mental defect~~,
16 presents a demonstrated danger of inflicting substantial physical
17 harm upon others. The new petition for postcertification treatment
18 shall be filed in the superior court in which the original petition
19 for postcertification was filed.

20 (c) The county from which the person was remanded shall bear
21 any transportation costs incurred pursuant to this section.

22 *SEC. 93. Section 5326.5 of the Welfare and Institutions Code*
23 *is amended to read:*

24 5326.5. (a) For purposes of this chapter, “written informed
25 consent” means that a person knowingly and intelligently, without
26 duress or coercion, clearly and explicitly manifests consent to the
27 proposed therapy to the treating physician and in writing on the
28 standard consent form prescribed in Section 5326.4.

29 (b) The physician may urge the proposed treatment as the best
30 one, but may not use, in an effort to gain consent, any reward or
31 threat, express or implied, nor any other form of inducement or
32 coercion, including, but not limited to, placing the patient in a
33 more restricted setting, transfer of the patient to another facility,
34 or loss of the patient’s hospital privileges. Nothing in this
35 subdivision shall be construed as in conflict with Section 5326.2.
36 No one shall be denied any benefits for refusing treatment.

37 (c) A person confined shall be deemed incapable of written
38 informed consent if ~~such~~ *that* person cannot understand, or
39 knowingly and intelligently act upon, the information specified in
40 Section 5326.2.

1 (d) A person confined shall not be deemed incapable of refusal
2 solely by virtue of being diagnosed as ~~a mentally ill, disordered,~~
3 ~~abnormal, or mentally defective person~~ *having a mental health*
4 *disorder.*

5 (e) Written informed consent shall be given only after 24 hours
6 have elapsed from the time the information in Section 5326.2 has
7 been given.

8 *SEC. 94. Section 5340 of the Welfare and Institutions Code is*
9 *amended to read:*

10 5340. It is the intention of the Legislature by enacting this
11 article to provide legal procedures for the custody, evaluation, and
12 treatment of users of controlled substances. The enactment of this
13 article shall not be construed to be evidence that ~~any a~~ person
14 subject to its provisions is ~~mentally disordered~~ *has a mental health*
15 *disorder*, or evidence that the Legislature considers that ~~such~~
16 ~~persons are mentally disordered~~ *those persons have a mental health*
17 *disorder.*

18 *SEC. 95. Section 5350 of the Welfare and Institutions Code is*
19 *amended to read:*

20 5350. A conservator of the person, of the estate, or of the person
21 and the estate may be appointed for ~~any a~~ person who is gravely
22 disabled as a result of *a mental health* disorder or impairment by
23 chronic alcoholism.

24 The procedure for establishing, administering, and terminating
25 a conservatorship under this chapter shall be the same as that
26 provided in Division 4 (commencing with Section 1400) of the
27 Probate Code, except as follows:

28 (a) A conservator may be appointed for a gravely disabled
29 minor.

30 (b) (1) Appointment of a conservator under this part, including
31 the appointment of a conservator for a person who is gravely
32 disabled, as defined in subparagraph (A) of paragraph (1) of
33 subdivision (h) of Section 5008, shall be subject to the list of
34 priorities in Section 1812 of the Probate Code unless the officer
35 providing conservatorship investigation recommends otherwise
36 to the superior court.

37 (2) In appointing a conservator, as defined in subparagraph (B)
38 of paragraph (1) of subdivision (h) of Section 5008, the court shall
39 consider the purposes of protection of the public and the treatment
40 of the conservatee. Notwithstanding any other provision of this

1 section, the court shall not appoint the proposed conservator if the
 2 court determines that appointment of the proposed conservator
 3 will not result in adequate protection of the public.

4 (c) No conservatorship of the estate pursuant to this chapter
 5 shall be established if a conservatorship or guardianship of the
 6 estate exists under the Probate Code. When a gravely disabled
 7 person already has a guardian or conservator of the person
 8 appointed under the Probate Code, the proceedings under this
 9 chapter shall not terminate the prior proceedings but shall be
 10 concurrent with and superior thereto. The superior court may
 11 appoint the existing guardian or conservator of the person or
 12 another person as conservator of the person under this chapter.

13 (d) (1) The person for whom conservatorship is sought shall
 14 have the right to demand a court or jury trial on the issue *of* whether
 15 he or she is gravely disabled. Demand for court or jury trial shall
 16 be made within five days following the hearing on the
 17 conservatorship petition. If the proposed conservatee demands a
 18 court or jury trial before the date of the hearing as provided for in
 19 Section 5365, the demand shall constitute a waiver of the hearing.

20 **Court**

21 (2) *Court* or jury trial shall commence within 10 days of the
 22 date of the demand, except that the court shall continue the trial
 23 date for a period not to exceed 15 days upon the request of counsel
 24 for the proposed conservatee.

25 **This**

26 (3) *This* right shall also apply in subsequent proceedings to
 27 reestablish conservatorship.

28 (e) (1) Notwithstanding subparagraph (A) of paragraph (1) of
 29 subdivision (h) of Section 5008, a person is not “gravely disabled”
 30 if that person can survive safely without involuntary detention
 31 with the help of responsible family, friends, or others who are both
 32 willing and able to help provide for the person’s basic personal
 33 needs for food, clothing, or shelter.

34 (2) However, unless they specifically indicate in writing their
 35 willingness and ability to help, family, friends, or others shall not
 36 be considered willing or able to provide this help.

37 (3) The purpose of this subdivision is to avoid the necessity for,
 38 and the harmful effects of, requiring family, friends, and others to
 39 publicly state, and requiring the court to publicly find, that no one
 40 is willing or able to assist ~~the mentally disordered~~ a person *with*

1 *a mental health disorder* in providing for the person's basic needs
2 for food, clothing, or shelter.

3 (4) This subdivision does not apply to a person who is gravely
4 disabled, as defined in subparagraph (B) of paragraph (1) of
5 subdivision (h) of Section 5008.

6 (f) Conservatorship investigation shall be conducted pursuant
7 to this part and shall not be subject to Section 1826 or Chapter 2
8 (commencing with Section 1850) of Part 3 of Division 4 of the
9 Probate Code.

10 (g) Notice of proceedings under this chapter shall be given to
11 a guardian or conservator of the person or estate of the proposed
12 conservatee appointed under the Probate Code.

13 (h) As otherwise provided in this chapter.

14 *SEC. 96. Section 5366 of the Welfare and Institutions Code is*
15 *repealed.*

16 ~~5366. On or before June 30, 1970, the medical director of each~~
17 ~~state hospital for the mentally disordered shall compile a roster of~~
18 ~~those mentally disordered or chronic alcoholic patients within the~~
19 ~~institution who are gravely disabled. The roster shall indicate the~~
20 ~~county from which each such patient was admitted to the hospital~~
21 ~~or, if the hospital records indicate that the county of residence of~~
22 ~~the patient is a different county, the county of residence. The officer~~
23 ~~providing conservatorship investigation for each county shall be~~
24 ~~given a copy of the names and pertinent records of the patients~~
25 ~~from that county and shall investigate the need for conservatorship~~
26 ~~for those patients as provided in this chapter. After his or her~~
27 ~~investigation and on or before July 1, 1972, the county officer~~
28 ~~providing conservatorship shall file a petition of conservatorship~~
29 ~~for those patients that he or she determines may need~~
30 ~~conservatorship. Court commitments under the provisions of law~~
31 ~~in effect prior to July 1, 1969, of those patients for whom a petition~~
32 ~~of conservatorship is not filed shall terminate and the patient shall~~
33 ~~be released unless he or she agrees to accept treatment on a~~
34 ~~voluntary basis.~~

35 Each state hospital and the State Department of State Hospitals
36 shall make their records concerning those patients available to the
37 officer providing conservatorship investigation.

38 *SEC. 97. Section 5400 of the Welfare and Institutions Code is*
39 *amended to read:*

1 5400. (a) The Director of Health Care Services shall
 2 administer this part and shall adopt rules, regulations, and standards
 3 as necessary. In developing rules, regulations, and standards, the
 4 Director of Health Care Services shall consult with the California
 5 Mental Health Directors Association, the California Mental Health
 6 Planning Council, and the office of the Attorney General. Adoption
 7 of these standards, rules, and regulations shall require approval by
 8 the California Mental Health Directors Association by majority
 9 vote of those present at an official session.

10 (b) Wherever feasible and appropriate, rules, regulations, and
 11 standards adopted under this part shall correspond to comparable
 12 rules, regulations, and standards adopted under the
 13 Bronzan-McCorquodale Act. These corresponding rules,
 14 regulations, and standards shall include qualifications for
 15 professional personnel.

16 **Regulations**

17 (c) *Regulations* adopted pursuant to this part may provide
 18 standards for services for ~~chronic alcoholics~~ *which persons with*
 19 *chronic alcoholism that differ from the standards for services for*
 20 ~~the mentally-disordered~~ *persons with mental health disorders.*

21 *SEC. 98. Section 5500 of the Welfare and Institutions Code is*
 22 *amended to read:*

23 5500. As used in this chapter:

24 (a) “Advocacy” means those activities undertaken on behalf of
 25 persons who are receiving or have received mental health services
 26 to protect their rights or to secure or upgrade treatment or other
 27 services to which they are entitled.

28 (b) “Mental health client” or “client” means ~~any~~ *a person who*
 29 *is receiving or has received services from a mental health facility,*
 30 *service, or program and who has personally or through a guardian*
 31 *ad litem, entered into an agreement with a county patients’ rights*
 32 *advocate for the provision of advocacy services.*

33 (c) “Mental health facilities, services, or programs” means ~~any~~
 34 *a publicly operated or supported mental health facility or program;*
 35 ~~any~~ *a private facility or program licensed or operated for health*
 36 *purposes providing services to* ~~mentally-disordered~~ *persons with*
 37 *mental health disorders; and publicly supported agencies providing*
 38 *other than mental health services to* ~~mentally-disordered~~ *clients*
 39 *with mental health disorders.*

1 (d) “Independent of providers of service” means that the
2 advocate has no direct or indirect clinical or administrative
3 responsibility for any recipient of mental health services in any
4 mental health facility, program, or service for which he or she
5 performs advocacy activities.

6 (e) “County patients’ rights advocate” means ~~any~~ *an* advocate
7 appointed, or whose services are contracted for, by a local mental
8 health director.

9 *SEC. 99. Section 5511 of the Welfare and Institutions Code is*
10 *amended to read:*

11 5511. The Director of State Hospitals or the executive director
12 of each state hospital ~~servicing mentally disordered persons~~ may
13 contract with independent persons or agencies to perform patients’
14 rights advocacy services in state hospitals.

15 *SEC. 100. Section 5585.10 of the Welfare and Institutions Code*
16 *is amended to read:*

17 5585.10. This part shall be construed to promote the legislative
18 intent and purposes of this part as follows:

19 (a) To provide prompt evaluation and treatment of ~~mentally~~
20 ~~disordered~~ minors *with mental health disorders*, with particular
21 priority given to seriously emotionally disturbed children and
22 adolescents.

23 (b) To safeguard the rights to due process for minors and their
24 families through judicial review.

25 (c) To provide individualized treatment, supervision, and
26 placement services for gravely disabled minors.

27 (d) To prevent severe and long-term mental disabilities among
28 minors through early identification, effective family service
29 interventions, and public education.

30 *SEC. 101. Section 5600 of the Welfare and Institutions Code*
31 *is amended to read:*

32 5600. (a) This part shall be known and may be cited as the
33 Bronzan-McCorquodale Act. This part is intended to organize and
34 finance community mental health services for ~~the mentally~~
35 ~~disordered persons with mental health disorders~~ in every county
36 through locally administered and locally controlled community
37 mental health programs. It is furthermore intended to better utilize
38 existing resources at both the state and local levels in order to
39 improve the effectiveness of necessary mental health services; to
40 integrate state-operated and community mental health programs

1 into a unified mental health system; to ensure that all mental health
 2 professions be appropriately represented and utilized in the mental
 3 health programs; to provide a means for participation by local
 4 governments in the determination of the need for and the allocation
 5 of mental health resources under the jurisdiction of the state; and
 6 to provide a means of allocating mental health funds deposited in
 7 the Local Revenue Fund equitably among counties according to
 8 community needs.

9 (b) With the exception of those referring to Short-Doyle
 10 Medi-Cal services, any other provisions of law referring to the
 11 Short-Doyle Act shall be construed as referring to the
 12 Bronzan-McCorquodale Act.

13 *SEC. 102. Section 5653 of the Welfare and Institutions Code*
 14 *is amended to read:*

15 5653. (a) Optimum use shall be made of appropriate local
 16 public and private organizations, community professional
 17 personnel, and state agencies. Optimum use shall also be made of
 18 federal, state, county, and private funds—~~which~~ *that* may be
 19 available for mental health planning.

20 ~~In~~

21 (b) *In* order that maximum utilization be made of federal and
 22 other funds made available to the Department of Rehabilitation,
 23 the Department of Rehabilitation may serve as a contractual
 24 provider under the provisions of a county plan of vocational
 25 rehabilitation services for ~~the mentally disordered persons with~~
 26 *mental health disorders.*

27 *SEC. 103. Section 5696 of the Welfare and Institutions Code*
 28 *is amended to read:*

29 5696. Prior to the opening of ~~any~~ a regional facility, the board
 30 of directors shall develop written admission criteria, approved by
 31 ~~the Department of the Youth Authority~~ *Department of Corrections*
 32 *and Rehabilitation, Division of Juvenile Facilities*, for those minors
 33 who are most at risk of entering the adult criminal justice system
 34 as ~~emotionally disordered~~ *offenders who have mental health*
 35 *disorders and are* at high risk of committing predatory and violent
 36 crimes, including, but not limited to, the following requirements:

37 (a) The minor is at the time of commitment between the ages
 38 of 12 and 18 years, he or she has been adjudged to be a ward of
 39 the juvenile court pursuant to Section 602, and his or her custody

1 has been placed under the supervision of a probation officer
2 pursuant to Section 727.

3 (b) The ward is seriously emotionally disturbed as is evidenced
4 by a diagnosis from the current edition of the Diagnostic and
5 Statistical Manual of Mental Disorders and evidences behavior
6 inappropriate to the ward's age according to expected
7 developmental norms. Additionally, all of the following must be
8 present:

9 (1) The behavior presents a danger to the community or self
10 and requires intensive supervision and treatment, but the ward is
11 not amenable to other private or public residential treatment
12 programs because his or her behavior requires a secure setting.

13 (2) The symptomology is both severe and frequent.

14 (3) The inappropriate behavior is persistent.

15 *SEC. 104. Section 5699 of the Welfare and Institutions Code*
16 *is amended to read:*

17 5699. (a) The Legislature finds and declares all of the
18 following:

19 (1) That mental health case management services required for
20 children with serious emotional disturbance are different than these
21 services for ~~mentally disordered~~ clients *with mental health*
22 *disorders* described in Chapter 2.5 (commencing with Section
23 5670).

24 (2) That mental health case management services for children
25 with serious emotional disturbance are not defined in statute.

26 (3) That the development of mental health case management
27 for these children would ~~assure~~ *ensure* comprehensive appraisal
28 and utilization of the most appropriate resources within the
29 children's environment, as well as the maintenance and
30 strengthening of family ties.

31 (b) It is the intent of the Legislature to encourage the
32 development of mental health case management services for
33 children with serious emotional disturbance who are separated or
34 at risk of being separated from their families and require mental
35 health treatment, to the extent resources are available. It is further
36 the intent of the Legislature that mental health case management
37 for children with serious emotional disturbance in this state be
38 developed in accordance with the definitions and guidelines
39 contained in this chapter.

1 *SEC. 105. Section 5714 of the Welfare and Institutions Code*
2 *is amended to read:*

3 5714. To continue county expenditures for legal proceedings
4 involving ~~mentally disordered~~ persons *with mental health*
5 *disorders*, the following costs incurred in carrying out Part 1
6 (commencing with Section 5000) of this division shall not be paid
7 for from funds designated for mental health services.

8 (a) The costs involved in bringing a person in for 72-hour
9 treatment and evaluation.

10 (b) The costs of court proceedings for court-ordered evaluation,
11 including the service of the court order and the apprehension of
12 the person ordered to evaluation when necessary.

13 (c) The costs of court proceedings in cases of appeal from
14 14-day intensive treatment.

15 (d) The cost of legal proceedings in conservatorship, other than
16 the costs of conservatorship investigation as defined by regulations
17 of the State Department of Health Care Services.

18 (e) The court costs in postcertification proceedings.

19 (f) The cost of providing a public defender or other
20 court-appointed attorneys in proceedings for those unable to pay.

21 *SEC. 106. Section 5802 of the Welfare and Institutions Code*
22 *is amended to read:*

23 5802. (a) The Legislature finds that a mental health system of
24 care for adults and older adults with severe and persistent mental
25 illness is vital for successful management of mental health care in
26 California. Specifically:

27 (1) A comprehensive and coordinated system of care includes
28 community-based treatment, outreach services and other early
29 intervention strategies, case management, and interagency system
30 components required by adults and older adults with severe and
31 persistent mental illness.

32 (2) Mentally ill adults and older adults receive service from
33 many different state and county agencies, particularly criminal
34 justice, employment, housing, public welfare, health, and mental
35 health. In a system of care these agencies collaborate in order to
36 deliver integrated and cost-effective programs.

37 (3) The recovery of persons with severe mental illness and their
38 financial means are important for all levels of government,
39 business, and the community.

1 (4) System of care services—~~which~~ *that* ensure culturally
2 competent care for persons with severe mental illness in the most
3 appropriate, least restrictive level of care are necessary to achieve
4 the desired performance outcomes.

5 (5) Mental health service providers need to increase
6 accountability and further develop methods to measure progress
7 towards client outcome goals and cost effectiveness as required
8 by a system of care.

9 (b) The Legislature further finds that the adult system of care
10 model, beginning in the 1989–90 fiscal year through the
11 implementation of Chapter 982 of the Statutes of 1988, provides
12 models for adults and older adults with severe mental illness that
13 can meet the performance outcomes required by the Legislature.

14 (c) The Legislature also finds that the system components
15 established in adult systems of care are of value in providing
16 greater benefit to adults and older adults with severe and persistent
17 mental illness at a lower cost in California.

18 (d) Therefore, using the guidelines and principles developed
19 under the demonstration projects implemented under the adult
20 system of care legislation in 1989, it is the intent of the Legislature
21 to accomplish the following:

22 (1) Encourage each county to implement a system of care as
23 described in this legislation for the delivery of mental health
24 services to ~~seriously mentally disordered~~ adults and older adults
25 *with serious mental illness*.

26 (2) To promote system of care accountability for performance
27 outcomes—~~which~~ *that* enable adults with severe mental illness to
28 reduce symptoms—~~which~~ *that* impair their ability to live
29 independently, work, maintain community supports, care for their
30 children, stay in good health, not abuse drugs or alcohol, and not
31 commit crimes.

32 (3) Maintain funding for the existing pilot adult system of care
33 programs that meet contractual goals as models and technical
34 assistance resources for future expansion of system of care
35 programs to other counties as funding becomes available.

36 (4) Provide funds for counties to establish outreach programs
37 and to provide mental health services and related medications,
38 substance abuse services, supportive housing or other housing
39 assistance, vocational rehabilitation, and other nonmedical
40 programs necessary to stabilize homeless ~~mentally ill~~ persons *who*

1 ~~are mentally ill or mentally ill~~ persons who are mentally ill and at
 2 risk of being homeless, get them off the street, and into treatment
 3 and recovery, or to provide access to veterans' services that will
 4 also provide for treatment and recovery.

5 *SEC. 107. Section 6000 of the Welfare and Institutions Code*
 6 *is amended to read:*

7 6000. (a) Pursuant to applicable rules and regulations
 8 established by the State Department of ~~Mental Health~~ *State*
 9 *Hospitals* or the State Department of Developmental Services, the
 10 medical director of a state hospital ~~for the mentally disordered or~~
 11 ~~developmentally disabled~~ may receive in ~~such~~ *that* hospital, as a
 12 boarder and patient, ~~any~~ a person who is a suitable person for care
 13 and treatment in ~~such~~ *that* hospital, upon receipt of a written
 14 application for the admission of the person into the hospital for
 15 care and treatment made in accordance with the following
 16 requirements:

17 (1) In the case of an adult ~~person~~, the application shall be made
 18 voluntarily by the person, at a time when he *or she* is in ~~such a~~
 19 condition of mind as to render him *or her* competent to make it
 20 or, if he *or she* is a conservatee with a conservator of the person
 21 or person and estate who was appointed under Chapter 3
 22 (commencing with Section 5350) of Part 1 of Division 5 with the
 23 right as specified by court order under Section 5358 to place his
 24 *or her* conservatee in a state hospital, by his *or her* conservator.

25 (2) In the case of a minor ~~person~~, the application shall be made
 26 by his *or her* parents, or by the parent, guardian, conservator, or
 27 other person entitled to his *or her* custody to ~~any of such a~~ mental
 28 ~~hospital~~ *hospital* as may be designated by the Director of ~~Mental~~
 29 ~~Health~~ *State Hospitals* or the Director of Developmental Services
 30 to admit minors on voluntary applications. If the minor has a
 31 conservator of the person, or the person and the estate, appointed
 32 under Chapter 3 (commencing with Section 5350) of Part 1 of
 33 Division 5, with the right as specified by court order under Section
 34 5358 to place the conservatee in a state hospital the application
 35 for the minor shall be made by his *or her* conservator.

36 ~~Any such~~

37 (b) A person received in a state hospital shall be deemed a
 38 voluntary patient.

39 ~~Upon~~

1 (c) Upon the admission of a voluntary patient to a state hospital
 2 the medical director shall immediately forward to the office of the
 3 State Department of ~~Mental Health~~ *State Hospitals* or the State
 4 Department of Developmental Services the record of ~~such the~~
 5 voluntary patient, showing the name, residence, age, sex, place of
 6 birth, occupation, civil condition, date of admission of ~~such the~~
 7 patient to ~~such the~~ hospital, and ~~such~~ other information as ~~is~~
 8 required by the rules and regulations of the department.

9 The

10 (d) The charges for the care and keeping of a ~~mentally~~
 11 ~~disordered~~ person *with a mental health disorder* in a state hospital
 12 shall be governed by the provisions of Article 4 (commencing with
 13 Section 7275) of Chapter 3 of Division 7 relating to the charges
 14 for the care and keeping of ~~mentally disordered~~ persons *with mental*
 15 *health disorders* in state hospitals.

16 A

17 (e) A voluntary adult patient may leave the hospital or institution
 18 at any time by giving notice of his *or her* desire to leave to ~~any a~~
 19 member of the hospital staff and completing normal hospitalization
 20 departure procedures. A conservatee may leave in a like manner
 21 if notice is given by his *or her* conservator.

22 A

23 (f) A minor ~~person~~ who is a voluntary patient may leave the
 24 hospital or institution after completing normal hospitalization
 25 departure procedures after notice is given to the superintendent or
 26 person in charge by the parents, or the parent, guardian,
 27 conservator, or other person entitled to the custody of the minor,
 28 of their desire to remove him *or her* from the hospital.

29 No

30 (g) No person received into a state hospital, private mental
 31 institution, or county psychiatric hospital as a voluntary patient
 32 during his *or her* minority shall be detained therein after he *or she*
 33 reaches the age of ~~majority, but any such~~ *majority*. A person, after
 34 attaining the age of majority, may apply for admission into the
 35 hospital or institution for care and treatment in the manner
 36 prescribed in this section for applications by ~~adult persons~~ *an adult*.

37 (b)

38 (h) The State Department of ~~Mental Health~~ *State Hospitals* or
 39 the State Department of Developmental Services shall establish

1 ~~such~~ rules and regulations ~~as are~~ necessary to carry out properly
 2 the provisions of this section.

3 (e)

4 (i) Commencing July 1, 2012, the department shall not admit
 5 any person to a developmental center pursuant to this section.

6 *SEC. 108. Section 6002 of the Welfare and Institutions Code*
 7 *is amended to read:*

8 6002. (a) The person in charge of ~~any a~~ private institution,
 9 hospital, ~~clinic, or sanitarium which~~ *or clinic* that is conducted
 10 for, or includes a department or ~~ward~~ *unit* conducted for, the care
 11 and treatment of persons who ~~are mentally disordered~~ *have mental*
 12 *health disorders* may receive therein as a voluntary patient ~~any a~~
 13 person ~~suffering from~~ *with* a mental *health* disorder who is a
 14 suitable person for care and treatment in the institution, hospital,
 15 ~~clinic, or sanitarium~~ *or clinic* who voluntarily makes a written
 16 application to the person in charge for admission into the
 17 institution, hospital, ~~clinic, or sanitarium,~~ *or clinic* and who is, at
 18 the time of making the application, mentally competent to make
 19 the application. A conservatee, with a conservator of the person,
 20 or person and estate, appointed under Chapter 3 (commencing with
 21 Section 5350) of Part 1 of Division 5, with the right as specified
 22 by court order under Section 5358 to place his conservatee, may
 23 be admitted upon written application by his *or her* conservator.

24 *After*

25 (b) *After* the admission of a voluntary patient to a private
 26 institution, hospital, ~~clinic, or sanitarium~~ *or clinic*, the person in
 27 charge shall forward to the office of the State Department of ~~Mental~~
 28 ~~Health~~ *State Hospitals* a record of the voluntary patient showing
 29 ~~such all~~ information ~~as may be~~ required by rule by the department.

30 *A*

31 (c) A voluntary adult patient may leave the hospital, clinic, or
 32 institution at any time by giving notice of his *or her* desire to leave
 33 to ~~any a~~ member of the hospital staff and completing normal
 34 hospitalization departure procedures. A conservatee may leave in
 35 a like manner if notice is given by his *or her* conservator.

36 *SEC. 109. Section 6002.10 of the Welfare and Institutions Code*
 37 *is amended to read:*

38 6002.10. ~~Any~~ A facility licensed under Chapter 2 (commencing
 39 with Section 1250) of Division 2 of the Health and Safety Code,
 40 to provide inpatient psychiatric treatment, excluding state hospitals,

1 *hospitals* and county hospitals, shall establish admission procedures
2 for minors who meet the following criteria:

3 (a) The minor is 14 years of age ~~and over~~ *or older*, and is under
4 18 years of age.

5 (b) The minor is not legally emancipated.

6 (c) The minor is not detained under Sections 5585.50 and
7 5585.53.

8 (d) The minor is not voluntarily committed pursuant to Section
9 6552.

10 (e) The minor has not been declared a dependent of the juvenile
11 court pursuant to Section 300 or a ward of the court pursuant to
12 Section 602. ~~The~~

13 (f) ~~The~~ minor’s admitting diagnosis or condition is either of the
14 following:

15 (1) A mental *health* disorder only. Although resistance to
16 treatment may be a product of a mental *health* disorder, the
17 resistance shall not, in itself, imply the presence of a mental *health*
18 disorder or constitute evidence that the minor meets the admission
19 criteria. A minor shall not be considered ~~mentally disordered to~~
20 *have a mental health disorder* solely for exhibiting behaviors
21 specified under Sections 601 and 602.

22 (2) A mental *health* disorder and a substance abuse disorder.

23 *SEC. 110. Section 6250 of the Welfare and Institutions Code*
24 *is amended to read:*

25 6250. (a) As used in this part, ~~“persons~~ *“a person* subject to
26 judicial commitment” means ~~persons~~ *a person* who may be
27 judicially committed under this part as *a* mentally disordered sex
28 ~~offenders~~ *offender* pursuant to Article 1 (commencing with Section
29 6331), *a* sexually violent ~~predators~~ *predator* pursuant to Article 4
30 (commencing with Section 6600), or ~~persons~~ *a person* with
31 intellectual disabilities pursuant to Article 2 (commencing with
32 Section 6500) of Chapter 2.

33 ~~Nothing~~

34 (b) ~~Nothing~~ in this part shall be held to change or interfere with
35 the provisions of the Penal Code and other laws relating to ~~mentally~~
36 ~~disordered~~ *persons with mental health disorders who are charged*
37 *with a crime or to the* ~~criminally insane~~ *persons who are found to*
38 *be not guilty by reason of insanity.*

39 ~~This~~

1 (c) This part shall be liberally construed so that, as far as
2 possible and consistent with the rights of persons subject to
3 commitment, those persons shall be treated, not as criminals, but
4 as sick persons.

5 SEC. 111. Section 6254 of the Welfare and Institutions Code
6 is amended to read:

7 6254. Wherever provision is made in this code for an order of
8 commitment by a superior court, the order of commitment shall
9 be in substantially the following form:

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In the Superior Court of the State of California
For the County of _____

The People
For the Best Interest and Protection of

as a _____,
and Concerning
_____ and
_____, Respondents

} Order for Care,
Hospitalization,
or Commitment

The petition dated _____, alleging that _____, having been presented
to this court on the _____ day of _____, 20__, and an order of detention
issued thereon by a judge of the superior court of this county, and a return of
the said order:

And it further appearing that the provisions of Sections 6250 to 6254,
inclusive, of the Welfare and Institutions Code have been complied with;

And it further appearing that Dr. _____ and Dr. _____, two regularly
appointed and qualified medical examiners of this county, have made a
personal examination of the alleged _____, and have made and signed the
certificate of the medical examiners, which certificate is attached hereto and
made a part hereof;

Now therefore, after examination and certificate made as aforesaid, the court
is satisfied and believes that _____ is a _____ and is so _____.

It is ordered, adjudged, and decreed:

That _____ is a _____ and that _he

1 * (a) Be cared for and detained in _____, a county psychiatric hospital,
2 a community mental health service, or a licensed ~~sanitarium~~ or hospital for
3 the care of ~~the mentally disordered~~ *persons with mental health disorders* until
4 the further order of the court, or

5 * (b) Be cared for at _____, until the further order of the court, or

6 * (c) Be committed to the State Department of State Hospitals for placement
7 in a state hospital, or

8 * (d) Be committed to a facility of the Department of Veterans Affairs or
9 other agency of the United States, to wit: _____ at _____.

10 It is further ordered and directed that _____ of this county, take, convey,
11 and deliver _____ to the proper authorities of the hospital or establishment
12 designated herein to be cared for as provided by law.

13 Dated this _____ day of _____, 20__.

14 _____
15 Judge of the Superior Court

16 * Strike out when not applicable.

17
18 *SEC. 112. Section 6551 of the Welfare and Institutions Code*
19 *is amended to read:*

20 6551. (a) If the court is in doubt as to whether the person ~~is~~
21 ~~mentally disordered or intellectually disabled~~ *has a mental health*
22 *disorder or an intellectual disability*, the court shall order the
23 person to be taken to a facility designated by the county and
24 approved by the State Department of Health Care Services as a
25 facility for 72-hour treatment and evaluation. Thereupon, Article
26 1 (commencing with Section 5150) of Chapter 2 of Part 1 of
27 Division 5 applies, except that the professional person in charge
28 of the facility shall make a written report to the court concerning
29 the results of the evaluation of the person’s mental condition. If
30 the professional person in charge of the facility finds the person
31 is, as a result of *a mental health* disorder, in need of intensive
32 treatment, the person may be certified for not more than 14 days
33 of involuntary intensive treatment if the conditions set forth in
34 subdivision (c) of Section 5250 and subdivision (b) of Section
35 5260 are complied with. Thereupon, Article 4 (commencing with
36 Section 5250) of Chapter 2 of Part 1 of Division 5 shall apply to
37 the person. The person may be detained pursuant to Article 4.5
38 (commencing with Section 5260), or Article 4.7 (commencing
39 with Section 5270.10), or Article 6 (commencing with Section
40 5300) of Part 1 of Division 5 if that article applies.

1 (b) If the professional person in charge of the facility finds that
2 the person is ~~intellectually disabled~~ *has an intellectual disability*,
3 the juvenile court may direct the filing in any other court of a
4 petition for the commitment of a minor as an intellectually disabled
5 person to the State Department of Developmental Services for
6 placement in a state hospital. In ~~such~~ *that* case, the juvenile court
7 shall transmit to the court in which the petition is filed a copy of
8 the report of the professional person in charge of the facility in
9 which the minor was placed for observation. The court in which
10 the petition for commitment is filed may accept the report of the
11 professional person in lieu of the appointment, or subpoenaing,
12 and testimony of other expert witnesses appointed by the court, if
13 the laws applicable to ~~such~~ *the* commitment proceedings provide
14 for the appointment by court of medical or other expert witnesses
15 or may consider the report as evidence in addition to the testimony
16 of medical or other expert witnesses.

17 (c) If the professional person in charge of the facility for 72-hour
18 evaluation and treatment reports to the juvenile court that the minor
19 is not affected with ~~any~~ *a* mental *health* disorder requiring intensive
20 treatment or *an* intellectual disability, the professional person in
21 charge of the facility shall return the minor to the juvenile court
22 on or before the expiration of the 72-hour period and the court
23 shall proceed with the case in accordance with the Juvenile Court
24 Law.

25 (d) ~~Any expenditure~~ *Expenditure* for the evaluation or intensive
26 treatment of a minor under this section shall be considered an
27 expenditure made under Part 2 (commencing with Section 5600)
28 of Division 5 and shall be reimbursed by the state as are other local
29 expenditures pursuant to that part.

30 (e) The jurisdiction of the juvenile court over the minor shall
31 be suspended during the time that the minor is subject to the
32 jurisdiction of the court in which the petition for postcertification
33 treatment of an imminently dangerous person or the petition for
34 commitment of an intellectually disabled person is filed or under
35 remand for 90 days for intensive treatment or commitment ordered
36 by the court.

37 *SEC. 113. Section 6825 of the Welfare and Institutions Code*
38 *is amended to read:*

39 6825. The procedures for handling ~~mentally disordered~~
40 *with mental health disorders who are charged with the commission*

1 of public offenses are provided for in Section 1026 of the Penal
2 Code and in Chapter 6 (commencing with Section 1365), Title 10,
3 Part 2 of the Penal Code.

4 *SEC. 114. Section 7100 of the Welfare and Institutions Code*
5 *is amended to read:*

6 7100. (a) The board of supervisors of each county may
7 maintain in the county hospital or in any other hospital situated
8 within or without the county or in any other psychiatric health
9 facility situated within or without the county, suitable facilities
10 and nonhospital or hospital service for the detention, supervision,
11 care, and treatment of persons ~~who are mentally disordered or~~
12 ~~developmentally disabled~~ *have a mental health disorder or a*
13 *developmental disability, or who are alleged to be such.*

14 (b) The county may contract with public or private hospitals for
15 those facilities and hospital service when they are not suitably
16 available in ~~any~~ *an* institution, psychiatric facility, or establishment
17 maintained or operated by the county.

18 (c) The facilities and services for ~~the mentally disordered and~~
19 ~~allegedly mentally disordered~~ *persons who have, or are alleged*
20 *to have, a mental health disorder* shall be subject to the approval
21 of the State Department of Health Care Services, and the facilities
22 and services for ~~the developmentally disabled and allegedly~~
23 ~~developmentally disabled~~ *persons who have, or are alleged to*
24 *have, a developmental disability* shall be subject to the approval
25 of the State Department of Developmental Services. The
26 professional person having charge and control of the hospital or
27 psychiatric health facility shall allow the department whose
28 approval is required to make investigations thereof as it deems
29 necessary at any time.

30 (d) Nothing in this chapter means that ~~mentally disordered or~~
31 ~~developmentally disabled~~ *persons who have a mental health*
32 *disorder or a developmental disability* may not be detained,
33 supervised, cared for, or treated, subject to the right of inquiry or
34 investigation by the department, in their own homes, or the homes
35 of their relatives or friends, or in a licensed establishment.

36 *SEC. 115. Section 7200 of the Welfare and Institutions Code*
37 *is amended to read:*

38 7200. There are in the state the following state hospitals for
39 the care, treatment, and education of ~~the mentally disordered~~
40 *persons with mental health disorders:*

1 (a) Metropolitan State Hospital near the City of Norwalk, Los
2 Angeles County.

3 (b) Atascadero State Hospital near the City of Atascadero, San
4 Luis Obispo County.

5 (c) Napa State Hospital near the City of Napa, Napa County.

6 (d) Patton State Hospital near the City of San Bernardino, San
7 Bernardino County.

8 (e) Coalinga State Hospital near the City of Coalinga, Fresno
9 County.

10 *SEC. 116. Section 7201 of the Welfare and Institutions Code*
11 *is amended to read:*

12 7201. All of the institutions under the jurisdiction of the State
13 Department of State Hospitals shall be governed by the uniform
14 rules and regulations of the State Department of State Hospitals
15 and all of the provisions of Part 2 (commencing with Section 4100)
16 of Division 4 of this code on the administration of state institutions
17 ~~for the mentally disordered~~ *servicing persons with mental health*
18 *disorders* shall apply to the conduct and management of the state
19 hospitals ~~for the mentally disordered~~. All of the institutions under
20 the jurisdiction of the State Department of Developmental Services
21 shall be governed by the uniform rules and regulations of the State
22 Department of Developmental Services and, except as provided
23 in Chapter 4 (commencing with Section 7500) of this division, all
24 of the provisions of Part 2 (commencing with Section 4440) of
25 Division 4.1 of this code on the administration of state institutions
26 ~~for the developmentally disabled~~ *servicing persons with*
27 *developmental disabilities* shall apply to the conduct and
28 management of the state hospitals ~~for the developmentally disabled~~
29 *persons with developmental disabilities*.

30 *SEC. 117. Section 7226 of the Welfare and Institutions Code*
31 *is amended to read:*

32 7226. The State Department of State Hospitals may admit to
33 any state hospital ~~for the mentally disordered~~, if there is room
34 therein, any ~~mentally disordered~~ soldier or sailor in the service of
35 the United States *who has a mental health disorder on such terms*
36 ~~as are~~ agreed upon between the department and the properly
37 authorized agents, officers, or representatives of the United States
38 government.

39 *SEC. 118. Section 7227 of the Welfare and Institutions Code*
40 *is amended to read:*

1 7227. ~~Mentally disordered prisoners~~ *Prisoners who have mental*
 2 *health disorders and who are* in the state prisons shall be admitted
 3 to the state hospitals in accordance with the provisions of the Penal
 4 Code.

5 SEC. 119. *Section 7275 of the Welfare and Institutions Code*
 6 *is amended to read:*

7 7275. (a) The husband, wife, father, mother, or children of a
 8 patient in a state hospital ~~for the mentally disordered~~, the estates
 9 of these persons, and the guardian or conservator and administrator
 10 of the estate of the patient shall cause him or her to be properly
 11 and suitably cared for and maintained, and shall pay the costs and
 12 charges for transportation to a state institution. The husband, wife,
 13 father, mother, or children of a patient in a state hospital ~~for the~~
 14 ~~mentally disordered~~ and the administrators of their estates, and the
 15 estate of the person shall be liable for his or her care, support, and
 16 maintenance in a state institution of which he or she is a patient.
 17 The liability of these persons and estates shall be a joint and several
 18 liability, and the liability shall exist whether the person has become
 19 a patient of a state institution pursuant to the provisions of this
 20 code or pursuant to the provisions of Sections 1026, 1368, 1369,
 21 1370, and 1372 of the Penal Code.

22 ~~This~~

23 (b) *This* section does not impose liability for the care of persons
 24 with intellectual disabilities in state hospitals.

25 SEC. 120. *Section 7276 of the Welfare and Institutions Code*
 26 *is amended to read:*

27 7276. (a) The charge for the care and treatment of all ~~mentally~~
 28 ~~disordered~~ persons *who have mental health disorders* at state
 29 hospitals ~~for the mentally disordered~~ for whom there is liability to
 30 pay therefor shall be determined pursuant to Section 4025. The
 31 Director of State Hospitals may reduce, cancel, or remit the amount
 32 to be paid by the estate or the relatives, as the case may be, liable
 33 for the care and treatment of any ~~mentally disordered~~ person ~~or~~
 34 *who is an alcoholic or who has a mental health disorder and who*
 35 *is a patient at a state hospital* ~~for the mentally disordered~~, on
 36 satisfactory proof that the estate or relatives, as the case may be,
 37 are unable to pay the cost of that care and treatment or that the
 38 amount is uncollectible. ~~In any case where~~ *Where* there has been
 39 a payment under this section, and the payment or any part thereof
 40 is refunded because of the death, leave of absence, or discharge

1 of ~~any~~ a patient of the hospital, that amount shall be paid by the
2 hospital or the State Department of State Hospitals to the person
3 who made the payment upon demand, and in the statement to the
4 Controller the amounts refunded shall be itemized and the
5 aggregate deducted from the amount to be paid into the State
6 Treasury, as provided by law. If ~~any~~ a person dies at any time
7 while his or her estate is liable for his or her care and treatment at
8 a state hospital, the claim for the amount due may be presented to
9 the executor or administrator of his or her estate, and paid as a
10 preferred claim, with the same rank in order of preference, as
11 claims for expenses of last illness.

12 (b) If the Director of State Hospitals delegates to the county the
13 responsibility for determining the ability of a minor child and his
14 or her parents to pay for state hospital services, the requirements
15 of Sections 5710 and 7275.1 and the policies and procedures
16 established and maintained by the director, including those relating
17 to the collection and accounting of revenue, shall be followed by
18 each county to which that responsibility is delegated.

19 *SEC. 121. Section 7277 of the Welfare and Institutions Code*
20 *is amended to read:*

21 7277. The State Department of State Hospitals shall collect all
22 the costs and charges mentioned in Section 7275, and shall
23 determine, pursuant to Section 7275, and collect the charges for
24 care and treatment rendered persons in ~~any~~ community mental
25 hygiene health clinics maintained by the department and may take
26 action ~~as is~~ necessary to effect their collection within or without
27 the state. The Director of State Hospitals may, however, at his or
28 her discretion, refuse to accept payment of charges for the care
29 and treatment in a state hospital of ~~any mentally disordered person~~
30 ~~or inebriate~~ with a mental health disorder or who has chronic
31 alcoholism and who is eligible for deportation by the federal
32 immigration authorities.

33 *SEC. 122. Section 7278 of the Welfare and Institutions Code*
34 *is amended to read:*

35 7278. The State Department of State Hospitals shall, following
36 the admission of a patient into a state hospital ~~for the mentally~~
37 ~~disordered~~, cause an investigation to be made to determine the
38 moneys, property, or interest in property, if any, the patient has,
39 and whether he or she has a duly appointed and acting guardian
40 to protect his or her property and his or her property interests. The

1 department shall also make an investigation to determine whether
2 the patient has any relative or relatives responsible under the
3 provisions of this code for the payment of the costs of
4 transportation and maintenance, and shall ascertain the financial
5 condition of the relative or relatives to determine whether, in each
6 case, the relative or relatives are in fact financially able to pay the
7 charges. All reports in connection with the investigation, together
8 with the findings of the department, shall be records of the
9 department, and may be inspected by interested relatives, their
10 agents, or representatives at any time upon application.

11 *SEC. 123. Section 7280 of the Welfare and Institutions Code*
12 *is amended to read:*

13 7280. The guardian or conservator of the estate of ~~any~~ a person
14 who is confined in a state ~~mental~~ hospital may, from time to time,
15 pay to the state ~~mental~~ hospital moneys out of the estate to be used
16 for the future personal needs of the ~~mentally-disordered~~ person
17 while in a state ~~mental~~ hospital and for burial ~~expenses, such sums~~
18 ~~so paid to~~ expenses. *These sums shall* be credited to the patient's
19 personal deposit account, subject to the provision relating to the
20 deposit of funds in the patients' personal deposit fund.

21 *SEC. 124. Section 7283 of the Welfare and Institutions Code*
22 *is amended to read:*

23 7283. All moneys collected by the State Department of State
24 Hospitals and the State Department of Developmental Services
25 for the cost and charges of transportation of persons to state
26 hospitals shall be remitted by the department to the State Treasury
27 for credit to, and shall become a part of, the current appropriation
28 from the General Fund of the state for the transportation of ~~the~~
29 ~~mentally-disordered persons with mental health disorders,~~
30 correctional school, or other state hospital patients and shall be
31 available for expenditure for those purposes. In lieu of exact
32 calculations of moneys collected for transportation charges the
33 department may determine the amount of collections by the use
34 of those estimates or formula as ~~may be~~ approved by the
35 Department of Finance.

36 *SEC. 125. Section 7284 of the Welfare and Institutions Code*
37 *is amended to read:*

38 7284. (a) If ~~any incompetent~~ a person who lacks legal capacity
39 to make decisions, who has no guardian or conservator of the estate,
40 and who has been admitted or committed to the State Department

1 of State Hospitals for placement in ~~any~~ a state hospital ~~for the~~
2 ~~mentally disordered~~, is the owner of any property, the State
3 Department of State Hospitals, acting through its designated officer,
4 may apply to the superior court of the proper county for its
5 appointment as guardian or conservator of the *person's* estate ~~of~~
6 ~~the incompetent person~~.

7 For

8 (b) For the purposes of this section, the State Department of
9 State Hospitals is hereby made a corporation and may act as
10 executor, administrator, guardian or conservator of estates,
11 assignee, receiver, depositary, or trustee, under appointment of
12 any court or by authority of any law of this state, and may transact
13 business in that capacity in like manner as an individual, and for
14 this purpose may sue and be sued in any of the courts of this state.

15 If

16 (c) If a person admitted or committed to the State Department
17 of State Hospitals dies, leaving ~~any~~ an estate, and having no
18 relatives at the time residing within this state, the State Department
19 of State Hospitals may apply for letters of administration of his or
20 her ~~estate~~; *estate* and, in the discretion of the court, letters of
21 administration may be issued to the department. When the State
22 Department of State Hospitals is appointed as guardian,
23 conservator, or administrator, the department shall be appointed
24 as guardian ~~or~~, conservator, or administrator without bond. The
25 officer designated by the department shall be required to give a
26 surety bond in ~~such~~ an amount ~~as may be~~ deemed necessary from
27 time to time by the director, but in no event shall the initial bond
28 be less than ten thousand dollars (\$10,000), which bond shall be
29 for the joint benefit of the several estates and the State of
30 California. The State Department of State Hospitals shall receive
31 any reasonable fees for its services as the guardian, conservator,
32 or administrator as the court allows. The fees paid to the State
33 Department of State Hospitals for its services as guardian,
34 conservator, or administrator of the various estates may be used
35 as a trust account from which may be drawn expenses for filing
36 fees, bond premiums, court costs, and other expenses required in
37 the administration of the various estates. Whenever the balance
38 remaining in the trust fund account shall exceed a sum deemed
39 necessary by the department for the payment of expenses, the

1 excess shall be paid quarterly by the department into the State
2 Treasury to the credit of the General Fund.

3 *SEC. 126. Section 7294 of the Welfare and Institutions Code*
4 *is amended to read:*

5 7294. ~~Any~~(a) A person who has been committed as a defective
6 ~~or psychopathic~~ delinquent *with a mental health disorder* may be
7 paroled or granted a leave of absence by the medical superintendent
8 of the institution wherein the person is confined whenever the
9 medical superintendent is of the opinion that the person has
10 improved to such an extent that he or she is no longer a menace
11 to the health and safety of others or that the person will receive
12 benefit from the parole or leave of absence, and after the medical
13 superintendent and the Director of State Hospitals have certified
14 the opinion to the committing court.

15 ~~If~~

16 (b) *If*, within 30 days after the receipt of the certification, the
17 committing court orders the return of the person, the person shall
18 be returned forthwith to await further action of the court. If, within
19 30 days after the receipt of the certification, the committing court
20 does not order the return of the person to await the further action
21 of the court, the medical superintendent may thereafter parole the
22 person under the terms and conditions ~~as may be~~ specified by the
23 superintendent. ~~Any~~ A paroled inmate may, at any time during the
24 parole period, be recalled to the institution. The period of parole
25 shall in no case be less than five years, and shall be on the same
26 general rules and conditions as parole of ~~the mentally disordered~~
27 *persons with mental health disorders.*

28 ~~When any~~

29 (c) *When* a person has been paroled for five consecutive years,
30 if in the opinion of the medical superintendent and the Director of
31 State Hospitals the person is no longer a menace to the health,
32 person, or property of himself or herself or of any other person,
33 the medical superintendent, subject to the approval of the Director
34 of State Hospitals, may discharge the person. The committing court
35 shall be furnished with a certified copy of the discharge and shall
36 thereupon ~~make such disposition~~ *dispose* of the court case as it
37 deems necessary and proper.

38 ~~When~~

39 (d) *When*, in the opinion of the medical superintendent, a person
40 previously committed as a ~~defective or psychopathic~~ delinquent

1 *with a mental health disorder* will not benefit by further care and
 2 treatment under any facilities of the department and should be
 3 returned to the jurisdiction of the court, the superintendent of the
 4 institution and the Director of State Hospitals shall certify the
 5 opinion to the committing court, including therein a report,
 6 diagnosis, and recommendation concerning the person's future
 7 care, supervision, or treatment. Upon receipt of the certification,
 8 the committing court shall forthwith order the return of the person
 9 to the court. The person shall be entitled to a court hearing and to
 10 present witnesses in his or her own behalf, to be represented by
 11 counsel and to cross-examine any witness who testifies against
 12 him or her. After considering all the evidence before it, the court
 13 may make a further order or commitment with reference to the
 14 person as may be authorized by law.

15 *SEC. 127. Section 7300 of the Welfare and Institutions Code*
 16 *is amended to read:*

17 7300. (a) It shall be the policy of the department to make
 18 available to all persons admitted to a state hospital prior to July 1,
 19 1969, and to all persons judicially committed or remanded to its
 20 jurisdiction all of the facilities under the control of the department.
 21 Whenever, in the opinion of the Director of State Hospitals, it
 22 appears that a person admitted prior to July 1, 1969, or that a person
 23 judicially committed or remanded to the State Department of State
 24 Hospitals for placement in an institution would be benefited by a
 25 transfer from that institution to another institution ~~in the department~~
 26 *under the department's jurisdiction*, the director may cause the
 27 transfer of the patient ~~from that institution to another institution~~
 28 ~~under the jurisdiction of the department~~. Preference shall be given
 29 in any such transfer to an institution in an adjoining rather than a
 30 remote district.

31 ~~However~~

32 (b) ~~However~~, before ~~any~~ *an* inmate of a correctional school
 33 may be transferred to a state hospital ~~for the mentally disordered~~,
 34 he or she shall first be returned to a court of competent jurisdiction,
 35 and, if subject to commitment, after hearing, may be committed
 36 to a state hospital ~~for the mentally disordered~~ in accordance with
 37 law.

38 ~~The~~

39 (c) ~~The~~ expense of ~~such~~ *the* transfers is chargeable to the state,
 40 and the bills for the same, when approved by the Director of State

1 Hospitals, shall be paid by the Treasurer on the warrant of the
2 Controller, out of ~~any~~ moneys provided for the care or support of
3 the patients or out of the moneys provided for the support of the
4 department, in the discretion of the department.

5 *SEC. 128. Section 7329 of the Welfare and Institutions Code*
6 *is amended to read:*

7 7329. (a) When ~~any~~ a patient, who is subject to judicial
8 commitment, has escaped from ~~any~~ a public mental hospital in a
9 state of the United States other than California and is present in
10 this state, ~~any~~ a peace officer, health officer, county physician, or
11 assistant county physician may take the person into custody within
12 five years after the escape. The person may be admitted and
13 detained in the quarters provided in ~~any~~ a county hospital or state
14 hospital upon application of the peace officer, health officer, county
15 physician, or assistant county physician. The application shall be
16 in writing and shall state the identity of the person, the name and
17 place of the institution from which he or she escaped and the
18 approximate date of the escape, and the fact that the person has
19 been apprehended pursuant to this section.

20 *As*

21 (b) *As* soon as possible after the person is apprehended, the
22 district attorney of the county in which the person is present shall
23 file a petition in the superior court alleging the facts of the escape,
24 and requesting an immediate hearing on the question of whether
25 the person has escaped from a public mental hospital in another
26 state within five years prior to his or her apprehension. The hearing
27 shall be held within three days after the day on which the person
28 was taken into custody. If the court finds that the person has not
29 escaped from such a hospital within five years prior to his or her
30 apprehension, he or she shall be released immediately.

31 *If*

32 (c) *If* the court finds that the person did escape from a public
33 mental hospital in another state within five years prior to his or
34 her apprehension, the superintendent or physician in charge of the
35 quarters provided in the county hospital or state hospital may care
36 for and treat the person, and the district attorney of the county in
37 which the person is present immediately shall present to a judge
38 of the superior court a petition asking that the person be judicially
39 committed to a state hospital in this state. The hearing on the
40 petition shall be held within seven days after the court's

1 determination in the original hearing that the person did escape
 2 from a public mental hospital in another state within five years
 3 prior to his apprehension. Proceedings shall thereafter be conducted
 4 as on a petition for judicial commitment of the particular type of
 5 person subject to judicial commitment. If the court finds that the
 6 person is subject to judicial commitment it shall order him or her
 7 judicially committed to a state hospital in this state; otherwise, it
 8 shall order him or her to be released. It shall be the duty of the
 9 superintendent of the state hospital to accept custody of the person,
 10 if he or she has been determined to be subject to judicial
 11 commitment. The State Department of State Hospitals will
 12 promptly cause the person to be returned to the institution from
 13 which he or she escaped if the authorities in charge of the
 14 institution agree to accept him or her. If the authorities refuse to
 15 accept the person, the superintendent of the state hospital in which
 16 the person is confined shall continue to care for and treat the person
 17 in the same manner as any other person judicially committed to
 18 the hospital as ~~mentally disordered~~ *having a mental health disorder*.

19 *SEC. 129. Section 7352 of the Welfare and Institutions Code*
 20 *is amended to read:*

21 7352. (a) The medical director of a state hospital ~~for the~~
 22 ~~mentally disordered~~ may grant a leave of absence to ~~any a~~
 23 judicially committed patient, except as provided in Section 7350,
 24 under general conditions prescribed by the State Department of
 25 State Hospitals.

26 ~~The~~

27 (b) *The* State Department of State Hospitals may continue to
 28 render services to patients placed on leave of absence prior to July
 29 1, 1969, to the extent ~~such~~ *those* services are authorized by law in
 30 effect immediately preceding July 1, 1969.

31 *SEC. 130. Section 7354 of the Welfare and Institutions Code*
 32 *is amended to read:*

33 7354. ~~Any mentally disordered~~ (a) *A person with a mental*
 34 *health disorder* may be granted care in a licensed institution or
 35 other suitable licensed or certified facility. The State Department
 36 of State Hospitals may pay for that care at a rate not exceeding the
 37 average cost of care of patients in the state hospitals, as determined
 38 by the Director of State Hospitals. The payments shall be made
 39 from funds available to the State Department of State Hospitals
 40 for that purpose.

1 ~~The~~

2 (b) *The* State Department of State Hospitals may make
3 payments for services for ~~mentally-disordered~~ patients *who have*
4 *mental health disorders* in private facilities released or discharged
5 from state hospitals on the basis of reimbursement for reasonable
6 cost, using the same standards and rates consistent with those
7 established by the State Department of Health Care Services for
8 similar types of care. The payments shall be made within the
9 limitation of funds appropriated to the State Department of State
10 Hospitals for that purpose.

11 ~~No~~

12 (c) *No* payments for care or services of a ~~mentally-disordered~~
13 patient *with a mental health disorder* shall be made by the State
14 Department of State Hospitals pursuant to this section unless the
15 care or services are requested by the local director of the mental
16 health services of the county of the patient's residence, unless
17 provision for the care or services is made in the county Short-Doyle
18 plan of the county under which the county shall reimburse the
19 department for 10 percent of the amount expended by the
20 department, exclusive of the portion of the cost that is provided
21 by the federal government.

22 ~~The~~

23 (d) *The* provision for the 10-percent county share shall be
24 inapplicable with respect to ~~any~~ a county with a population of
25 under 100,000 ~~which persons that~~ has not elected to participate
26 financially in providing services under Division 5 (commencing
27 with Section 5000) in accordance with Section 5709.5.

28 *SEC. 131. Section 7357 of the Welfare and Institutions Code*
29 *is amended to read:*

30 7357. The superintendent of a state hospital, on filing his or
31 her written certificate with the Director of State Hospitals, may
32 discharge ~~any~~ a patient who, in his or her judgment, has recovered
33 or ~~was did~~ not, at time of admission, ~~mentally-disordered~~ *have a*
34 *mental health disorder.*

35 *SEC. 132. Section 7362 of the Welfare and Institutions Code*
36 *is amended to read:*

37 7362. (a) The medical superintendent of a state hospital, on
38 filing his or her written certificate with the Director of State
39 Hospitals, may on his or her own motion, and shall on the order

1 of the State Department of State Hospitals, discharge ~~any~~ a patient
 2 who comes within any of the following descriptions:

3 (a)

4 (1) Who is not a proper case for treatment therein.

5 (b)

6 (2) Who ~~is developmentally disabled or is affected with~~ has a
 7 *developmental disability* or a chronic harmless mental health
 8 disorder.

9 The

10 (b) The person, when discharged, shall be returned to the county
 11 of his or her residence at the expense of the county, and delivered
 12 to the sheriff or other appropriate county official to be designated
 13 by the board of supervisors, for delivery to the official or agency
 14 in that county charged with the responsibility for the person. Should
 15 the person be a poor and indigent person, he or she shall be cared
 16 for by the county as are other indigent poor.

17 No

18 (c) No person who has been discharged from ~~any~~ a state hospital
 19 under the provisions of ~~subdivision (b) above~~ *paragraph (2) of*
 20 *subdivision (a)* shall be again committed to ~~any~~ a state hospital
 21 for the mentally disordered unless he or she is subject to judicial
 22 commitment.

23 *SEC. 133. Section 7500 of the Welfare and Institutions Code*
 24 *is amended to read:*

25 7500. There are established in the state the following state
 26 hospitals for the care and treatment of ~~the developmentally disabled~~
 27 *persons with developmental disabilities:*

28 (a) Sonoma State Hospital, in Sonoma County.

29 (b) Lanterman State Hospital, in Los Angeles County.

30 (c) Porterville State Hospital, in Tulare County.

31 (d) Fairview State Hospital, in Orange County.

32 (e) ~~Agnews State Hospital, in Santa Clara County.~~

33 (f) ~~Stockton State Hospital, in San Joaquin County.~~

34 (g) ~~Camarillo State Hospital, in Ventura County.~~

35 Wherever in this code or in any provision of statute heretofore
 36 or hereafter enacted the term “home for the feebleminded,” “home
 37 for the mentally deficient,” “state hospital for the mentally
 38 deficient,” or “state hospital for the mentally retarded” is used, it
 39 shall be construed to refer to and mean “state hospital for the
 40 developmentally disabled.”

1 *SEC. 134. Section 7501.5 of the Welfare and Institutions Code*
2 *is amended to read:*

3 7501.5. (a) The Department of General Services, in cooperation
4 with the State Department of Developmental Services and the State
5 Department of State Hospitals, may lease property within the
6 boundaries of Camarillo State Hospital described in subdivision
7 (c) to Ventura County, which may sublet the property to one or
8 more responsible organizations selected by Ventura County for
9 the purposes of constructing housing or operating residential care
10 services, or both, designed to meet the identified treatment and
11 rehabilitation needs of ~~mentally-disordered~~ persons *with mental*
12 *health disorders* from Ventura County. The lease between the state
13 and Ventura County shall contain a provision that requires that the
14 lease shall terminate and that full title, possession, and control of
15 the property shall return to the state if permits have not been issued
16 for construction of the housing prior to January 1, 1995. The
17 sublease between Ventura County and the responsible bidder shall
18 contain a provision that requires that permits for construction of
19 the housing be issued prior to January 1, 1995, and shall contain
20 a provision that requires that the sublease shall terminate and full
21 title, possession, and control of the property shall return to the state
22 if permits have not been issued for construction of the housing
23 prior to January 1, 1995.

24 (b) In selecting a service provider pursuant to subdivision (a),
25 Ventura County shall only consider a sublease with organizations
26 that comply with subdivision (b) of Section 5705 and Section 523
27 of Title 9 of the California Code of Regulations.

28 (c) (1) The property consists of a 15 plus acre portion of a 58.5
29 acre parcel at Camarillo State Hospital that has previously been
30 declared surplus by the State Department of Developmental
31 Services. The acreage is on Lewis Road at the entrance to
32 Camarillo State Hospital. Specific metes and bounds shall be
33 established for the 15 plus acre parcel prior to the actual lease of
34 the property.

35 (2) The Department of General Services may enter into a lease
36 at less than fair market value. The department is authorized to lease
37 the parcel for not less than 40, and not more than 99, years.

38 (d) If there is available space, ~~mentally-disordered~~ persons *who*
39 *have mental health disorders* from Los Angeles, San Luis Obispo,
40 and Santa Barbara Counties may be eligible for placement at this

1 center if an agreement to that effect is entered into between those
2 counties and Ventura County. The agreement shall specify that
3 Los Angeles, San Luis Obispo, and Santa Barbara Counties shall
4 retain responsibility for monitoring and maintenance of ~~mentally~~
5 ~~disordered~~ persons *with mental health disorders who are placed*
6 *through those agreements and for payment of costs incurred or*
7 *services rendered by Ventura County.*

8 *SEC. 135. Any section of any act enacted by the Legislature*
9 *during the 2014 calendar year that takes effect on or before*
10 *January 1, 2015, and that amends, amends and renumbers, adds,*
11 *repeals and adds, or repeals a section that is amended or repealed*
12 *by this act shall prevail over this act, whether that act is enacted*
13 *prior to, or subsequent to, the enactment of this act. The repeal of*
14 *any section by this act shall not become operative if any section*
15 *of any other act that is enacted by the Legislature during the 2014*
16 *calendar year and takes effect on or before January 1, 2015,*
17 *amends, amends and renumbers, adds, repeals and adds, or repeals*
18 *that section.*