

Assembly Bill No. 2374

CHAPTER 815

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

[Approved by Governor September 29, 2014. Filed with
Secretary of State September 29, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2374, Mansoor. Substance abuse: recovery and treatment services.

(1) Existing law grants the Department of Health Care Services the sole authority in state government to license adult alcoholism or drug abuse recovery or treatment facilities. The department is authorized to issue a license to specified types of facilities if certain criteria are met. Existing regulations require licensees to report specified events and incidents to the department, including, among others, the death of a resident at a licensed facility.

This bill would require the department to design its death investigation policy to ensure that the death of a resident of a licensed facility is addressed and investigated by the department in a timely manner. The bill would specify the content of telephonic and written reports of resident deaths occurring in a licensed facility that are required to be reported to the department.

This bill would require that a telephonic report be submitted to the department within one working day, and a written report within 7 calendar days, of the event or incident.

(2) Existing law grants the department the sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under state law. The department, by regulation, requires that a person who will provide counseling services to those programs to register with, and be certified by, a nationally accredited certifying organization approved by the department.

This bill would prohibit the department from approving a certifying organization for those purposes if the organization does not, prior to registering or certifying an individual, contact other department-approved certifying organizations to determine whether the individual has ever had his or her registration or certification revoked. The bill would require a certifying organization to deny a counselor's request for registration if the counselor's registration or certification has been previously revoked, and to send the counselor a written notice of denial.

This bill would authorize the department to implement, interpret, or make specific the provisions described above by all-county letters, plan letters, plan or provider bulletins, or similar instructions, until the time the department adopts regulations. The bill would require the department to adopt those regulations by December 31, 2017.

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

SECTION 1. Section 11830.01 is added to the Health and Safety Code, to read:

11830.01. (a) The department's death investigation policy shall be designed to ensure that a resident's death is addressed and investigated by the department in a timely manner.

(b) The telephonic and written reports of resident deaths occurring in a licensed facility that are required to be reported to the department shall include, but not be limited to, a description of the event or incident, including the time, location, and nature of the event or incident, a list of immediate actions that were taken, including persons contacted, and a description of the followup action that is planned, including, but not limited to, steps taken to prevent a future death.

(c) A telephonic report required under subdivision (b), which includes the event or incident and all information required under subdivision (b) that is known at the time of the report, shall be submitted to the department within one working day of the event or incident.

(d) A written report required under subdivision (b), which includes all information required under subdivision (b), shall be submitted to the department within seven calendar days of the event or incident.

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

11833. (a) The department shall have the sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under this part.

(b) (1) Except for licensed professionals, as defined by the department, the department shall require that an individual providing counseling services working within a program described in subdivision (a) be registered with or certified by a certifying organization approved by the department to register and certify counselors.

(2) The department shall not approve a certifying organization that does not, prior to registering or certifying an individual, contact other department-approved certifying organizations to determine whether the individual has ever had his or her registration or certification revoked.

(c) If a counselor's registration or certification has been previously revoked, the certifying organization shall deny the request for registration and shall send the counselor a written notice of denial. The notice shall

specify the counselor's right to appeal the denial in accordance with applicable statutes and regulations.

(d) The department shall have the authority to conduct periodic reviews of certifying organizations to determine compliance with all applicable laws and regulations, including subdivision (c), and to take actions for noncompliance, including revocation of the department's approval.

(e) (1) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department, without taking any further regulatory action, shall implement, interpret, or make specific this section by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions until the time that regulations are adopted.

(2) The department shall adopt regulations by December 31, 2017, in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.