

**ASSEMBLY BILL**

**No. 2612**

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**Introduced by Assembly Member Dababneh**

February 21, 2014

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An act to amend Section 1250.2 of the Health and Safety Code, relating to health facility licensing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2612, as introduced, Dababneh. Health facilities: licensing: psychiatric health facility.

Existing law provides for the licensure and regulation by the State Department of Public Health of health facilities. Under existing law, a health facility includes a psychiatric health facility, as defined to mean a health facility, licensed by the State Department of Health Care Services, that provides 24-hour inpatient care for mentally disordered, incompetent, or other specified persons.

This bill would make technical, nonsubstantive changes to these provisions.

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 1250.2 of the Health and Safety Code is
- 2 amended to read:
- 3 1250.2. (a) (1) As defined in Section 1250, "health facility"
- 4 includes a "psychiatric health facility," defined to mean a health
- 5 facility, licensed by the State Department of Health Care Services,
- 6 that provides 24-hour inpatient care for mentally disordered,

1 incompetent, or other persons described in Division 5 (commencing  
2 with Section 5000) or Division 6 (commencing with Section 6000)  
3 of the Welfare and Institutions Code. This care shall include, but  
4 not be limited to, the following basic services: psychiatry, clinical  
5 psychology, psychiatric nursing, social work, rehabilitation, drug  
6 administration, and appropriate food services for those persons  
7 whose physical health needs can be met in an affiliated hospital  
8 or in outpatient settings.

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

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

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

33 (c) ~~Any reference~~ *Reference* in any statute to Section 1250 of  
34 the Health and Safety Code shall be deemed and construed to also  
35 be a reference to this section.

36 (d) Notwithstanding any other ~~provision~~ of law, and to the extent  
37 consistent with federal law, a psychiatric health facility shall be  
38 eligible to participate in the medicare program under Title XVIII  
39 of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.),  
40 and the medicaid program under Title XIX of the federal Social

1 Security Act (42 U.S.C. Sec. 1396 et seq.), if all of the following  
2 conditions are met:

3 (1) The facility is a licensed facility.

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

9 (3) The facility meets the definitions and requirements contained  
10 in subdivisions (e) and (f) of Section 1861 of the federal Social  
11 Security Act (42 U.S.C. Sec. 1395x(e) and (f)), including the  
12 approval process specified in Section 1861(e)(7)(B) of the federal  
13 Social Security Act (42 U.S.C. Sec. 1395x(e)(7)(B)), which  
14 requires that the state agency responsible for licensing hospitals  
15 has assured that the facility meets licensing requirements.

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

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