

**ASSEMBLY BILL**

**No. 861**

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**Introduced by Assembly Member Maienschein**

February 26, 2015

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An act to amend Section 5512 of the Welfare and Institutions Code, relating to mental health services.

LEGISLATIVE COUNSEL'S DIGEST

AB 861, as introduced, Maienschein. Mental health services: patients' rights.

Existing law directs the State Department of State Hospitals and the State Department of Health Care Services to ensure that mental health laws, regulations, and policies on the rights of recipients of mental health services are observed and protected in state hospitals and in licensed health and community care facilities. Existing law requires departments to contract with a single nonprofit entity for protection and advocacy services for persons with mental disabilities and requires the prescribed training of county patients' rights advocates to be provided by that contractor.

This bill would make a technical, nonsubstantive change 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 5512 of the Welfare and Institutions Code  
2     is amended to read:

1 5512. Training of county patients' rights advocates shall be  
2 provided by the contractor specified in Section 5510 responsible  
3 for the provision of protection and advocacy services to persons  
4 with mental disabilities. Training shall be directed at ensuring that  
5 all county patients' rights advocates possess *all of the following*:

6 (a) Knowledge of the service system, financial entitlements,  
7 and service rights of persons receiving mental health services. This  
8 knowledge shall include, but need not be limited to, knowledge  
9 of available treatment and service resources in order to ensure  
10 timely access to treatment and services.

11 (b) Knowledge of patients' rights in institutional and community  
12 facilities.

13 (c) Knowledge of civil commitment statutes and procedures.

14 (d) Knowledge of state and federal laws and regulations  
15 affecting recipients of mental health services.

16 (e) Ability to work effectively and respectfully with service  
17 recipients and providers, public administrators, community groups,  
18 and the judicial system.

19 (f) Skill in interviewing and counseling service recipients,  
20 including giving information and appropriate referrals.

21 (g) Ability to investigate and assess complaints and screen for  
22 legal problems.

23 (h) Knowledge of administrative and judicial due process  
24 proceedings in order to provide representation at administrative  
25 hearings and to assist in judicial hearings when necessary to carry  
26 out the intent of Section 5522 regarding cooperation between  
27 advocates and legal representatives.

28 (i) Knowledge of, and commitment to, advocacy ethics and  
29 principles.

30 (j) This section shall become operative on January 1, 1996.