

AMENDED IN ASSEMBLY JUNE 24, 1997
AMENDED IN ASSEMBLY JUNE 11, 1997
AMENDED IN ASSEMBLY APRIL 24, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 482

Introduced by Assembly Member Aroner

February 24, 1997

An act to add Section 1260 to the Health and Safety Code, and to amend Section 5622 of, and to add ~~Sections 4081 and~~ *Section 5768.5* to, the Welfare and Institutions Code, relating to human services, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 482, as amended, Aroner. Psychiatric health facilities: discharge information.

Existing law provides for various types of health facilities in which inpatient psychiatric services are provided.

This bill would require that when a psychiatric patient is being discharged from any of specified health facilities the discharge or aftercare plan to be provided to the caregiver shall include specified basic information about the patient's mental disorder, in order to facilitate the patient's care after he or she is discharged.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 1260 is added to the Health and
2 Safety Code, to read:
3 1260. (a) When a mental health patient is being
4 discharged from one of the facilities specified in
5 subdivision (c), the patient and the patient’s conservator,
6 guardian, or other legally authorized representative shall
7 be given a written aftercare plan prior to the patient’s
8 discharge from the facility. The written aftercare plan
9 shall include, to the extent known, all of the following
10 components:
11 (1) Mental health diagnosis.
12 (2) Medications including side effects and dosage
13 schedules.
14 (3) Prognosis.
15 (4) Recommendations regarding treatment that are
16 relevant to the patient’s care.
17 (5) Referrals to providers of medical and mental
18 health services.
19 (6) Other relevant information.
20 (b) The patient shall be advised by facility personnel
21 that he or she may designate another person to receive a
22 copy of the aftercare plan. A copy of the aftercare plan
23 shall be given to any person designated by the patient.
24 (c) Subdivision (a) applies to all of the following
25 facilities:
26 (1) A state mental hospital.
27 (2) A general acute care hospital as described in
28 subdivision (a) of Section 1250.
29 (3) An acute psychiatric hospital as described in
30 subdivision (b) of Section 1250.
31 (4) A psychiatric health facility as described in Section
32 1250.2.
33 (5) A mental health rehabilitation center as described
34 in Section 5675 of the Welfare and Institutions Code.



1 (6) An institute for mental disease as described in
2 Chapter 1 (commencing with Section 5900) of Part 5 of
3 the Welfare and Institutions Code.

4 ~~SEC. 2. Section 4081 is added to the Welfare and~~
5 ~~Institutions Code, to read:~~

6 ~~4081. (a) Notwithstanding subdivision (a) of Section~~
7 ~~5328, Section 5622 or any other provision of law relating~~
8 ~~to confidentiality or privilege, when a psychiatric patient~~
9 ~~is being discharged from one of the facilities specified in~~
10 ~~subdivision (b), into the care of a family member who is~~
11 ~~the patient's primary in-home caregiver, the discharge~~
12 ~~plan to be provided to the caregiver shall include basic~~
13 ~~information about the patient's mental disorder, in order~~
14 ~~to facilitate the patient's care after he or she is discharged.~~
15 ~~Basic information provided pursuant to this subdivision~~
16 ~~shall be information from the facility, the physician, and~~
17 ~~other providers regarding diagnosis, prognosis,~~
18 ~~medication management and potential side effects, and~~
19 ~~specific recommendations regarding treatment that are~~
20 ~~relevant to the person's care.~~

21 ~~(b) Subdivision (a) shall apply to all of the following~~
22 ~~facilities:~~

- 23 ~~(1) A state mental hospital.~~
- 24 ~~(2) A general acute care hospital.~~
- 25 ~~(3) A psychiatric health facility.~~
- 26 ~~(4) A mental health rehabilitation center.~~
- 27 ~~(5) An institute for mental disease.~~
- 28 ~~(6) An acute psychiatric hospital.~~

29 ~~(c) It is the intent of the Legislature to protect the~~
30 ~~patient's right to privacy guaranteed by Section 1 of~~
31 ~~Article I of the California Constitution. Therefore, this~~
32 ~~section shall not be construed to permit the facility to~~
33 ~~provide a family caregiver access to medical records or~~
34 ~~any information other than the basic information~~
35 ~~specifically authorized by subdivision (a).~~

36 ~~SEC. 3.—~~

37 ~~SEC. 2. Section 5622 of the Welfare and Institutions~~
38 ~~Code is amended to read:~~

39 ~~5622. (a) A licensed inpatient mental health facility~~
40 ~~operated by a county or pursuant to a county contract,~~



1 shall, prior to the discharge of any patient who was placed
2 in the facility, prepare a written aftercare plan. The
3 aftercare plan, to the extent known, shall specify the
4 following:

5 (1) Assessment of present level of functioning,
6 including capacity to provide for food, clothing, and
7 shelter.

8 (2) Diagnoses, including treatment initiated,
9 medications and side effects, and dosage schedules.

10 (3) Prognosis.

11 (4) The specific programs and services required so the
12 person can minimize future confinement and receive the
13 treatment in the least restrictive setting, including:

14 (A) Treatment objectives and goals stated in terms
15 which allow for measurement of progress and the
16 identification of the mental health personnel responsible
17 for the implementation of the goals and objectives.

18 (B) Referral to providers of medical and mental health
19 services.

20 (C) Identification of public social services, legal aid,
21 educational, and vocational services.

22 (5) If the person is homeless, arrangements, if possible,
23 for the voluntary placement of the person in a living
24 environment suitable to his or her needs.

25 (b) Any person undergoing treatment at a facility
26 under the Lanterman-Petris-Short Act or a county
27 Bronzan-McCorquodale facility and the person's
28 conservator, guardian, or other legally authorized
29 representative shall be given a written aftercare plan
30 prior to being discharged from the facility. The person
31 shall be advised by facility personnel that he or she may
32 designate another person to receive a copy of the
33 aftercare plan.

34 (c) A copy of the aftercare plan shall be given to any
35 person designated under subdivision (b). A copy of the
36 aftercare plan shall be transmitted to the local director of
37 mental health services in the county of the person's
38 placement who shall adopt and implement the plan, with
39 any modifications or changes which are necessary in light
40 of available resources, or when in the opinion of the local



1 director of mental health services, other or alternate
2 treatment is appropriate. Any patient who is released
3 from a community treatment facility or state hospital on
4 a voluntary basis may refuse any or all services under the
5 written aftercare plan.

6 ~~SEC. 4.—~~

7 SEC. 3. Section 5768.5 is added to the Welfare and
8 Institutions Code, to read:

9 5768.5. (a) When a mental health patient is being
10 discharged from any facility authorized under Section
11 5675 or 5768, the patient and the patient's conservator,
12 guardian, or other legally authorized representative shall
13 be given a written aftercare plan prior to the patient's
14 discharge from the facility. The written aftercare plan
15 shall include, to the extent known, the following
16 components:

- 17 (1) Mental health diagnosis.
- 18 (2) Medications including side effects dosage
19 schedules.
- 20 (3) Prognosis.
- 21 (4) Recommendations regarding treatment that are
22 relevant to the patient's care.
- 23 (5) Referrals to providers of medical and mental
24 health services.
- 25 (6) Other relevant information.

26 (b) The patient shall be advised by facility personnel
27 that he or she may designate another person to receive a
28 copy of the aftercare plan. A copy of the aftercare plan
29 shall be given to any person designated by the patient.

30 SEC. 4. *This act is an urgency statute necessary for the*
31 *immediate preservation of the public peace, health, or*
32 *safety within the meaning of Article IV of the*
33 *Constitution and shall go into immediate effect. The facts*
34 *constituting the necessity are:*

35 *In order for patients to be provided with necessary*
36 *information as soon as possible, this act must take effect*
37 *immediately.*

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