

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2397

Introduced by Assembly Member Allen

February 24, 2012

An act to add *and repeal* Section 4140–~~to~~ of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL’S DIGEST

AB 2397, as amended, Allen. Mental health: state hospitals: ancillary clinical staff-to-patient ratios.

Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of Mental Health, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities.

This bill would require these state hospitals to have, at a minimum, an ancillary clinical staff-to-patient ratio of *1 to 15 for admissions teams and 1 to 25 for all other teams, as specified*, for each applicable staff classification, based on the facility’s licensed bed capacity with a specified shift relief factor. *The bill would require the department to reimburse an independent entity to conduct a review and analysis of staffing ratios to determine the appropriate levels for effective patient treatment, and would require a report with findings to be submitted to the Legislature by August 1, 2013.*

This bill would repeal these provisions on January 1, 2015.

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

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

SECTION 1. Section 4140 is added to the Welfare and Institutions Code, to read:

4140. (a) A state hospital under the jurisdiction of the State Department of Mental Health shall have, at a minimum, an ancillary clinical staff-to-patient ratio of *1 to 15 for admissions teams and 1 to 25 for all other teams at any point in time* for each applicable staff classification.

(b) The ancillary clinical staff-to-patient ratios shall be based on the facility's licensed bed capacity with a shift relief factor of 0.2, as calculated by the State Department of Mental Health, to reflect absences, such as those due to illness, vacation, and training.

(c) For the purposes of this section, ~~ancillary clinical staff includes, but is not limited to, psychiatric, psychological, social worker, and rehabilitative staff.~~ *“ancillary clinical staff” means any of the following:*

(1) *Treating psychiatrist.*

(2) *Treating psychologist.*

(3) *Treating rehabilitation therapist.*

(4) *Treating social worker.*

(d) (1) *To the extent permitted by the California Constitution and Section 19130 of the Government Code, the State Department of Mental Health shall reimburse an independent entity for the purposes of conducting a review and analysis of staffing ratios to determine the appropriate levels for effective patient treatment. The State Department of Mental Health shall provide information to this entity as necessary for it to complete its analysis and provide recommendations. It is the intent of the Legislature that the State Department of Mental Health request the independent entity to complete this analysis by March 1, 2013. A report shall be submitted to the Legislature by August 1, 2013, regarding the independent entity's findings to ensure state hospitals are making progress and to enable the Legislature to consider further action that may be necessary during the subsequent legislative year.*

(2) *A report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.*

1 (e) *This section shall remain in effect only until January 1, 2015,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2015, deletes or extends that date.*

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