

Legislative Summary Report



2012 Legislative Year

2012 Legislation Affecting the
Department of State Hospitals

This page intentionally left blank.

STATE OF CALIFORNIA

EDMUND G. BROWN JR.
Governor

DIANA S. DOOLEY
Secretary, California Health and Human Services Agency

CLIFF ALLENBY
Acting Director, California Department of State Hospitals

October 2012

Prepared by:
California Department of State Hospitals
Office of Legislation

David O'Brien, Legislative Manager
Madhavi Kennedy, Legislative Analyst
Natalie Herrera, Legislative Analyst

1600 9th Street
Sacramento, CA 95814
916-654-2316

This page intentionally left blank.

TABLE OF CONTENTS

1. Introduction	- 7 -
2. Acronyms Commonly Used	- 9 -
3. Signed Legislation	- 11 -
4. Vetoed Legislation	- 15 -
5. Other Key Legislation	- 17 -
6. Additional Legislation	- 23 -
7. Legislation by Author	- 29 -

This page intentionally left blank.

INTRODUCTION

This Legislative Summary focuses on all legislation introduced or enacted in the 2012 legislative year that affected the Department of State Hospitals (DSH), as well as specified legislation that affected the former Department of Mental Health (DMH).

The DSH was established on July 1, 2012, and is the successor agency to the former DMH. The DSH is responsible for the operation of the State Hospital system, as well as three forensic mental health programs: the Sex Offender Commitment Program, the Mentally Disordered Offender program, and the Forensic Conditional Release Program.

The DSH oversees the operation of seven statewide mental health facilities:

- Atascadero State Hospital (DSH-Atascadero)
- Coalinga State Hospital (DSH-Coalinga)
- Metropolitan State Hospital (DSH-Metropolitan LA)
- Napa State Hospital (DSH-Napa)
- Patton State Hospital (DSH-Patton)
- Salinas Valley Psychiatric Program (DSH-Salinas Valley)
- Vacaville Psychiatric Program (DSH-Vacaville)

A third Psychiatric Program, at the Correctional Health Care Facility in Stockton, is scheduled to open in July 2013.

In operating these programs and serving our patients, the DSH adheres to its core values, vision, mission, and goals:

Core Values: *Safety, Treatment, and Responsibility.*

Vision: *Caring Today for a Safe and Healthy Tomorrow.*

Mission: *Providing evaluation and treatment in a safe and responsible manner, seeking innovation and excellence in hospital operations, across a continuum of care and settings.*

Goals: *A safe environment; Responsible stewardship; Excellence in forensic evaluation; Excellence in treatment.*

For more information about the legislation summarized in this document, please contact the DSH Office of Legislation at (916) 654-2316. For more information about the establishment of the DSH, including the new Department's core values, vision, mission, or goals, please contact the DSH Director's Office at (916) 654-2309, or visit our Internet Web site at <http://www.dsh.ca.gov>.

This page intentionally left blank.

ACRONYMS COMMONLY USED

AB	Assembly Bill
ACR	Assembly Concurrent Resolution
DMH	Department of Mental Health
DSH	Department of State Hospitals
DSH-Atascadero	Atascadero State Hospital
DSH-Coalinga	Coalinga State Hospital
DSH-Metropolitan	Metropolitan State Hospital
DSH-Napa	Napa State Hospital
DSH-Patton	Patton State Hospital
DSH-Salinas Valley	Salinas Valley Psychiatric Program
DSH-Stockton	Stockton Psychiatric Program
DSH-Vacaville	Vacaville Psychiatric Program
SB	Senate Bill

This page intentionally left blank.

SIGNED LEGISLATION

Assembly

AB 1467 (Committee on Budget)

Subject: Health

Status: Chapter 23

Summary: As it affects the former DMH, transfers programmatic responsibilities over Community Resource Centers to the Department of Health Care Services, as well as various Mental Health Services functions to the Department of Health Care Services and the Office of Statewide Health Planning and Development. As a budget trailer bill, AB 1467 took effect June 27, 2012.

AB 1470 (Committee on Budget)

Subject: Mental health: State Department of State Hospitals

Status: Chapter 24

Summary: Establishes DSH, and transfers all program responsibility over State Hospital and Sex Offender Commitment Program functions from the former DMH to the new DSH. Provides that all regulations relating to State Hospitals adopted by the former DMH remain in effect. Specifies the calculation for certain reimbursements for use of State Hospital beds by counties that have not contracted with DSH. Authorizes DSH to consult with counties to perform competency restoration for Incompetent to Stand Trial defendants in county jails. Extends, to September 2020, the authorization for DSH-Patton to house up to 1,530 patients. As a budget trailer bill, AB 1470 took effect June 27, 2012.

AB 1488 (Committee on Budget)

Subject: State Department of State Hospitals

Status: Chapter 440

Summary: Makes non-substantive, technical changes to various State codes to reflect the elimination of DMH and the new Department name. As a budget trailer bill, AB 1488 took effect September 22, 2012.

AB 2399 (Allen)

Subject: Mental health: state hospitals: injury and illness prevention plan

Status: Chapter 751

Summary: Requires DSH to update each State Hospital's injury and illness prevention plan annually, and requires DSH to submit those plans to the Legislature every two years. Requires each State Hospital to develop an incident reporting procedure that can be used to develop reports of patient assaults on employees to help identify risks.

AB 2531 (Allen)**Subject:** State Hospitals: prohibited items**Status:** Chapter 385**Summary:** DSH-sponsored bill. Authorizes each State Hospital to develop a list of items that are deemed contraband and prohibited on Hospital grounds. Requires the Hospital to form a contraband committee to develop the list of contraband items, and requires the list be subject to review and approval by the DSH Director, or his or her designee, and updated no less often than every six months. Authorizes DSH to implement these provisions without taking regulatory action.**Governor's Signing Message:** I am signing Assembly Bill 2351, which would allow state hospitals to quickly develop lists of contraband items, with input from patients and employees. I commend the author for his efforts to improve safety at our state hospitals. This measure will help ensure that dangers to staff and patients are minimized.Senate**SB 71 (Leno)****Subject:** State agencies: boards, commissions, and reports**Status:** Chapter 728**Summary:** Eliminates, consolidates, or streamlines specific reporting requirements for State agencies, and eliminates six State boards and committees. As it applies to DSH, deletes three reporting requirements: (1) a biannual report to the Legislature on the estimated population levels of State Hospitals; (2) a semiannual DSH report to the Legislature on the efforts and progress made to hire qualified State employees to conduct Sexually Violent Predator evaluations; and (3) a one-time transition report regarding the transfer of community-based Medical mental health care functions to the Department of Health Care Services.**SB 760 (Alquist)****Subject:** Sexually violent predators: evaluations**Status:** Chapter 790**Summary:** Allows DSH to appoint a replacement evaluator in a sexually violent predator court proceeding when the original evaluator, whether an independent professional or State employee, either resigns or retires, and has not entered into a new contract to continue as an evaluator in the case. This bill contained an urgency clause, and took effect upon enactment, on September 29, 2012.

SB 1009 (Committee on Budget and Fiscal Review)

Subject: Health and human services

Status: Chapter 34

Summary: Transfers remaining community mental health programs, including all Medi-Cal and Licensing and Certification functions, from the former DMH to the Department of Health Care Services, Department of Social Services, and Department of Public Health. As a budget trailer bill, SB 1009 took effect June 27, 2012.

SB 1051 (Liu)

Subject: Reports of death, injury, and abuse: developmental centers and state hospitals: mandated reporters

Status: Chapter 660

Summary: Requires DSH to report specified incidents – unexpected patient deaths, sexual assault allegations, or reports to local law enforcement agencies regarding physical abuse – to Disability Rights California, the designated protection and advocacy agency for State Hospital patients. This bill contained an urgency clause, and took effect upon enactment, on September 27, 2012.

SB 1217 (Dutton)

Subject: State hospitals: Patton State Hospital

Status: Chapter 707

Summary: Authorizes the Department of General Services, with the consent of DSH, to lease a building at DSH-Patton to a nonprofit corporation or local government, for up to 20 years, for the purpose of providing services to elderly persons. The intent of this bill is to allow the Highland Senior Center at DSH-Patton to sign a long-term extension of its current lease.

SB 1281 (Blakeslee)

Subject: Criminal procedure: not guilty by reason of insanity

Status: Chapter 150

Summary: Requires court-appointed mental health evaluators, when evaluating a defendant to determine if he or she is not guilty by reason of insanity, to consider each defendant's substance abuse history, his or her substance use history on the day of commission of the offense, and a review of the police report of the offense.

This page intentionally left blank.

VETOED LEGISLATION

AB 2623 (Allen)

Subject: State hospitals: peace officers

Summary: Would have required DSH, by June 30, 2013, to develop a policy regarding the arming of Hospital Police Officers while those officers are performing security functions outside of the secure treatment area, and would have required this policy to be implemented by January 1, 2014.

Governor's Veto Message: I am sensitive to the unique challenges of providing security in our state's mental hospitals. This is a matter, however, best left to the discretion of the department director who already has authority to arm its officers.

SB 447 (DeSaulnier)

Subject: State agencies: communications: social security numbers

Status: Vetoed

Summary: Would have prohibited a State agency or department, unless required by federal law, from sending any communication to any individual that contains the full social security number of that individual.

Governor's Message: I am returning Senate Bill 447 without my signature. Many state agencies already use a unique number, and not an individual's social security number, for identification purposes. But sometimes a social security number is used to determine eligibility for programs such as unemployment and disability benefits. On these occasions, federal and state laws provide numerous protections against identity theft and fraud, including how and when a document listing a person's social security number can be sent. While I understand the author's intent to prevent identity theft, the additional prohibition in this bill would hinder the ability of state agencies to promptly and accurately provide information to run essential programs.

SB 1318 (Wolk)

Subject: Health facilities: influenza vaccinations

Summary: Would have required licensed clinics and health facilities, including State Hospitals operated by DSH, to annually offer free onsite influenza vaccinations to all employees and affiliated onsite health care workers, in order to obtain a vaccination rate of 90% or higher at each facility by January 1, 2015.

Governor's Veto Message: Encouraging health care workers to be vaccinated against influenza is good policy, and I support the national goal of achieving a 90 percent compliance rate by 2020. Indeed, several counties and many hospitals have already adopted strict mandatory vaccination policies for their employees, and others are moving voluntarily in this direction. This bill would move the date up to 2015 and make compliance mandatory, which are requirements I do not believe are reasonable. I have confidence that local governments and health facilities are well equipped to make these decisions on their own.

OTHER KEY LEGISLATION Affecting the Department of State Hospitals

Assembly

AB 172 (Eng)

Subject: State agencies: information: Internet Web site

Status: Vetoed

Summary: Would have required the California Technology Agency to create and maintain a Reporting Transparency in Government Internet Web site, where State agencies would post specified audits and summary data of State-awarded contracts to that site.

Governor's Veto Message: I am returning Assembly Bill 172 without my signature. This bill would require information about state contracts and audits to be posted on a specific, new website. Information about state contracts can already be found at www.dgs.ca.gov/pd/programs/eprocure, and I am issuing an Executive Order to ensure that these contracts continue to be posted on this site. Audits conducted by the Bureau of State Audits can be found at www.bsa.ca.gov. Other audits are readily available as public records. While governmental transparency is laudable, there's no need for a new law.

AB 757 (Blumenfield)

Subject: Sex offenders: public information

Status: Failed deadline (2-year Bill)

Summary: Would have provided that a person who has been convicted of a commission or attempted commission of specified crimes, such as sexual battery and misdemeanor molesting of a child, and who meet specified conditions to file an application with the Department of Justice to have certain identifying and criminal history information excluded from Department of Justice's Internet Web site, or were granted an exemption, may have their information posted should any law enforcement agency notify the Department of Justice that public safety may be compromised by the exclusion of the offender from public posting on the Internet Web site.

AB 808 (Skinner)

Subject: Workers' compensation: hospital employers: presumption

Status: Ordered to inactive file

Summary: Would have created a disputable presumption that, if a hospital employee contracts methicillin-resistant *Staphylococcus aureus*, also known as a staph infection, then that employee contracted the infection as part of his or her work duties. Would have applied to all acute care hospital employees, including those at DSH State Hospitals.

AB 1278 (Hill)**Subject:** Health facilities: smoking**Status:** Vetoed**Summary:** Would have repealed the existing prohibition against smoking in specified areas of specified health facilities, and would have instead prohibited smoking in all areas of a general acute care hospital and throughout the entire hospital campus, as specified. Would have required the posting of specified signs and training of employees on the smoking policy. Would have specified that the smoking prohibition does not prevent smoking on a hospital campus by a patient if the treating physician determines that the patient's treatment will be substantially impaired by the denial to the patient of the use of tobacco and the physician enters a written order permitting the use of tobacco by that patient.**Governor's Veto Message:** I am returning Assembly Bill 1278 without my signature. Helping people to quit smoking is a laudable health goal. In fact, many hospitals already designate their campuses "smoke-free" and impose fines on violators. Nothing in current law prevents hospitals from adopting this practice. Finally, I would note that this bill eliminates penalties for smoking in hospitals. Why?**AB 1431 (Accountability and Administrative Review Committee)****Subject:** Government reports**Status:** Died in committee**Summary:** Would have eliminated the requirement that certain State agencies submit certain reports to the Legislature and other State agencies. Would have required the Legislative Counsel to delete specified reports from its electronic list of all reports that State and local agencies are required or requested by law to prepare and file with the Governor or the Legislature, or both, in the future or within the preceding year.**AB 1468 (Budget Committee)****Subject:** Health**Status:** Signed – Chapter 438**Summary:** Makes technical, nonsubstantive changes to various provisions of law to, in part, delete obsolete references to the former DMH.**AB 1655 (Dickinson)****Subject:** Public employees: rights**Status:** Died in committee**Summary:** Would have enacted the Public Employees' Bill of Rights Act for non-excluded State employees, to inform public employees of their rights and terms of employment in order to promote harmonious personnel relations between public employees and their employers. Would have, among other things, provided that State employees be entitled to priority over excluded employees or contractors in filling permanent, overtime, and on-call positions.

AB 1693 (Hagman)

Subject: Mental health: persons incompetent to stand trial: pilot program expansion

Status: Died in committee

Summary: Would have authorized DSH to expand the San Bernardino County Restoration of Competency pilot program to provide treatment in county jails to individuals found incompetent to stand trial. Would have required Los Angeles and Kern counties to implement a version of this program, and would have authorized any other county that chooses to participate to do so. Would have specified a list of required components that must be part of any competency restoration program established pursuant to this bill.

AB 1695 (Cook)

Subject: Sex offenders: identification

Status: Died in committee

Summary: Would have made it a misdemeanor for any person who has been adjudicated a sexually violent predator and is required to register as a sex offender or any person convicted of a crime committed against a minor under the age of 14 and is required to register as a sex offender, to be outside his or her domicile without a state-issued identification card.

AB 1914 (Garrick)

Subject: Agency reports

Status: Died in committee

Summary: Would have required every State agency that is required to submit one or more reports to the Legislature to submit, by April 1 of each year, a list of all reports the agency has not yet submitted to the Legislature, along with a status summary for each report, including a statement explaining why any overdue report has not yet been submitted and a compliance plan, as specified. Would have also provided that the Legislature may withhold appropriations for an agency that fails to submit timely reports.

AB 2397 (Allen)

Subject: Mental health: state hospitals: staff-to-patient ratios

Status: Died in committee

Summary: Would have required DSH to contract with an independent entity to perform an analysis of staff-to-patient ratios to determine the best ratios for effective patient treatment. Would have required this report's findings to be submitted to the Legislature by August 1, 2013.

Senate

SB 787 (Dutton)

Subject: Mental health: sexually violent predators

Status: Failed deadline (2-year Bill)

Summary: Would have made technical, nonsubstantive changes to provisions defining the process for the civil commitment of a person who is determined by a court to be a Sexually Violent Predator, prior to his or her release from the custody of the California Department of Corrections and Rehabilitation.

SB 1019 (Budget and Fiscal Review Committee)

Subject: Health

Status: Held at the desk

Summary: Would have made technical, nonsubstantive changes to various provisions of law to, in part, delete obsolete references to the former DMH.

SB 1150 (Dutton)

Subject: Prison: community supervision: eligibility

Status: Died in committee

Summary: Would have made the provisions for community supervision authorized by AB 109 (Postrelease Community Supervision Act of 2011) inapplicable to any person released from prison who has a prior conviction for either a serious or violent felony, a crime for which the person received a third strike, or a crime that resulted in the person being classified as a High Risk Sex Offender.

SB 1282 (Blakeslee)

Subject: Inmates: mental health treatment

Status: Died in committee

Summary: Would have provided that, for purposes of laws that classify assaults by prisoners, including gassing or the possession or manufacture of a weapon by a prisoner, a person is deemed "confined in" a prison if he or she is confined in a State Hospital where prisoners are located and receiving mental health treatment, or where prisoners are confined and are receiving mental health treatment as a condition of parole.

SB 1329 (Simitian)

Subject: Prescription drugs: collection and distribution program

Status: Signed – Chapter 709

Summary: Authorizes specified primary care clinics and pharmacies, including those at State Hospitals, to donate unused medications to an established county repository or distribution program that distributes surplus unused medications, as defined, to persons in need of financial assistance to ensure access to necessary pharmaceutical therapies.

SB 1358 (Walters)

Subject: Collective bargaining: state employees

Status: Died in committee

Summary: Would have provided that peace officers who are State employees have the right to be represented in a bargaining unit composed solely of fellow State employee peace officers, provided they have submitted a severance petition to the Public Employment Relations Board in accordance with State regulations.

This page intentionally left blank.

ADDITIONAL LEGISLATION
Affecting the former Department of Mental Health and
Relating to Mental Health Issues

With the elimination of the Department of Mental Health (DMH) and the transfer of State Hospital functions to the new Department of State Hospitals (DSH) on July 1, 2012 (AB 1470, Chapter 24, Statutes of 2012), this section of the report will include all bills that affected the former DMH and/or relate to mental health issues but do not affect DSH.

Assembly

AB 1569 (Allen)

Subject: Community mental health services: assisted outpatient treatment

Status: Signed – Chapter 441

Summary: Extends the sunset date for the Assisted Outpatient Treatment Act of 2002 (“Laura’s Law”) to January 1, 2017. This bill also requires a one-time Department of Health Care Services report to the Governor and the Legislature on its evaluation of all counties implementing Laura’s Law to be submitted by July 1, 2015. Laura’s Law was transferred to the Department of Health Care Services, so this bill has no impact to DSH, but Laura’s Law was a high-profile issue for the former DMH.

AB 1931 (Gorell)

Subject: Department of Veterans Affairs: consolidation of services to veterans

Status: Died in committee

Summary: Would have established the California Veterans Services and Workforce Development Division within the Department of Veterans Affairs for the purpose of coordinating and administering veterans assistance programs in California, and would have required the division to perform various functions and duties relating to the coordination and administration of veterans assistance programs.

AB 2134 (Chesbro)

Subject: Community mental health services: assisted outpatient treatment

Status: Died in committee

Summary: Would have required counties that choose to provide services pursuant to Laura's Law to develop best practices for the purposes of implementing these programs and responding to a mental health crisis. Would have exempted any county currently providing such services (Nevada County) from this bill's requirement.

AB 2149 (Butler)

Subject: Elder and dependent adult abuse: settlement: gag order

Status: Signed – Chapter 644

Summary: Provides that an agreement to settle a civil action for physical abuse, neglect, or financial abuse of an elder or dependent adult shall not include any provision that prohibits contact or cooperation with specified government agencies, including the former DMH.

AB 2228 (Hayashi)

Subject: Mental Health Services Act: family justice centers

Status: Died in committee

Summary: Would have required county Mental Health Services Act plans to include services that address the needs of crime victims who seek services at a family justice center, if the county has a family justice center. Would have declared that this policy is consistent with and furthers the intent of the Mental Health Services Act.

AB 2370 (Mansoor)

Subject: Mental retardation: change of term to intellectual disabilities

Status: Signed – Chapter 448

Summary: Changes the use of the term "mentally retarded" throughout State statute to instead say "intellectual disabilities," or "intellectually disabled." Makes no changes to services or eligibility for services.

AB 2371 (Butler)

Subject: Veterans: criminal defendants: mental health issues and restorative relief

Status: Signed – Chapter 403

Summary: Authorizes a court to grant restorative relief to a criminal defendant who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of service in the U.S. military if the court finds that the defendant meets specified criteria, including that he or she does not represent a danger to the health and safety of others.

AB 2611 (Butler)**Subject:** Veterans treatment courts**Status:** Vetoed**Summary:** Would have authorized superior courts to develop and implement veterans courts, with the objective of creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that leads to the placement of as many mentally ill offenders who are veterans, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from military service, in community treatment as is feasible and consistent with public safety. Would have provided that county participation is voluntary.**Governor's Veto Message:** I am returning Assembly Bill 2611 without my signature. This bill authorizes superior courts to implement veterans treatment courts, and encourages those courts to maintain information and statistics regarding the success rate. A 2008 Rand Corporation study found that nearly 19 percent of Iraq and Afghanistan veterans were reporting symptoms of post-traumatic stress disorder or major depression. I applaud the author's interest in encouraging courts to focus on helping these offenders rather than focusing solely on the punishment. These matters, however, fall logically within the sound discretion of the courts. Veterans treatment courts operate today in 15 counties, including Los Angeles, Orange, San Diego and Ventura. Nine more counties are considering whether to establish one. A bill is not necessary. I urge courts to continue to explore ways to meet the needs of veterans who have served their nation, including establishing a veterans treatment court.**ACR 110 (Fletcher)****Subject:** California Mental Health No Stigma Week**Status:** Chaptered – Resolution Chapter 110**Summary:** Declared the week of March 4, 2012, through March 10, 2012, as California Mental Health No Stigma Week.

Senate

SB 76 (Budget and Fiscal Review Committee)

Subject: Mental Health Services Act

Status: Died in committee

Summary: Would have deleted a current requirement for annual reviews of counties' community mental health services. Would have authorized the Mental Health Services Oversight and Accountability Commission, instead of DMH, to provide technical assistance to the county mental health plans.

SB 542 (Price)

Subject: Inmate Welfare Fund

Status: Signed – Chapter 831

Summary: Requires an unspecified percentage of money from the Inmate Welfare Fund to be transferred to county departments of probation for the coordination of mental health services after an inmate's release from state custody.

SB 942 (Education Committee)

Subject: Education

Status: Signed – Chapter 347

Summary: As it applies to the former DMH, this bill defines the membership of the Healthy Start Support Services for Children Program Council, which includes the Director of DMH.

SB 1002 (Yee)

Subject: Public records: electronic format

Status: Vetoed

Summary: Would have authorized an agency, upon request, to provide a copy of an electronic record in a format in which the text in the electronic record is searchable by commonly used software. Would have required the requester to bear the cost of converting the electronic record into a searchable format.

Governor's Veto Message: I am returning Senate Bill 1002 without my signature. This bill would require the State Chief Information Officer to provide a report to the Legislature on the feasibility of providing public records in a specific electronic format. The role of the State Chief Information Officer is to make sure that state government uses information technology efficiently and effectively, including providing public records electronically when possible. Another legislative report on electronic public records isn't necessary.

SB 1028 (Budget and Fiscal Review Committee)

Subject: Education finance

Status: Signed – Chapter 575

Summary: As it applies to the former DMH, requires the State Board of Education and the California Health and Human Services Agency including the Department of Health Care Services, DMH, and Department of Social Services to repeal regulations relating to county mental health services that are no longer supported by statute, including Sections 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, and 60200 of Title 2 of the California Code of Regulations.

SB 1136 (Steinberg)

Subject: Health: mental health: Mental Health Services Act

Status: Died in committee

Summary: Would have implemented key portions of the Governor's proposed reorganization of the Mental Health Services Act (Proposition 63 of 2004) functions and programs.

SB 1171 (Harman)

Subject: Maintenance of the codes

Status: Signed – Chapter 162

Summary: Maintenance of the codes bill. Made technical, non-substantive changes to multiple State statutes, including statutes relating to DSH and the former DMH

SB 1172 (Lieu)

Subject: Sexual orientation change efforts

Status: Signed – Chapter 835

Summary: Prohibits psychotherapists from performing sexual orientation change efforts in the absence of informed consent of the patient. Requires a specified statement to be included on the informed consent form. Informed consent will not be effective for patients under 18 years of age. Provides for a cause of action against psychotherapists by patients or former patients.

SB 1246 (Hernandez)

Subject: Health facilities: staffing

Status: Vetoed

Summary: Would have required general acute care hospitals to maintain a patient classification system, as defined, that is reviewed and updated annually. Would have provided that a failure to maintain and annually update a patient classification system, or failure to comply with a patient classification system, may be subject to an administrative penalty. Would have further required DPH inspections to include review of compliance with State requirements for staffing, including nurse-to-patient ratio requirements.

Governor's Veto Message: I am returning Senate Bill 1246 without my signature. This bill seeks to grant the Department of Public Health greater authority to enforce hospital nurse staffing ratios and patient classification system requirements. Everything is already on track to get this job done. The department will soon release proposed regulations on administrative penalties that will apply to a broad range of violations. The rulemaking process should be completed next year.

SB 1319 (Liu)

Subject: Child welfare

Status: Signed – Chapter 663

Summary: As it applies to functions formerly performed by DMH, this bill repeals the January 1, 2013 sunset that exempts Community Treatment Facilities from being required to have 24-hour onsite nursing staff, thus making the exemption permanent. Since oversight of Community Treatment Facilities has been transferred to the Department of Health Care Services, this bill does not affect DSH.

SB 1343 (Emmerson)

Subject: Postrelease community supervision: local law enforcement notification.

Status: Died in committee

Summary: Would have required a county agency implementing postrelease supervision to notify all relevant local law enforcement agencies of the person's residence in the area and to ensure that local summary criminal history information is available to all local law enforcement officers.

SB 1381 (Pavley)

Subject: Mental retardation: change of term to intellectual disability

Status: Signed – Chapter 457

Summary: Changes the use of the term "mentally retarded" throughout State statute to instead say "intellectual disabilities," or "intellectually disabled."

SB 1432 (Steinberg)

Subject: Child and family welfare

Status: Died in committee

Summary: Would have provided that representatives of the former DMH and the Department of Child Support Services are no longer required to participate in a California Health and Human Services Agency workgroup on child and family welfare.

LEGISLATION BY AUTHOR

Assembly

Accountability and Administrative Review Committee

AB 1431: Government reports

Allen, Michael

AB 1569: Community mental health services: assisted outpatient treatment.

AB 2397: Mental health: state hospitals: staff-to-patient ratios.

AB 2399: Mental health: state hospitals: injury and illness prevention plan.

AB 2531: State hospitals: prohibited items

AB 2623: State hospitals: peace officers

Blumenfeld, Bob

AB 757: Sex offenders: public information

Butler, Betsy

AB 2149: Elder and dependent adult abuse: settlement: gag order/

AB 2371: Veterans: criminal defendants: mental health issues and restorative relief.

AB 2611: Veterans treatment courts.

Chesbro, Wesley

AB 2134: Community mental health: services: assisted outpatient treatment.

Committee on Budget

AB 1467: Health

AB 1468: Health

AB 1470: Mental health: State Department of State Hospitals

AB 1488: State Department of State Hospitals

Cook, Paul

AB 1695: Sex offenders: identification.

Dickinson, Roger

AB 1655: Public employees: rights.

Eng, Mike

AB 172: State agencies: information: Internet Web site

Fletcher, Nathan

ACR 110: California Mental Health No Stigma Week.

Garrick, Martin

AB 1914: Agency reports.

Gorell, Jeff

AB 1931: Department of Veterans Affairs: consolidation of services to veterans.

Hagman, Curt

AB 1693: Mental health: persons incompetent to stand trial: pilot program expansion.

Hayashi, Mary

AB 2228: Mental Health Services Act: family justice centers.

Hill, Jerry

AB 1278: Health facilities: smoking.

Mansoor, Allan

AB 2370: Mental retardation: change of term to intellectual disabilities.

Skinner, Nancy

AB 808: Workers' compensation: hospital employers: presumption.

Senate

Alquist, Elaine

SB 760: Sexually violent predators: evaluations.

Blakeslee, Sam

SB 1281: Criminal procedure: not guilty by reason of insanity.

SB 1282: Inmates: mental health treatment.

Committee on Budget and Fiscal Review

SB 76: Mental Health Services Act

SB 1009: Health and human services

SB 1019: Health

SB 1028: Education finance

DeSaulnier, Mark

SB 447: State agencies: communications: social security numbers.

Dutton, Bob

SB 787: Mental health: sexually violent predators.

SB 1150: Prison: community supervision: eligibility.

SB 1217: State Hospitals: Patton State Hospital.

Emmerson, Bill

SB 1343: Postrelease community supervision: local law enforcement notification.

Harman, Tom

SB 1171: Maintenance of codes.

Hernandez, Ed

SB 1246: Health facilities: staffing.

Leno, Mark

SB 71: State agencies: boards, commissions, and reports.

Lieu, Ted

SB 1172: Sexual orientation change efforts.

Liu, Carol

SB 1051: Reports of death, injury and abuse; developmental centers and state hospitals; mandated reporters.

SB 1319: Child welfare.

Pavley, Fran

SB 1381: Mental retardation: change of term to intellectual disability.

Price, Curren

SB 542: Inmate Welfare Fund.

Simitian, Joe

SB 1329: Prescription drugs: collection and distribution program.

Steinberg, Darrell

SB 1136: Health; mental health: Mental Health Services Act.

SB 1432: Child and family welfare.

Walters, Mimi

SB 1358: Collective bargaining: state employees.

Wolk, Lois

SB 1318: Health facilities: influenza vaccinations.

Yee, Leland

SB 1002: Public records; electronic format.