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**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 4. MENTAL HEALTH [4000 - 4390]** ( Heading of Division 4 amended by Stats. 1977, Ch. 1252. )

**PART 2. ADMINISTRATION OF STATE INSTITUTIONS FOR THE MENTALLY DISORDERED [4100 - 4336]** ( Heading of Part 2 renamed from Chapter 2 (of Part 1) by Stats. 1977, Ch. 1252. )

**CHAPTER 3. Officers and Employees [4300 - 4321]** ( Heading of Chapter 3 renamed from Article 3 (of former Chapter 2) by Stats. 1977, Ch. 1252. )

**4300.** As used in this chapter, "officers" of a state hospital means:

- (a) Medical director.
- (b) Hospital administrator.
- (c) Hospital director.
- (d) Chief of police services at the hospital.
- (e) Any other hospital employee appointed and deemed by the Director of State Hospitals to be an officer.

(Amended by Stats. 2020, Ch. 12, Sec. 39. (AB 80) Effective June 29, 2020.)

**4301.** (a) The Director of State Hospitals shall appoint and define the duties, subject to the laws governing civil service, of all of the following officers:

- (1) A hospital administrator.
- (2) A hospital director.
- (3) A chief of police services.
- (4) Any other hospital employee appointed and deemed by the Director of State Hospitals to be an officer.

(b) The Director of State Hospitals shall appoint a program director for each program at a state hospital.

(c) The Governor, upon the recommendation of the Director of State Hospitals, shall appoint one medical director for the department and one medical director for each state hospital. The medical director of the department shall be a physician licensed to practice medicine in California and shall be responsible for standards, research, coordination, surveillance, and planning for the improvement of medical care for the department.

(Amended by Stats. 2020, Ch. 12, Sec. 40. (AB 80) Effective June 29, 2020.)

**4302.** The Director of State Hospitals shall have the final authority for determining all other employee needs after consideration of program requests from the various hospitals.

(Amended by Stats. 2012, Ch. 24, Sec. 110. (AB 1470) Effective June 27, 2012.)

**4303.** Salaries of resident and other officers and wages of employees shall be included in the budget estimates of, and paid in the same manner as other expenses of, the state hospitals.

(Repealed and added by Stats. 1976, Ch. 962.)

**4304.** The primary purpose of a state hospital is the medical and nursing care of patients with mental health disorders. The efforts and direction of the officers and employees of each state hospital shall be directed to this end.

(Amended by Stats. 2014, Ch. 144, Sec. 77. (AB 1847) Effective January 1, 2015.)

**4305.** (a) Subject to the rules and regulations established by the department, and under the supervision of the hospital director, the medical director of a state hospital shall be responsible for the planning, development, direction, management, supervision, and evaluation of medical care provided.

(b) A medical director of a state hospital shall be a physician who has passed, or shall pass, an examination for a license to practice medicine in California and shall be a qualified specialist in a branch of medicine that includes diseases affecting the brain and nervous system. The medical director of a state hospital shall be well qualified by training or experience to have proven skills in mental hospital program administration.

*(Amended by Stats. 2020, Ch. 12, Sec. 41. (AB 80) Effective June 29, 2020.)*

**4306.** (a) Subject to the rules and regulations established by the department, under the supervision of the hospital director, the hospital administrator shall be responsible for the planning, development, direction, management and supervision of all administrative and supportive services in the hospital facility. These services include, but are not limited to, all of the following:

(1) All administrative functions, such as personnel, accounting, budgeting, and patients' accounts.

(2) All life-support functions, such as food services, facility maintenance and patient supplies.

(3) All other business functions.

(b) It shall be the responsibility of the hospital administrator to provide support services, as specified in this section, within available resources, to all hospital treatment programs.

*(Amended by Stats. 2020, Ch. 12, Sec. 42. (AB 80) Effective June 29, 2020.)*

**4307.** The hospital director is the chief executive officer of the hospital and is responsible for all hospital operations.

*(Amended by Stats. 2020, Ch. 12, Sec. 43. (AB 80) Effective June 29, 2020.)*

**4308.** (a) If a vacancy occurs in a hospital under the jurisdiction of the Director of State Hospitals, the Director of State Hospitals shall appoint, as provided in Section 4301, a hospital administrator, a hospital director, and program directors.

(b) A hospital administrator shall be selected based on their overall knowledge of the hospital and the operation of its administrative, business, and life-support functions and shall have had experience in this area.

(c) The hospital director shall be selected based on their overall knowledge of the hospital, its programs, and its relationship to its community, and on their demonstrated abilities to administer a large facility.

(d) The standards for the professional qualifications of a program director shall be established by the Director of State Hospitals for each patient program. The Director of State Hospitals shall not adopt regulations that prohibit a licensed psychiatrist, psychologist, psychiatric technician, or clinical social worker from employment in a patient program in any professional, administrative, or technical position. However, the program director of a medical-surgical unit shall be a licensed physician.

(e) If the program director is not a physician, a physician shall be available to assume responsibility for all those acts of diagnosis, treatment, or prescribing or ordering of drugs that may only be performed by a licensed physician.

*(Amended by Stats. 2020, Ch. 12, Sec. 44. (AB 80) Effective June 29, 2020.)*

**4309.** The hospital director is responsible for the overall management of the hospital. In the hospital director's absence, one of the other hospital officers, or in the absence of the other hospital officers, a program director, or other hospital representative shall be designated to perform the hospital director's duties and assume the hospital director's responsibilities.

*(Amended by Stats. 2020, Ch. 12, Sec. 45. (AB 80) Effective June 29, 2020.)*

**4311.** (a) The chief of police services at the hospital shall be responsible for preserving the peace in the hospital buildings and grounds and may arrest or cause the arrest and appearance before the nearest magistrate for examination, of all persons who attempt to commit or have committed a public offense thereon.

(b) The chief of police services shall be an experienced law enforcement officer who has completed the management training course prescribed by the Commission on Peace Officer Standards and Training, with management experience directing uniformed peace officers and investigation officers.

*(Amended by Stats. 2018, Ch. 424, Sec. 9. (SB 1495) Effective January 1, 2019.)*

**4312.** The hospital director may establish rules and regulations not inconsistent with law or departmental regulations, concerning the care and treatment of patients, research, clinical training, and for the government of the hospital buildings and grounds. Any person who knowingly or willfully violates such rules and regulations may, upon the order of either of the hospital officers, be ejected from the buildings and premises of the hospital.

*(Repealed and added by Stats. 1976, Ch. 962.)*

**4313.** The chief of police services, supervising investigators, investigators, and each hospital police officer have the powers and authority conferred by law upon each respectively as set forth in subdivision (v) of Section 830.3 and Section 830.38 of the Penal Code. When and as directed by the hospital director, the chief of police services, supervising investigators, investigators, and hospital police officers shall enforce the rules and regulations of the hospital, preserve peace and order on the premises thereof, protect and preserve the property of the state, and help ensure integration of treatment, safety, and security.

*(Amended by Stats. 2018, Ch. 424, Sec. 10. (SB 1495) Effective January 1, 2019.)*

**4313.5.** (a) Designated investigators of state hospitals shall request a sexual assault forensic medical examination for any resident of a state hospital who is a victim or reasonably suspected to be a victim of sexual assault, as defined in Section 15610.63, performed at an appropriate facility off the grounds of a state hospital in accordance with Sections 13823.5 to 13823.12, inclusive, of the Penal Code, which includes, but is not limited to, the requirement that the law enforcement agency having jurisdiction over the city or county in which the state hospital is located be notified by the person performing the sexual assault forensic medical examination and that consent is obtained as required by subdivisions (a) and (c) of Section 13823.11 of the Penal Code.

(b) The sexual assault forensic medical examination described in subdivision (a) may be performed at a state hospital by an independent sexual assault forensic examiner designated to perform examinations of victims of sexual assault in the jurisdiction of the state hospital only if it is deemed safer for the victim and the state hospital's examination facilities are equipped with forensic examination and evidence collection capability comparable to that of the designated community examination facility, as determined by the independent sexual assault forensic examiner.

*(Added by Stats. 2013, Ch. 724, Sec. 4. (SB 651) Effective January 1, 2014.)*

**4314.** (a) The Director of State Hospitals may set aside and designate any space on the grounds of any of the institutions under the jurisdiction of the department that is not needed for other authorized purposes, to enable the institution to establish and maintain therein a store or canteen for the sale to or for the benefit of patients of the institution of candies, sundries, and other articles. The stores shall be conducted subject to the rules and regulations of the department and the rental, utility, and service charges shall be fixed as will reimburse the institutions for the cost thereof. The stores when conducted under the direction of a hospital administrator shall be operated on a nonprofit basis but any profits derived shall be deposited in the benefit fund of each institution as set forth in Section 4125.

(b) Before any store is authorized or established, the Director of State Hospitals shall first determine that the facilities are not being furnished adequately by private enterprise in the community where it is proposed to locate the store, and may hold public hearings or cause surveys to be made, to determine the same.

(c) The Director of State Hospitals may rent space to private individuals, for the maintenance of a store or canteen at any of these institutions upon any terms and subject to any regulations that are approved by the Department of General Services, in accordance with the provisions of Section 13109 of the Government Code. The terms imposed shall provide that the rental, utility, and service charges to be paid shall be fixed so as to reimburse the institution for the cost thereof and any additional charges required to be paid shall be deposited in the benefit fund of the institution as set forth in Section 4125.

*(Amended by Stats. 2020, Ch. 12, Sec. 46. (AB 80) Effective June 29, 2020.)*

**4316.** (a) Subject to rules and regulations adopted by the department, the hospital director may establish a sheltered workshop at a state hospital to provide patients with remunerative work performed in a setting which simulates that of industry and is performed in such a manner as to meet standards of industrial quality. The workshop shall be so operated as to provide the treatment staff with a realistic atmosphere for assessing patients' capabilities in work settings, and to provide opportunities to strengthen and expand patient interests and aptitudes.

(b) Notwithstanding any payment schedule approved by the department, state hospital patients who participate in sheltered workshops established under this section are not "employees" within the meaning of Sections 18526 and 18529 of the Government Code and Sections 1182.12, 1191.5, and 2750 of the Labor Code.

*(Amended by Stats. 2019, Ch. 38, Sec. 43. (SB 78) Effective June 27, 2019.)*

**4317.** At each state hospital at which there is established a sheltered workshop, there shall be a sheltered workshop fund administered by the clinical director. The fund shall be used for the purchase of materials, for the purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, for the payment of remuneration to patients engaged in work at

the workshop, and for the payment of such other costs of the operation of the workshop as may be directed by the medical director. The clinical director may cause the raw materials, goods in process, finished products, and equipment necessary for the production thereof to be insured against any and all risks of loss, subject to the approval of the Department of General Services. The costs of such insurance shall be paid from the sheltered workshop fund.

All money received from the manufacture, fabrication, assembly, or distribution of products at any state hospital sheltered workshop shall be deposited and credited to the hospital's sheltered workshop fund.

*(Added by Stats. 1976, Ch. 962.)*

**4317.5.** The hospital director, subject to rules and regulations adopted by the department, may in addition to establishing a sheltered workshop, provide other vocational rehabilitation programs for state hospital patients. Notwithstanding any payment schedule approved by the department, state hospital patients who participate in a vocational rehabilitation program established under this section are not "employees" within the meaning of Sections 18526 and 18529 of the Government Code and Sections 1182.12, 1191.5, and 2750 of the Labor Code.

*(Added by Stats. 2019, Ch. 38, Sec. 44. (SB 78) Effective June 27, 2019.)*

**4318.** Each state hospital shall, prior to the discharge of any patient who was placed in the facility under a county Short-Doyle plan, prepare a written recommended aftercare plan which shall be transmitted to the local director of mental health services in the county of the patient's placement.

Notwithstanding any other provision of law, such aftercare plan shall specify the following:

- (a) Diagnoses;
- (b) Treatment initiated;
- (c) Medications and their dosage schedules;
- (d) Date of discharge;
- (e) Location of community placement;
- (f) Plan for continuing treatment; and
- (g) List of referrals indicated, including, but not limited to:
  - (1) Public social services.
  - (2) Legal aid.
  - (3) Educational services.
  - (4) Vocational services.
  - (5) Medical treatment other than mental health services.

*(Repealed and added by Stats. 1976, Ch. 962.)*

**4319.** To ensure a continuous level of competency for all state hospital treatment personnel under the jurisdiction of the State Department of State Hospitals, the department shall provide adequate in-service training programs for such state hospital treatment personnel.

*(Amended by Stats. 2012, Ch. 24, Sec. 111. (AB 1470) Effective June 27, 2012.)*

**4320.** To ensure an adequate supply of licensed psychiatric technicians for state hospitals, the State Department of State Hospitals, to the extent necessary, shall establish in state hospitals a course of study and training equivalent, as determined by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, to the minimum requirements of an accredited program for psychiatric technicians in the state. No unlicensed psychiatric technician trainee shall be permitted to perform the duties of a licensed psychiatric technician as provided by Section 4502 of the Business and Professions Code unless the trainee performs the duties pursuant to a plan of supervision approved by the Board of Vocational Nursing and Psychiatric Technicians of the State of California as part of the equivalency trainee program. This section shall not be construed to reduce the effort presently expended by the community college system or private colleges in training psychiatric technicians.

*(Amended by Stats. 2014, Ch. 144, Sec. 79. (AB 1847) Effective January 1, 2015.)*

4321. (a) (1) The criminal history check authorized by this section is limited to an employee, prospective employee, contractor, subcontractor, and volunteer whose duties include, or would include, access to any of the following:

(A) A State Department of State Hospitals facility.

(B) State Department of State Hospitals patients or clients.

(C) Individuals who are being evaluated for commitment to the State Department of State Hospitals.

(D) Medical Information, as defined by Section 56.05 of the Civil Code.

(E) Criminal offender record information, as defined in Section 11075 of the Penal Code, including federal criminal history information obtained pursuant to subdivision (u) of Section 11105 of the Penal Code.

(b) The State Department of State Hospitals shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of an employee, prospective employee, contractor, subcontractor, and volunteer, specified in subdivision (a), in accordance with subdivision (u) of Section 11105 of the Penal Code.

(c) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

*(Added by Stats. 2023, Ch. 198, Sec. 21. (SB 152) Effective September 13, 2023.)*