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HEALTH AND SAFETY CODE - HSC

DIVISION 10.5. ALCOHOL AND DRUG PROGRAMS [11750 - 11975] (*Heading of Division 10.5 amended by Stats. 2013, Ch. 22, Sec. 18.)*

PART 2. STATE GOVERNMENT'S ROLE TO ALLEVIATE PROBLEMS RELATED TO THE INAPPROPRIATE USE OF ALCOHOLIC BEVERAGES AND OTHER DRUG USE [11760 - 11872] (*Heading of Part 2 amended by Stats. 2004, Ch. 862, Sec. 43.)*

CHAPTER 7. Quality Assurance [11830 - 11831.9] (*Chapter 7 repealed and added by Stats. 1984, Ch. 1328, Sec. 64.)*

11830. The department shall take the following goals and objectives into consideration in the implementation of this part:

- (a) The significance of community-based programs to alcohol and other drug recovery shall not be diminished.
- (b) Opportunities for low-income and special needs populations to receive alcohol and other drug recovery or treatment services shall be encouraged.

(Amended by Stats. 2024, Ch. 847, Sec. 35. (AB 2995) Effective January 1, 2025.)

11830.01. (a) The department's death investigation policy shall be designed to ensure that a resident's death is addressed and investigated by the department in a timely manner.

(b) The telephonic and written reports of resident deaths occurring in a licensed facility that are required to be reported to the department shall include, but not be limited to, a description of the event or incident, including the time, location, and nature of the event or incident, a list of immediate actions that were taken, including persons contacted, and a description of the followup action that is planned, including, but not limited to, steps taken to prevent a future death.

(c) A telephonic report required under subdivision (b), which includes the event or incident and all information required under subdivision (b) that is known at the time of the report, shall be submitted to the department within one working day of the event or incident.

(d) A written report required under subdivision (b), which includes all information required under subdivision (b), shall be submitted to the department within seven calendar days of the event or incident.

(Added by Stats. 2014, Ch. 815, Sec. 1. (AB 2374) Effective January 1, 2015.)

11831. To the maximum extent possible, a reasonable effort to refer a client to other programs, facilities, or services is encouraged for any program or facility which is unable to accept a client after initial assessment.

(Added by Stats. 1989, Ch. 919, Sec. 4.)

11831.12. (a) A facility licensed by the department pursuant to Chapter 7.5 (commencing with Section 11834.01) shall disclose its license number and the date that the license is scheduled to expire in all of the following circumstances:

- (1) To any person who inquires about the facility's license in writing, verbally, electronically, or by any other method of communication between the person and the facility.
- (2) By posting on the internet website of the facility in a clear and conspicuous manner the following language and a link to the department's internet website that contains the facility's license number and expiration date: "Licensed by the State Department of Health Care Services."
- (3) Included in any print, audio, or electronic advertising or marketing of the facility in a clear and conspicuous manner. For the purpose of complying with this paragraph, a facility may include the following language and a link to the department's internet website that contains its license number and expiration date, as described in paragraph (2): "Licensed by the State Department of Health Care Services."

(b) A program certified by the department pursuant to Chapter 7.1 (commencing with Section 11832) shall disclose its certification number and the date that the certification is scheduled to expire in all of the following circumstances:

(1) To any person who inquires about the certification of the program or the services provided by the program in writing, verbally, electronically, or by any other method of communication between the person and the program.

(2) By posting on the internet website of the program or the services provided by the program in a clear and conspicuous manner the following language and a link to the department's internet website that contains its certification number and expiration date: "Certified by the State Department of Health Care Services."

(3) Included in any print, audio, or electronic advertising or marketing of the program or the services provided by the program in a clear and conspicuous manner. For the purpose of complying with this paragraph, a program may include the following language and a link to the department's internet website that contains its certification number and expiration date, as described in paragraph (2): "Certified by the State Department of Health Care Services."

(Amended by Stats. 2023, Ch. 42, Sec. 26. (AB 118) Effective July 10, 2023.)

11831.5. (a) An operator of a licensed alcoholism or drug abuse recovery or treatment facility, as defined in Section 11834.02, or a certified alcohol or other drug program shall include on its internet website and intake form paperwork a disclosure that an individual may check the internet website of the Department of Health Care Services to confirm whether the facility's license or program's certification has been placed in probationary status, been subject to a temporary suspension order, been revoked, or the operator has been given a notice of operation in violation of law. The disclosure shall include a link to the department's internet website that contains the Probationary Status, Temporary Suspension Order, Revoked and Notice of Operation in Violation of Law Program List.

(b) A violation of subdivision (a) shall be subject to penalty by the department pursuant to Section 11831.7.

(Added by Stats. 2024, Ch. 376, Sec. 1. (AB 2081) Effective January 1, 2025.)

11831.6. (a) The following persons, programs, or entities shall not give or receive remuneration or anything of value for the referral of a person who is seeking alcohol or other drug recovery or treatment services:

(1) An alcohol or other drug recovery or treatment facility licensed under this part.

(2) An owner, partner, officer, or director, or shareholder who holds an interest of at least 10 percent in an alcohol or other drug recovery or treatment facility licensed under this part.

(3) A person employed by, or working for, an alcohol or other drug recovery or treatment facility licensed under this part, including, but not limited to, registered and certified counselors and licensed professionals providing counseling services.

(4) An alcohol or other drug program certified by the department in accordance with Chapter 7.1 (commencing with Section 11832).

(5) An owner, partner, officer, or director, or shareholder who holds an interest of at least 10 percent in an alcohol or other drug program certified by the department in accordance with Chapter 7.1 (commencing with Section 11832).

(6) A person employed by, or working for, an alcohol or other drug program certified by the department in accordance with Chapter 7.1 (commencing with Section 11832), including, but not limited to, registered and certified counselors and licensed professionals providing counseling services.

(b) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may, if it deems appropriate, implement, interpret, or make specific this section by means of provider bulletins, written guidelines, or similar instructions from the department, until regulations are adopted.

(Amended by Stats. 2024, Ch. 847, Sec. 36. (AB 2995) Effective January 1, 2025.)

11831.65. (a) A laboratory or certified outpatient treatment program that leases, manages, or owns housing units that are offered to individuals who concurrently utilize laboratory or outpatient services shall maintain separate contracts for the housing. The contract shall clearly state that payment for housing is the responsibility of the individual and does not depend on insurance benefits. The contract shall include a repayment plan for any subsidized rent, and the laboratory or certified outpatient treatment program shall make a good faith effort to collect the debt. The offer for housing shall not depend on the individual's agreement to receive services from either the laboratory or the certified outpatient treatment program.

(b) An alcohol or other drug recovery or treatment facility licensed under this part shall only offer an individual discounted housing following discharge from the facility if all of the following conditions are met:

- (1) An alcohol or other drug recovery or treatment facility and the individual enter into a written contract for housing that is separate from the contract for treatment, if the individual also pursues outpatient treatment.
- (2) The contract described in paragraph (1) includes a repayment plan for any subsidized rent, and the alcohol or other drug recovery or treatment facility makes a good faith effort to collect the debt.
- (3) The offer for housing is not dependent upon the individual's agreement to attend outpatient treatment at a program that is owned or operated by the alcohol or other drug recovery or treatment facility.

(c) An alcohol or other drug recovery or treatment facility licensed under this part shall only offer transportation services to an individual who is seeking recovery or treatment services if all of the following conditions are met:

- (1) Any ground transportation provided to an individual who is seeking recovery or treatment services is for a distance of less than 125 miles.
- (2) Any air transportation provided to an individual who is seeking recovery or treatment services includes a return ticket that may be used by the individual upon discharge.
- (3) A return ticket not used by an individual upon discharge is made available to the individual upon request for a period of one year following the individual's discharge.

(d) This section does not prohibit a person, program, or entity from providing an individual educational or informational materials about community resources, including, but not limited to, housing assistance.

(Amended by Stats. 2024, Ch. 847, Sec. 37. (AB 2995) Effective January 1, 2025.)

11831.7. (a) The department may investigate allegations of violations of this chapter. The department may, upon finding a violation of this chapter or any regulation adopted pursuant to this chapter, do any of the following:

- (1) Assess a penalty upon an alcohol or other drug recovery or treatment facility licensed under this part.
- (2) Suspend or revoke the license of an alcohol or other drug recovery or treatment facility licensed under Chapter 7.5 (commencing with Section 11834.01), or deny an application for licensure, extension of the licensing period, or modification to a license. Article 4 (commencing with Section 11834.35) of Chapter 7.5 shall apply to any action taken pursuant to this paragraph.
- (3) Assess a penalty upon an alcohol or other drug outpatient program certified by the department in accordance with Chapter 7.1 (commencing with Section 11832).
- (4) Suspend or revoke the certification of an alcohol or other drug outpatient program certified by the department in accordance with Chapter 7.1 (commencing with Section 11832).
- (5) Suspend or revoke the registration or certification of a counselor for a violation of this chapter.

(b) The department may investigate allegations against a licensed professional providing counseling services at an alcohol or other drug recovery or treatment program licensed, certified, or funded under this part, and recommend disciplinary actions, including, but not limited to, termination of employment at a program and suspension and revocation of licensure by the respective licensing board.

(c) The department shall establish an enforcement program focused on the oversight duties of this chapter. Staff of the enforcement program shall have responsibilities, including, but not limited to, all of the following:

- (1) Provide the department with analytical support for the development and administration of this chapter.
- (2) Provide the department with general oversight and monitoring focused on investigations and enforcement of this chapter.
- (3) Provide the department with legal guidance in the interpretation of this chapter.

(d) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may, if it deems appropriate, implement, interpret, or make specific this section by means of provider bulletins, written guidelines, or similar instructions from the department, until regulations are adopted.

(Amended by Stats. 2024, Ch. 847, Sec. 38. (AB 2995) Effective January 1, 2025.)

11831.9. (a) The Legislature recognizes that consumers with substance use disorders have disabling conditions, and that these consumers and their families are vulnerable and at risk of being easily victimized by fraudulent marketing practices that adversely impact the delivery of health care. To protect the health, safety, and welfare of this vulnerable population, an operator of a licensed alcohol or other drug recovery or treatment facility, as defined in Section 11834.02, or a certified alcohol or other drug program, shall not do any of the following:

(1) Make a false or misleading statement or provide false or misleading information about the entity's products, goods, services, or geographical locations in its marketing, advertising materials, or media, or on its internet website or on a third-party internet website.

(2) Make a false or misleading statement or provide false or misleading information about medical treatments or medical services offered in its marketing, advertising materials, or media, or on its internet website, on a third-party internet website, or in its social media presence.

(3) Include on its internet website a picture, description, staff information, or the location of an entity, along with false contact information that surreptitiously directs the reader to a business that does not have a contract with the entity.

(4) Include on its internet website false information or an electronic link that provides false information or surreptitiously directs the reader to another internet website.

(b) The department may investigate an allegation of a violation of this section and, upon finding a violation of this section, or any regulation adopted to enforce this section, may impose one or more of the sanctions described in Section 11831.7 in accordance with regulations adopted pursuant to that section.

(Amended by Stats. 2024, Ch. 847, Sec. 39. (AB 2995) Effective January 1, 2025.)