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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 7.5. Licensing [11834.01 - 11834.50]** ( *Chapter 7.5 added by Stats. 1984, Ch. 1667, Sec. 2. )*

**ARTICLE 1. General Provisions [11834.01 - 11834.18]** ( *Article 1 added by Stats. 1984, Ch. 1667, Sec. 2. )*

**11834.01.** The department has the sole authority in state government to license adult alcohol or other drug recovery or treatment facilities.

(a) In administering this chapter, the department shall issue new licenses for a period of two years to those programs that meet the criteria for licensure set forth in Section 11834.03.

(b) Onsite program visits for compliance shall be conducted at least once during the license period.

(c) The department may conduct announced or unannounced site visits to facilities licensed pursuant to this chapter for the purpose of reviewing for compliance with all applicable statutes and regulations.

(Amended by Stats. 2024, Ch. 847, Sec. 42. (AB 2995) Effective January 1, 2025.)

**11834.015.** (a) The department shall adopt the American Society of Addiction Medicine treatment criteria, or an equivalent evidence-based standard, as the minimum standard of care for licensed facilities and shall require a licensee to maintain those standards with respect to the level of care to be provided by the licensee.

(b) The department may implement, interpret, or make specific this section by means of plan or provider bulletins or similar instructions until regulations are adopted. The department shall adopt regulations by January 1, 2023.

(Added by Stats. 2018, Ch. 781, Sec. 1. (SB 823) Effective January 1, 2019.)

**11834.02.** (a) As used in this chapter, "alcohol or other drug recovery or treatment facility" or "facility" means a premises, place, or building that provides residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or addiction, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

(b) As used in this chapter, "adults" may include, but is not limited to, all of the following:

(1) Mothers over 18 years of age and their children.

(2) Emancipated minors, which may include, but is not limited to, mothers under 18 years of age and their children.

(c) As used in this chapter, "emancipated minors" means persons under 18 years of age who have acquired emancipation status pursuant to Section 7002 of the Family Code.

(d) Notwithstanding subdivision (a), an alcohol or other drug recovery or treatment facility may serve adolescents upon the issuance of a waiver granted by the department pursuant to regulations adopted under subdivision (c) of Section 11834.50.

(Amended by Stats. 2024, Ch. 847, Sec. 43. (AB 2995) Effective January 1, 2025.)

**11834.025.** (a) (1) As a condition of providing incidental medical services, as defined in subdivision (a) of Section 11834.026, at a facility licensed by the department, the facility, within a reasonable period of time, as defined by the department in regulations, shall obtain from each program participant, a signed certification described in subdivision (b) from a health care practitioner.

(2) For purposes of this chapter, "health care practitioner" means a person duly licensed and regulated under Division 2 (commencing with Section 500) of the Business and Professions Code, who is acting within the scope of practice of their license or certificate.

(b) The department shall develop a standard certification form for use by a health care practitioner. The form shall include, but not be limited to, a description of the alcohol or other drug recovery or treatment services that an applicant needs.

(c) (1) The department shall adopt regulations, on or before July 1, 2018, to implement this section. The regulations shall be adopted in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act, 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 only until the department adopts regulations.

*(Amended by Stats. 2024, Ch. 847, Sec. 44. (AB 2995) Effective January 1, 2025.)*

**11834.026.** (a) As used in this section, "incidental medical services" means services that are in compliance with the community standard of practice and are not required to be performed in a licensed clinic or licensed health facility, as defined by Section 1200 or 1250, respectively, to address medical issues associated with either detoxification from alcohol or drugs or the provision of alcohol or other drug recovery or treatment services, including all of the following categories of services that the department shall further define by regulation:

(1) Obtaining medical histories.

(2) Monitoring health status to determine whether the health status warrants transfer of the patient in order to receive urgent or emergent care.

(3) Testing associated with detoxification from alcohol or drugs.

(4) Providing alcohol or other drug recovery or treatment services.

(5) Overseeing patient self-administered medications.

(6) Treating substance use disorders, including detoxification.

(b) Incidental medical services do not include the provision of general primary medical care.

(c) Notwithstanding any other law, a licensed alcohol or other drug recovery or treatment facility may permit incidental medical services to be provided to a resident at the facility premises by, or under the supervision of, one or more physicians and surgeons licensed by the Medical Board of California or the Osteopathic Medical Board who are knowledgeable about addiction medicine, or one or more other health care practitioners acting within the scope of practice of their license and under the direction of a physician and surgeon, and who are also knowledgeable about addiction medicine, if all of the following conditions are met:

(1) The facility, in the judgment of the department, has the ability to comply with the requirements of this chapter and all other applicable laws and regulations to meet the needs of a resident receiving incidental medical services pursuant to this chapter. The department shall specify in regulations the minimum requirements that a facility shall meet in order to be approved to permit the provision of incidental medical services on its premises. The license of a facility approved to permit the provision of incidental medical services shall reflect that those services are permitted at the facility premises.

(2) The physician and surgeon and any other health care practitioner has signed an acknowledgment on a form provided by the department that they have been advised of and understand the statutory and regulatory limitations on the services that may legally be provided at a licensed alcohol or other drug recovery or treatment facility and the statutory and regulatory requirements and limitations for the physician and surgeon or other health care practitioner and for the facility, related to providing incidental medical services. The licensee shall maintain a copy of the signed form at the facility for a physician and surgeon or other health care practitioner providing incidental medical services at the facility premises.

(3) A physician and surgeon or other health care practitioner shall assess a resident, prior to that resident receiving incidental medical services, to determine whether it is medically appropriate for that resident to receive these services at the premises of the licensed facility. A copy of the form provided by the department shall be signed by the physician and surgeon and maintained in the resident's file at the facility.

(4) The resident has signed an admission agreement. The admission agreement, at a minimum, shall describe the incidental medical services that the facility may permit to be provided and shall state that the permitted incidental medical services will be provided by, or under the supervision of, a physician and surgeon. The department shall specify in regulations, at a minimum, the content and manner of providing the admission agreement, and any other information that the department deems appropriate. The facility shall maintain a copy of the signed admission agreement in the resident's file.

(5) Once incidental medical services are initiated for a resident, the physician and surgeon and facility shall monitor the resident to ensure that the resident remains appropriate to receive those services. If the physician and surgeon determines that a change in the resident's medical condition requires other medical services or that a higher level of care is required, the facility shall immediately arrange for the other medical services or higher level of care, as appropriate.

(6) The facility maintains in its files a copy of the relevant professional license or other written evidence of licensure to practice medicine or perform medical services in the state for the physician and surgeon and any other health care practitioner providing incidental medical services at the facility.

(d) The department is not required to evaluate or have any responsibility or liability with respect to evaluating the incidental medical services provided by a physician and surgeon or other health care practitioner at a licensed facility. This section does not limit the department's ability to report suspected misconduct by a physician and surgeon or other health care practitioner to the appropriate licensing entity or to law enforcement.

(e) A facility licensed and approved by the department to allow provision of incidental medical services shall not by offering approved incidental medical services be deemed a clinic or health facility within the meaning of Section 1200 or 1250, respectively.

(f) Other than incidental medical services permitted to be provided or any urgent or emergent care required in the case of a life-threatening emergency, including the administration of naloxone hydrochloride, or any other opioid antagonist that is approved by the United States Food and Drug Administration for treatment of an opioid overdose, this section does not authorize the provision at the premises of the facility of any medical or health care services or any other services that require a higher level of care than the care that may be provided within a licensed alcohol or other drug recovery or treatment facility.

(g) This section does not require a residential treatment facility licensed by the department to provide incidental medical services or any services not otherwise permitted by law.

(h) (1) On or before July 1, 2024, the department shall adopt regulations to implement this section in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act, 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. 45. (AB 2995) Effective January 1, 2025.)*

**11834.03.** (a) A person or entity applying for licensure shall file with the department, on forms provided by the department, all of the following:

(1) A completed written application for licensure.

(2) A fire clearance approved by the State Fire Marshal or local fire enforcement officer.

(3) A licensure fee, established in accordance with Chapter 7.3 (commencing with Section 11833.01).

(b) (1) If an applicant intends to permit services pursuant to Section 11834.026, the applicant shall submit evidence of a valid license of the physician and surgeon who will provide or oversee those services, and any other information the department deems appropriate.

(2) The department shall establish and collect an additional licensure fee for an application that includes a request to provide services pursuant to Section 11834.026. The fee shall be set at an amount sufficient to cover the reasonable costs to the department of the additional assessment and investigation necessary to license facilities to provide these services, including, but not limited to, processing applications, issuing licenses, and investigating reports of noncompliance with licensing regulations.

*(Amended by Stats. 2015, Ch. 744, Sec. 4. (AB 848) Effective January 1, 2016.)*

**11834.09.** (a) The department may issue a single license to operate an alcohol or other drug recovery or treatment facility upon receipt of a completed written application, fire clearance, and licensing fee subject to the department's review and determination that the applicant can comply with this chapter and regulations adopted pursuant to this chapter.

(b) Failure to submit a completed written application, fire clearance, and payment of the required licensing fee in a timely manner shall result in termination of the department's licensure review and shall require submission of a new application by the applicant.

(c) Failure of the applicant to demonstrate the ability to comply with this chapter or the regulations adopted pursuant to this chapter shall result in departmental denial of the application for licensure.

(d) Initial licenses for new facilities shall be provisional for one year. During the term of the provisional license, the department may revoke the license for good cause. For the purposes of this section, "good cause" means failure to operate in compliance with this chapter or the regulations adopted pursuant to this chapter. A licensee may not reapply for an initial license for five years following a revocation of a provisional license.

(e) On or before July 1, 2022, the department shall adopt regulations to implement this section in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(f) Notwithstanding the rulemaking provisions of the Administrative Procedure Act, the department may implement, interpret, or make specific this section by means of provider bulletins, written guidelines, or similar instructions, until regulations are adopted.

*(Amended by Stats. 2024, Ch. 847, Sec. 46. (AB 2995) Effective January 1, 2025.)*

**11834.10.** (a) A licensee shall not operate an alcohol or other drug recovery or treatment facility beyond the conditions and limitations specified on the license.

(b) Licensed services offered or provided by a licensed alcohol or other drug recovery or treatment facility, including, but not limited to, incidental medical services as defined in Section 11834.026, shall be specified on the license and provided exclusively:

(1) Within the licensed facility.

(2) Within any facilities identified on a single license by street address.

(c) Only residents of the licensed alcohol or other drug recovery or treatment facility shall receive licensed services.

(d) A licensee that serves more than six residents shall, at all times, maintain all of the following insurance coverages, which shall include as an additional insured any government entity with which the licensee has a contract:

(1) Commercial general liability insurance that includes coverage for premises liability, products and completed operations, contractual liability, personal injury and advertising liability, abuse, molestation, sexual actions, and assault and battery, with minimum coverage amounts for bodily injury or property damage of not less than one million dollars (\$1,000,000) per occurrence.

(2) Commercial or business automobile liability insurance covering all owned vehicles, hired or leased vehicles, nonowned vehicles, and borrowed and permissive uses, with minimum coverage amounts for bodily injury or property damage of not less than one million dollars (\$1,000,000) per occurrence.

(3) Workers' compensation insurance, as required by law. Notwithstanding subdivision (b) of Section 3700 of the Labor Code, a certificate of self-insurance obtained pursuant to that subdivision does not satisfy this requirement.

(4) Employer's liability insurance, with minimum coverage amounts for bodily injury or disease of not less than one hundred thousand dollars (\$100,000) per occurrence.

(5) Professional liability and errors and omissions insurance that includes an endorsement for contractual liability, with minimum coverage amounts of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate. If applicable, the contract shall include an endorsement for defense and indemnification of any government entity with which the licensee has contracted.

(e) A licensee that serves six or fewer residents shall, at all times, maintain general liability insurance coverage.

(f) (1) A licensee may meet the insurance requirements of this section by procuring coverage from an admitted insurer, or a nonadmitted insurer that is eligible to insure a home state insured under Chapter 6 (commencing with Section 1760) of Part 2 of Division 1 of the Insurance Code.

(2) Notwithstanding paragraph (1), the workers' compensation insurance required by this section shall be obtained as required by Section 3700 of the Labor Code.

(g) The department may adopt regulations to implement this section in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(h) Notwithstanding the rulemaking provisions of the Administrative Procedure Act, the department may implement, interpret, or make specific this section by means of provider bulletins, written guidelines, or similar instructions.

*(Amended by Stats. 2024, Ch. 847, Sec. 47. (AB 2995) Effective January 1, 2025.)*

**11834.15.** The department may assess civil penalties in accordance with Sections 11834.31 and 11834.34.

*(Amended by Stats. 2007, Ch. 177, Sec. 12. Effective August 24, 2007.)*

**11834.16.** A license shall be valid for a period of two years from the date of issuance. The department may extend the licensure period for subsequent two-year periods upon submission by the licensee of a completed written application for extension and payment of the required licensing fee prior to the expiration date shown on the license. Failure to submit to the department the required written application for extension of the licensing period, or failure to submit to the department the required licensing fee prior to the expiration date on the license, shall result in the automatic expiration of the license at the end of the two-year licensing period.

*(Added by Stats. 1993, Ch. 741, Sec. 10. Effective January 1, 1994.)*

**11834.17.** A city, county, city and county, or district shall not adopt or enforce a building ordinance or local rule or regulations relating to the subject of fire and life safety in alcohol or other drug recovery facilities that is more restrictive than those standards adopted by the State Fire Marshal.

*(Amended by Stats. 2024, Ch. 847, Sec. 48. (AB 2995) Effective January 1, 2025.)*

**11834.18.** (a) This chapter does not authorize the imposition of rent regulations or controls for licensed alcohol or other drug recovery or treatment facilities.

(b) Licensed alcohol or other drug recovery or treatment facilities shall not be subject to controls on rent imposed by any state or local agency or other local government or entity.

*(Amended by Stats. 2024, Ch. 847, Sec. 49. (AB 2995) Effective January 1, 2025.)*