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AB-451 Health care facilities: treatment of psychiatric emergency medical conditions. (2021-2022)

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Assembly Bill No. 451

CHAPTER 438

An act to add Section 1317.4b to the Health and Safety Code, relating to health facilities.

[Approved by Governor October 01, 2021. Filed with Secretary of State October 01, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 451, Arambula. Health care facilities: treatment of psychiatric emergency medical conditions.

Existing law provides for the licensure and regulation of general acute care hospitals and acute psychiatric hospitals by the State Department of Public Health. Existing law requires emergency services and care to be provided, as specified, at a licensed health facility that maintains and operates an emergency department to provide emergency services to the public when the health facility has appropriate facilities and qualified personnel available to provide the services or care. Existing law requires emergency services and care, including screening, examination, and evaluation to determine if a psychiatric emergency medical condition exists and the care and treatment necessary to relieve or eliminate the psychiatric emergency medical condition, to be provided to any person requesting the services or care. A knowing and intentional violation of these provisions is a crime.

This bill would require a psychiatric unit within a general acute care hospital, a psychiatric health facility, or an acute psychiatric hospital to accept the transfer of a person with a psychiatric emergency medical condition from a health facility that operates an emergency department and to provide emergency services and care to treat that person, regardless of whether the facility operates an emergency department, if specified criteria are met. The bill would also require a facility accepting a transfer of a person pursuant to those provisions to comply with specified requirements. The bill would exclude state psychiatric hospitals and specified psychiatric health facilities from its provisions. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1317.4b is added to the Health and Safety Code, to read:

1317.4b. (a) A psychiatric unit within a general acute care hospital, as defined in subdivision (a) of Section 1250, a psychiatric health facility of more than 16 beds, as defined in Section 1250.2 and subject to subdivision (d), or an acute psychiatric hospital, as defined in subdivision (b) of Section 1250, shall accept a transfer of a person with a psychiatric emergency medical condition,

as defined in subdivision (k) of Section 1317.1, from a health facility licensed under this chapter that maintains and operates an emergency department and the receiving facility shall provide emergency services and care to that person consistent with paragraph (2) of subdivision (a) of Section 1317.1, regardless of whether the facility operates an emergency department, if all of the following requirements are met:

(1) The treating physician at the sending facility has determined that the patient is medically stable and appropriate for treatment in a psychiatric setting and has included that determination in the patient's medical record.

(2) The facility has an available bed.

(3) The facility has appropriate facilities and qualified personnel available to provide the services or care.

(b) A facility accepting a transfer of a person with a psychiatric emergency medical condition pursuant to subdivision (a) shall comply with the requirements of subdivisions (b), (d), and (f) of Section 1317.

(c) This section shall not apply to a facility listed in Section 4100 of the Welfare and Institutions Code.

(d) This section shall not apply to a psychiatric health facility that is county owned and operated.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.