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AB-2096 Chemical dependency recovery hospitals. (2021-2022)

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Assembly Bill No. 2096

CHAPTER 233

An act to amend Section 1250.3 of the Health and Safety Code, relating to health facilities.

[Approved by Governor September 02, 2022. Filed with Secretary of State September 02, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2096, Mullin. Chemical dependency recovery hospitals.

Existing law provides for the licensure and regulation by the State Department of Public Health of certain health facilities, including a chemical dependency recovery hospital, which is defined to mean a health facility that provides 24-hour inpatient care for persons who have a dependency on alcohol or other drugs, or both alcohol and other drugs. Existing law authorizes chemical dependency recovery services to be provided as a supplemental service in existing general acute care beds and acute psychiatric beds in a distinct part of a general acute care hospital or acute psychiatric hospital or in existing beds in a distinct part of a freestanding facility, as specified.

This bill would recast and revise the requirements with respect to a chemical dependency recovery hospital, including requiring all beds in a chemical dependency recovery hospital to be designated for chemical dependency recovery services, as specified. The bill would authorize chemical dependency recovery services to be provided in a freestanding facility, within a hospital building that only provides chemical recovery services, or within a distinct part, as defined. The bill also would authorize chemical dependency recovery services to be provided within a hospital building that has been removed from general acute care use. The bill would require chemical dependency recovery services to comply with specified regulatory requirements for basic services, and optional services if the facility is approved by the department to provide them. The bill would only authorize the colocation of chemical dependency recovery services as a distinct part with other services or distinct parts of its parent hospital, as specified. The bill would delete existing requirements for a chemical dependency recovery hospital that is not a supplemental service of a general acute care hospital to have agreements with other general acute care hospitals to provide specified additional services, and instead would apply those requirements to a separately licensed chemical dependency recovery hospital that is not a distinct part of a general acute care hospital.

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

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

SECTION 1. Section 1250.3 of the Health and Safety Code is amended to read:

1250.3. (a) (1) "Chemical dependency recovery hospital" means a health facility that provides 24-hour inpatient chemical dependency recovery services for persons who have a dependency on alcohol or other drugs, or both alcohol and other drugs. Each facility shall have a medical director who is a physician and surgeon licensed to practice in this state.

(2) "Chemical dependency recovery services" shall include, but not be limited to, the following basic services: patient counseling, group therapy, physical conditioning, family therapy, outpatient services, and dietetic services.

(b) The Legislature finds and declares that problems related to the inappropriate use of alcohol or other drugs, or both alcohol and other drugs, are widespread and adversely affect the general welfare of the people of the State of California. It is the intent of the Legislature that the chemical dependency recovery hospital will provide an innovative inpatient treatment program for persons who have a dependency on alcohol or drugs, or both alcohol and other drugs. The Legislature further finds and declares that significant cost reductions can be achieved by chemical dependency recovery hospitals when both of the following conditions exist:

(1) Architectural requirements established by the department encourage a flexible and open construction approach that significantly reduces capital construction costs and allows for the use of nonfreestanding facilities.

(2) Programs are designed to provide comprehensive inpatient treatment while permitting substantial flexibility in the use of qualified personnel to meet the specific needs of the patients of the facility.

(c) A separately licensed chemical dependency recovery hospital that is not a distinct part of a general acute care hospital shall have agreements with one or more general acute care hospitals providing for 24-hour emergency service and pharmacy, laboratory, and any other services that the department may require.

(d) All beds in a chemical dependency recovery hospital shall be designated for chemical dependency recovery services. Chemical dependency recovery beds shall be used exclusively for alcohol or other drug dependency treatment, or both alcohol and other drug dependency treatment.

(e) General acute care hospitals and acute psychiatric hospitals may provide chemical dependency recovery services as a supplemental service.

(1) Chemical dependency recovery as a supplemental service shall be provided in a distinct part of a general acute care hospital or acute psychiatric hospital.

(A) "Distinct part" means an identifiable unit of a hospital or a freestanding facility accommodating beds, and related services, including, but not limited to, contiguous rooms, a wing, a floor, or a building that is approved by the department for a specific purpose.

(B) A distinct part may not be licensed under another distinct part of a health facility.

(2) Beds in a general acute care hospital or acute psychiatric hospital classified as chemical dependency recovery beds shall be within the distinct part.

(3) Chemical dependency recovery services shall comply with the basic services requirements, and optional services requirements if the facility is approved by the department to provide them, for chemical dependency recovery hospitals in Chapter 11 (commencing with Section 79001) of Division 5 of Title 22 of the California Code of Regulations.

(4) Chemical dependency recovery services provided pursuant to this subdivision shall not require a separate license.

(f) Chemical dependency recovery services may be provided in a freestanding facility, within a hospital building that only provides chemical dependency recovery services, or within a distinct part. Notwithstanding any other law, chemical dependency recovery services may be provided within a hospital building that has been removed from general acute care use.

(g) Chemical dependency recovery services may only be colocated as a distinct part with other services or distinct parts of its parent general acute care hospital or acute psychiatric hospital.

(h) A reference in any statute to Section 1250 shall be deemed and construed to also be a reference to this section.