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## AB-2376 Chemical dependency recovery hospitals. (2023-2024)

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### Assembly Bill No. 2376

#### CHAPTER 637

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

[ Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2376, Bains. 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 requires all beds in a chemical dependency recovery hospital to be designated for chemical dependency recovery services, as specified. Existing law authorizes 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 of a hospital, as defined. Existing law also authorizes chemical dependency recovery services to be provided within a hospital building that has been removed from general acute care use. Existing law requires 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. Existing law only authorizes the colocation of chemical dependency recovery services as a distinct part with other services or distinct parts of its parent hospital, as specified. Existing law requires a separately licensed chemical dependency recovery hospital that is not a distinct part of a general acute care hospital to have agreements with one or more general acute care hospitals to provide specified additional services.

This bill would expand the definition of "chemical dependency recovery services" to include medications for addiction treatment and medically supervised voluntary inpatient detoxification, but would specify that it does not include certain treatment of severe, potentially life threatening, intoxication and withdrawal syndromes. The bill would delete the requirement for chemical dependency recovery as a supplemental service to be provided in a distinct part of a general acute care hospital or acute psychiatric hospital, and instead would authorize those facilities to provide chemical dependency recovery services as a supplemental service within the same building or in a separate building on campus that meets specified structural requirements of a freestanding chemical dependency recovery hospital. The bill would also authorize chemical dependency recovery services to be provided in a general acute care hospital or acute psychiatric hospital without a distinct part, or outside the distinct part, in beds that are licensed for a service other than chemical dependency recovery if certain conditions are satisfied. The bill would require a general acute care hospital, acute psychiatric hospital, or distinct unit thereof, providing chemical dependency recovery services that meet specified federal program requirements, to provide the confidentiality protections required by specified federal regulations to the hospital's or unit's patients with a substance use disorder. The bill would also authorize the department to implement, interpret, or make specific these provisions by means of an All Facilities Letter or similar instruction.

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: medications for addiction treatment, medically supervised voluntary inpatient detoxification, patient counseling, group therapy, physical conditioning, family therapy, outpatient services, and dietetic services, but does not include emergency department services or medical inpatient admission for treatment of severe, potentially life-threatening, intoxication and withdrawal syndromes.

(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 to expand access to chemical dependency recovery services, and to support persons receiving those services, while ensuring the safety and quality of care for all patients in a health facility. It is also the intent of the Legislature that the chemical dependency recovery hospital will provide an innovative inpatient treatment with medications, as well as a 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 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 separately licensed 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) (1) General acute care hospitals and acute psychiatric hospitals may provide chemical dependency recovery services as a supplemental service within the same building, or in a separate building on campus that meets the structural requirements of a freestanding chemical dependency recovery hospital described in the OSHPD 6 requirements of the most recent version of the California Building Code.

(2) Chemical dependency recovery services may be provided in a general acute care hospital or acute psychiatric hospital without a distinct part, or outside the hospital's distinct part, in beds that are licensed for a service other than chemical dependency recovery. A general acute care hospital or acute psychiatric hospital providing chemical dependency recovery services that are not in a distinct part shall do both of the following:

(A) Require all staff treating a patient receiving chemical dependency recovery services to have the appropriate competencies for chemical dependency recovery and for other care they provide in the unit in which the patient has been placed, consistent with their role in patient care.

(B) Meet the nurse-to-patient staffing ratios for the unit in which the patient has been placed.

(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.

(5) When a general acute care hospital, acute psychiatric hospital, or distinct unit thereof providing chemical dependency recovery services under paragraph (1) meets the definition of a part 2 program, as defined in Section 2.11 of Title 42 of the Code of Federal Regulations, the general acute care hospital, acute psychiatric hospital, or distinct unit thereof shall provide the confidentiality protections required by Part 2 (commencing with Section 2.1) of Subchapter A of Chapter I of Title 42 of the Code of Federal Regulations to the hospital's or unit's patients with a substance use disorder.

(f) Chemical dependency recovery services may be provided in a freestanding facility, within a hospital building. 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 be colocated with other services 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.

(i) Notwithstanding any other law, the department may, without taking any regulatory actions pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, implement, interpret, or make specific this section by means of an All Facilities Letter or similar instruction.