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SB-1319 Skilled nursing facilities: approval to provide therapeutic behavioral health programs. (2023-2024)

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ENROLLED AUGUST 28, 2024
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AMENDED IN SENATE MARCH 21, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 1319

Introduced by Senator Wahab
(Coauthors: Senators Becker, McGuire, Roth, and Rubio)
(Coauthors: Assembly Members Ortega, Quirk-Silva, and Ting)

February 16, 2024

An act to add Article 7.7 (commencing with Section 1324.50) to Chapter 2 of Division 2 of the Health and Safety Code, relating to behavioral health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, Wahab. Skilled nursing facilities: approval to provide therapeutic behavioral health programs.

Existing law provides for the licensure and regulation of health facilities, including, but not limited to, skilled nursing facilities, by the State Department of Public Health. Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Department of Health Care Access and Information (HCAI), a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. The act requires the governing board or other governing authority of a hospital, before adopting plans for the hospital building, as defined, to submit to HCAI an application for approval, accompanied by the plans, as prescribed.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services (DHCS), and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law authorizes DHCS to adopt regulations to certify providers enrolled in

the Medi-Cal program, and applicants for enrollment as providers, including providers and applicants licensed as health care facilities.

This bill would require a licensed skilled nursing facility that proposes to provide therapeutic behavioral health programs in an identifiable and physically separate unit of a skilled nursing facility, and that is required to submit an application and receive approvals from multiple departments, as specified above, to apply simultaneously to those departments for review and approval of application materials. The bill, when an applicant for approval from one of the specified departments is unable to complete the approval process because the applicant has not obtained required approvals and documentation from one or both of the other departments, would authorize the applicant to submit all available forms and supporting documentation, along with a letter estimating when the remaining materials will be submitted. The bill would require the receiving department to initiate review of the application, and would require final approval of the application to be granted only when all required documentation has been submitted by the applicant to each department from which approval is required. The bill would require the departments to work jointly to develop processes to allow applications to be reviewed simultaneously and in a coordinated manner, as specified.

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

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

SECTION 1. Article 7.7 (commencing with Section 1324.50) is added to Chapter 2 of Division 2 of the Health and Safety Code, to read:

Article 7.7. Behavioral Health Treatment Services in Skilled Nursing Facilities

1324.50. (a) A licensed skilled nursing facility that proposes to provide therapeutic behavioral health programs in an identifiable and physically separate unit of a skilled nursing facility, as described in Section 1276.9, and that is required to submit an application and receive approvals from multiple departments, including the State Department of Public Health, pursuant to Section 1254, the Department of Health Care Access and Information, pursuant to Section 129760, and the State Department of Health Care Services, pursuant to Section 14043.15 of the Welfare and Institutions Code, may apply simultaneously to multiple departments for review and approval of application materials.

(b) If an applicant for approval from a department identified in subdivision (a) is unable to complete the approval process because the applicant has not obtained the required approvals and documentation from one or both of the other specified departments, the applicant may submit all available forms and supporting documentation, along with a letter estimating when the remaining materials will be submitted. The department that receives these documents pursuant to this subdivision shall initiate review of the application. Final approval of the application shall not be granted until all required documentation has been submitted by the applicant to each department from which approval is required.

(c) The State Department of Health Care Services, the State Department of Public Health, and the Department of Health Care Access and Information shall work jointly to develop processes to allow applications to be reviewed simultaneously and in a coordinated manner in order to streamline the determination process for approvals and minimize the total approval time for all departments.