

**ASSEMBLY BILL**

**No. 918**

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**Introduced by Assembly Member Mark Stone**

February 26, 2015

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An act to amend Section 1180.3 of the Health and Safety Code, relating to health and care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as introduced, Mark Stone. Health and care facilities: seclusion and behavioral restraints.

Existing law requires the Secretary of Health and Human Services to develop technical assistance and training programs to support the efforts of community care facilities, group homes, skilled nursing facilities, intermediate care facilities, and mental health rehabilitation centers, among others, to reduce or eliminate the use of seclusion and behavioral restraints in these facilities. Existing law requires the secretary to take steps to establish a system of mandatory, consistent, timely, and publicly accessible data collection regarding the use of seclusion and behavioral restraints in all facilities.

The bill would require these facilities to report to the protection and advocacy agency designated by the Governor each death or serious injury of a person occurring during, or related to, the use of seclusion or behavioral restraints.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1180.3 of the Health and Safety Code is  
2 amended to read:

3 1180.3. (a) This section shall apply to psychiatric units of  
4 general acute care hospitals, acute psychiatric hospitals, psychiatric  
5 health facilities, crisis stabilization units, community treatment  
6 facilities, group homes, skilled nursing facilities, intermediate care  
7 facilities, community care facilities, and mental health  
8 rehabilitation centers.

9 (b) (1) The secretary or his or her designee shall develop  
10 technical assistance and training programs to support the efforts  
11 of facilities to reduce or eliminate the use of seclusion and  
12 behavioral restraints in those facilities that utilize them.

13 (2) Technical assistance and training programs should be  
14 designed with the input of stakeholders, including clients and direct  
15 care staff, and should be based on best practices that lead to the  
16 avoidance of the use of seclusion and behavioral restraints. In order  
17 to avoid redundancies and to promote consistency across various  
18 types of facilities, it is the intent of the Legislature that the technical  
19 assistance and training program, to the extent possible, be based  
20 on that developed pursuant to Section 1180.2.

21 (c) (1) The secretary or his or her designee shall take steps to  
22 establish a system of mandatory, consistent, timely, and publicly  
23 accessible data collection regarding the use of seclusion and  
24 behavioral restraints in all facilities described in subdivision (a)  
25 that utilize seclusion and behavioral restraints. In determining a  
26 system of data collection, the secretary should utilize existing  
27 efforts, and direct new or ongoing efforts, of associated state  
28 departments to revise or improve their data collection systems.  
29 The secretary or his or her designee shall make recommendations  
30 for a mechanism to ensure compliance by facilities, including, but  
31 not limited to, penalties for failure to report in a timely manner. It  
32 is the intent of the Legislature that data be compiled in a manner  
33 that allows for standard statistical comparison and be maintained  
34 for each facility subject to reporting requirements for the use of  
35 seclusion and behavioral restraints.

36 (2) The secretary shall develop a mechanism for making this  
37 information, as it becomes available, publicly available on the  
38 Internet. For data currently being collected, this paragraph shall

1 be implemented as soon as it reasonably can be achieved within  
2 existing resources. As new reporting requirements are developed  
3 and result in additional data becoming available, this additional  
4 data shall be included in the data publicly available on the Internet  
5 pursuant to this paragraph.

6 (3) At the direction of the secretary, the departments shall  
7 cooperate and share resources for developing uniform reporting  
8 for all facilities. Uniform reporting of seclusion and behavioral  
9 restraint utilization information shall, to the extent possible, be  
10 incorporated into existing reporting requirements for facilities  
11 described in subdivision (a).

12 (4) Data collected pursuant to this subdivision shall include all  
13 of the data described in paragraph (3) of subdivision (d) of Section  
14 1180.2.

15 (5) The secretary or his or her designee shall work with the  
16 state departments that have responsibility for oversight of the use  
17 of seclusion and behavioral restraints to review and eliminate  
18 redundancies and outdated requirements in the reporting of data  
19 on the use of seclusion and behavioral restraints in order to ensure  
20 cost-effectiveness.

21 (d) Neither the agency nor any department shall be required to  
22 implement this section if implementation cannot be achieved within  
23 existing resources, unless additional funding for this purpose  
24 becomes available. The agency and involved departments may  
25 incrementally implement this section in order to accomplish its  
26 goals within existing resources, through the use of federal or private  
27 funding, or upon the subsequent appropriation of funds by the  
28 Legislature for this purpose, or all of these.

29 (e) *A facility described in subdivision (a) shall report each death*  
30 *or serious injury of a person occurring during, or related to, the*  
31 *use of seclusion or behavioral restraints. This report shall be made*  
32 *to the agency designated in subdivision (i) of Section 4900 of the*  
33 *Welfare and Institutions Code no later than the close of the*  
34 *business day following the death or injury. The report shall include*  
35 *the encrypted identifier of the person involved, and the name, street*  
36 *address, and telephone number of the facility.*