

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 918

Introduced by Assembly Member Mark Stone

February 26, 2015

An act to ~~amend~~ *add* Section ~~1180.3~~ *of 1180.7* to the Health and Safety Code, relating to health and care facilities.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law requires the Secretary of *California* 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~~ *specified entities within the California health and Human Services Agency* 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: state hospitals operated by the State Department of State Hospitals, facilities operated by the State Department of Developmental Services, and other specified facilities that utilize seclusion or behavioral restraints.~~

The bill would ~~require these facilities~~ *require, on or before January 1, 2017, 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 additional facilities, including adult residential facilities, that utilize seclusion or behavioral*

restraints. 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~~-yes. State-mandated local program: no.

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

1 SECTION 1. Section 1180.7 is added to the Health and Safety
2 Code, to read:

3 1180.7. (a) This section shall apply to intermediate care
4 facilities, intermediate care facilities/developmentally
5 disabled-nursing, intermediate care facilities for the
6 developmentally disabled, intermediate care
7 facilities/developmentally disabled-habilitative, group homes,
8 adult residential facilities, and mental health rehabilitation centers.

9 (b) (1) Notwithstanding subdivision (d) of Section 1180.3, on
10 or before January 1, 2017, the secretary or his or her designee
11 shall take steps to establish a system of mandatory, consistent,
12 timely, and publicly accessible data collection regarding the use
13 of seclusion and behavioral restraints in all facilities described in
14 subdivision (a) that utilize seclusion and behavioral restraints.

15 (2) Data collected pursuant to this subdivision shall include all
16 of the data described in paragraph (3) of subdivision (d) of Section
17 1180.2.

18 (c) A facility described in subdivision (a) shall report each death
19 or serious injury of a person occurring during, or related to, the
20 use of seclusion or behavioral restraints. This report shall be made
21 to the agency designated in subdivision (i) of Section 4900 of the
22 Welfare and Institutions Code no later than the close of the
23 business day following the death or injury. The report shall include
24 the encrypted identifier of the person involved, and the name, street
25 address, and telephone number of the facility.

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

28 ~~1180.3. (a) This section shall apply to psychiatric units of~~
29 ~~general acute care hospitals, acute psychiatric hospitals, psychiatric~~
30 ~~health facilities, crisis stabilization units, community treatment~~
31 ~~facilities, group homes, skilled nursing facilities, intermediate care~~

1 facilities, community care facilities, and mental health
2 rehabilitation centers.

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

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

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

30 (2) The secretary shall develop a mechanism for making this
31 information, as it becomes available, publicly available on the
32 Internet. For data currently being collected, this paragraph shall
33 be implemented as soon as it reasonably can be achieved within
34 existing resources. As new reporting requirements are developed
35 and result in additional data becoming available, this additional
36 data shall be included in the data publicly available on the Internet
37 pursuant to this paragraph.

38 (3) At the direction of the secretary, the departments shall
39 cooperate and share resources for developing uniform reporting
40 for all facilities. Uniform reporting of seclusion and behavioral

1 restraint utilization information shall, to the extent possible, be
2 incorporated into existing reporting requirements for facilities
3 described in subdivision (a).

4 (4) ~~Data collected pursuant to this subdivision shall include all~~
5 ~~of the data described in paragraph (3) of subdivision (d) of Section~~
6 ~~1180.2.~~

7 (5) ~~The secretary or his or her designee shall work with the~~
8 ~~state departments that have responsibility for oversight of the use~~
9 ~~of seclusion and behavioral restraints to review and eliminate~~
10 ~~redundancies and outdated requirements in the reporting of data~~
11 ~~on the use of seclusion and behavioral restraints in order to ensure~~
12 ~~cost-effectiveness.~~

13 (d) ~~Neither the agency nor any department shall be required to~~
14 ~~implement this section if implementation cannot be achieved within~~
15 ~~existing resources, unless additional funding for this purpose~~
16 ~~becomes available. The agency and involved departments may~~
17 ~~incrementally implement this section in order to accomplish its~~
18 ~~goals within existing resources, through the use of federal or private~~
19 ~~funding, or upon the subsequent appropriation of funds by the~~
20 ~~Legislature for this purpose, or all of these.~~

21 (e) ~~A facility described in subdivision (a) shall report each death~~
22 ~~or serious injury of a person occurring during, or related to, the~~
23 ~~use of seclusion or behavioral restraints. This report shall be made~~
24 ~~to the agency designated in subdivision (i) of Section 4900 of the~~
25 ~~Welfare and Institutions Code no later than the close of the business~~
26 ~~day following the death or injury. The report shall include the~~
27 ~~encrypted identifier of the person involved, and the name, street~~
28 ~~address, and telephone number of the facility.~~