

AMENDED IN SENATE JULY 16, 2015

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 918**

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**Introduced by Assembly Member Mark Stone**

February 26, 2015

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An act to add Sections 4436.5 and 4659.2 to the Welfare and Institutions Code, relating to seclusion and restraint.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as amended, Mark Stone. Seclusion and restraint: developmental services: health facilities.

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 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 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.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with regional centers to provide services and supports to individuals with developmental disabilities. Existing law requires all vendors and long-term health care facilities, as defined, to report special incidents to a regional center, including, among other things, incidents of physical and chemical restraint. Existing law requires a regional center that receives information from a special incident report regarding the use of physical or chemical restraint, to report that information to the department, as specified.

This bill would require the department to ensure the consistent, timely, and public reporting of data it receives from regional centers and other specified facilities regarding the use of physical or chemical restraint and to publish that information on its Internet Web site.

This bill would also require regional center vendors that provide residential services or supported living services, long-term health care facilities, *as defined*, and acute psychiatric ~~hospitals~~ *hospitals, as defined*, to report each death or serious injury of a person occurring during, or related to, the use of seclusion, physical restraint, or chemical restraint, as specified.

This bill would make related findings and declarations.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The President’s New Freedom Commission on Mental Health
- 4 (2003) reported that the use of behavioral restraint and seclusion
- 5 poses significant risks for adults and children, including serious
- 6 injury or death, retraumatizing people with a history of trauma or
- 7 abuse, loss of dignity, and other psychological harm.
- 8 (b) Although California currently requires the tracking and
- 9 public reporting of the use of seclusion and restraint in state
- 10 developmental centers and collects data regarding the use of
- 11 restraint through the department’s special incident reporting system,
- 12 the data concerning the use of restraint in community residential
- 13 and other long-term care facilities and acute psychiatric hospitals

1 serving individuals with developmental disabilities is not publicly  
2 reported.

3 (c) One of the best methods to achieve the goal of a reduction  
4 in the use of restraint is to ensure consistent data collection and  
5 analysis and public access to this data.

6 (d) It is the intent of the Legislature in enacting this act to ensure  
7 that data regarding the use of restraint in community residential  
8 and other long-term care facilities and acute psychiatric hospitals  
9 is publicly available as a means of ensuring quality services to  
10 individuals with developmental disabilities and a reduction in the  
11 use of restraint.

12 SEC. 2. Section 4436.5 is added to the Welfare and Institutions  
13 Code, to read:

14 4436.5. (a) For the purposes of this section, the following  
15 definitions apply:

16 (1) "Physical restraint" means any behavioral or mechanical  
17 restraint as defined in Section 1180.1 of the Health and Safety  
18 Code.

19 (2) "Chemical restraint" means a drug that is used to control  
20 behavior and that is used in a manner not required to treat the  
21 patient's medical conditions.

22 (3) "Long-term health care facility" means a facility, as defined  
23 in Section 1418 of the Health and Safety ~~Code~~. *Code, that is*  
24 *required to report to a regional center pursuant to Section 54327*  
25 *of Title 17 of the California Code of Regulations.*

26 (4) "Acute psychiatric hospital" means a ~~facility~~ *facility*, as  
27 defined in subdivision (b) of Section 1250 of the Health and Safety  
28 Code, including an institution for mental ~~disease~~. *disease, that is*  
29 *a regional center vendor.*

30 (5) "*Regional center vendor*" means an agency, individual, or  
31 service provider that a regional center has approved to provide  
32 vendored or contracted services or supports pursuant to paragraph  
33 (3) of subdivision (a) of Section 4648.

34 (b) The department shall ensure the consistent, timely, and  
35 public reporting of data it receives from regional centers pursuant  
36 to Section 54327 of Title 17 of the California Code of Regulations  
37 regarding the use of physical restraint, chemical restraint, or both,  
38 by all regional center vendors who provide residential services or  
39 supported living services pursuant to Section 4689, and by

1 long-term health care facilities and acute psychiatric hospitals  
2 serving individuals with developmental disabilities.

3 (c) The department shall publish quarterly on its Internet Web  
4 site the following data, segregated by individual regional center  
5 vendor that provides residential services or supported living  
6 services and each individual long-term health care facility and  
7 acute psychiatric hospital that serves persons with developmental  
8 disabilities:

9 (1) The number of incidents of physical restraint.

10 (2) The number of incidents of chemical restraint.

11 SEC. 3. Section 4659.2 is added to the Welfare and Institutions  
12 Code, to read:

13 4659.2. (a) For the purposes of this section, the following  
14 definitions apply:

15 (1) "Physical restraint" means any behavioral or mechanical  
16 restraint, as defined in Section 1180.1 of the Health and Safety  
17 Code.

18 (2) "Chemical restraint" means a drug that is used to control  
19 behavior and that is used in a manner not required to treat the  
20 patient's medical conditions.

21 (3) "Seclusion" means involuntary confinement of a person  
22 alone in a room or an area as defined in subdivision (e) of Section  
23 1180.1 of the Health and Safety Code.

24 (4) "Long-term health care facility" means a facility, as defined  
25 in Section 1418 of the Health and Safety ~~Code~~. *Code, that is*  
26 *required to report to a regional center pursuant to Section 54327*  
27 *of Title 17 of the California Code of Regulations.*

28 (5) "Acute psychiatric hospital" means a ~~facility~~ *facility*, as  
29 defined in subdivision (b) of Section 1250 of the Health and Safety  
30 Code, including an institution for mental ~~disease~~. *disease, that is*  
31 *a regional center vendor.*

32 (6) "Regional center vendor" means an agency, individual, or  
33 service provider that a regional center has approved to provide  
34 vendored or contracted services or supports pursuant to paragraph  
35 (3) of subdivision (a) of Section 4648.

36 (b) All regional center vendors that provide residential services  
37 or supported living services, long-term health care facilities, and  
38 acute psychiatric hospitals shall report each death or serious injury  
39 of a person occurring during, or related to, the use of seclusion,  
40 physical restraint, or chemical restraint, or any combination thereof,

1 to the agency designated pursuant to subdivision (i) of Section  
2 4900 no later than the close of the business day following the death  
3 or serious injury. The report shall include the encrypted identifier  
4 of the person involved, and the name, street address, and telephone  
5 number of the facility.

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