

Legislative Summary Report



2013 Legislative Year

2013 Legislation Affecting the
Department of State Hospitals

STATE OF CALIFORNIA

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TABLE OF CONTENTS

1. Introduction	- 4 -
2. Acronyms Commonly Used	- 5 -
3. Signed Legislation	- 6 -
4. Vetoed Legislation	- 9 -
5. Other Key Legislation	- 10 -
6. Two-Year Legislation	- 11 -
7. Legislation by Author	- 17 -

INTRODUCTION

This Legislative Summary focuses on all legislation introduced or enacted in the 2013 legislative year that affected the Department of State Hospitals (DSH).

The DSH was established on July 1, 2012, and is the successor agency to the former Department of Mental Health (DMH). The DSH is responsible for the operation of the State Hospital system, as well as three forensic mental health programs: the Sex Offender Commitment Program, the Mentally Disordered Offender program, and the Forensic Conditional Release Program.

The DSH oversees the operation of eight state inpatient mental health facilities:

- Atascadero State Hospital (DSH-Atascadero)
- Coalinga State Hospital (DSH-Coalinga)
- Metropolitan State Hospital (DSH-Metropolitan LA)
- Napa State Hospital (DSH-Napa)
- Patton State Hospital (DSH-Patton)
- Salinas Valley Psychiatric Program (DSH-Salinas Valley)
- Stockton Psychiatric Program (DSH-Stockton)
- Vacaville Psychiatric Program (DSH-Vacaville)

In operating these programs and serving our patients, the DSH adheres to its core values, vision, mission, and goals:

Core Values: *Safety, Treatment, and Responsibility.*

Vision: *Caring Today for a Safe and Healthy Tomorrow.*

Mission: *Providing evaluation and treatment in a safe and responsible manner, seeking innovation and excellence in hospital operations, across a continuum of care and settings.*

Goals: *A safe environment; Responsible stewardship; Excellence in forensic evaluation; Excellence in treatment.*

For more information about the legislation summarized in this document, please contact the DSH Office of Legislation at (916) 654-2316. For more information about the establishment of the DSH, including the Department's values, vision, mission, or goals, please contact the DSH Director's Office at (916) 654-2309, or visit our Internet Web site at <http://www.dsh.ca.gov>.

ACRONYMS COMMONLY USED

AB	Assembly Bill
ACR	Assembly Concurrent Resolution
DMH	Department of Mental Health
DSH	Department of State Hospitals
DSH-Atascadero	Atascadero State Hospital
DSH-Coalinga	Coalinga State Hospital
DSH-Metropolitan	Metropolitan State Hospital
DSH-Napa	Napa State Hospital
DSH-Patton	Patton State Hospital
DSH-Salinas Valley	Salinas Valley Psychiatric Program
DSH-Stockton	Stockton Psychiatric Program
DSH-Vacaville	Vacaville Psychiatric Program
SB	Senate Bill

SIGNED LEGISLATION

Assembly

AB 11 (Logue)

Subject: Employees, reserve peace officers and emergency rescue personnel

Status: Chapter 120

Summary: Requires employers with 50 or more employees to permit an employee who performs emergency duty as a volunteer firefighter, reserve peace officer, or as emergency rescue personnel, to take a leave of absence for up to 14 days per calendar year for the purpose of engaging in fire, law enforcement, or emergency rescue training.

AB 383 (Wagner)

Subject: Maintenance of the codes

Status: Chapter 76

Summary: Makes various technical, non-substantive changes to statute suggested by the Office of Legislative Counsel (OLC) to correct errors in the text of existing law. Corrects an obsolete reference to the former Department of Mental Health (DMH) in Government Code Section 11552 (Section 83 of the bill).

AB 500 (Ammiano)

Subject: Firearms

Status: Chapter 737

Summary: Establishes safe firearm storage requirements when persons prohibited from owning a firearm live in a household where a firearm is present. Requires the Department of Justice (DOJ) to delay firearm sales when background checks are not completed; and requires DOJ to be notified when firearm purchasers have taken possession of a firearm.

AB 602 (Yamada)

Subject: Mentally and developmentally disabled persons: reporting abuse

Status: Chapter 673

Summary: Requires the Commission on Peace Officer Standards and Training (POST) to establish a special training course for law enforcement officers that interact with patients of State Hospitals operated by the DSH, as well as Developmental Centers operated by the Department of Developmental Services (DDS). Requires state facility investigators in DSH and DDS facilities to report specified incidents of suspected patient abuse or neglect to local law enforcement agencies within two hours of learning about the incident.

AB 610 (Achadjian)**Subject:** State hospitals, involuntary treatment**Status:** Chapter 705**Summary:** Requires, when a Superior Court hearing is held on an order requiring involuntary medication of specified patients committed to a State Hospital by the state, the state reimburse the county in which the State Hospital is located (the host county) for certain costs associated with the hearing. Requires, for specified patients committed to a State Hospital by a county, the county which originally committed the patient (the committing county) reimburse the host county.**AB 633 (Salas)****Subject:** Emergency medical services, civil liability**Status:** Chapter 591**Summary:** Prohibits an employer from having a policy of prohibiting an employee from providing voluntary emergency medical services, including, but not limited to, cardiopulmonary resuscitation, in response to a medical emergency, except as specified.**AB 906 (Pan)****Subject:** Personal services contracts**Status:** Chapter 744**Summary:** Amends the State Civil Service Act to prohibit the execution of proposed personal services contracts permissible under specified conditions, without regard to cost savings, until the state agency proposing to execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted. The Department of General Services is required to establish a process to certify that notification.**AB 1131 (Skinner)****Subject:** Firearms**Status:** Chapter 747**Summary:** Current law prohibits a person from possessing a firearm or deadly weapon for a period of 6 months whenever he or she communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. This bill would increase the prohibitory period from 6 months to 5 years. By increasing the scope of an existing crime, this bill would impose a state-mandated local program. This bill would revise the provisions allowing a person to petition the court for an order that would allow him or her to possess a firearm to conform with other provisions of existing law. This bill contains other related provisions and other existing laws.**AB 1317 (Frazier)****Subject:** State government operations**Status:** Chapter 352**Summary:** Enacts necessary statutory changes to make conforming name changes to properly reflect the assignment and reorganization of State entities, as

enacted by the Governor's Reorganization Plan (GRP) No. 2 of 2012. As it applies to the DSH, this bill corrects an obsolete reference to the former DMH in Government Code Section 11552 (Section 275 of the bill).

Senate

SB 127 (Gaines)

Subject: Firearms: mentally disordered persons

Status: Chapter 753

Summary: Requires licensed psychotherapists, including those employed by DSH facilities, to file a report with local law enforcement, within 24 hours and in a manner prescribed by the State Department of Justice (DOJ), when a patient makes or indicates a serious threat of physical violence against a reasonably identifiable victim or victims. Local law enforcement is required to electronically report this information within 24 hours upon receipt to DOJ.

SB 295 (Emmerson)

Subject: Sexually violent predators, civil commitment

Status: Chapter 182

Summary: Clarifies which provisions are to be used when a committed sexually violent predator (SVP) petitions for conditional release, versus which provisions are to be used when a committed SVP petitions for unconditional discharge, and makes nonsubstantive, organizational changes to the provisions. Also requires the community program director designated by the DSH to submit a report to the court in response to the petition that makes a recommendation as to the appropriateness of placement of the person in a state-operated forensic conditional release program before a hearing can be held.

SB 651 (Pavley)

Subject: Developmental centers and state hospitals

Status: Chapter 724

Summary: Requires designated investigators of Developmental Centers and State Hospitals to request a sexual assault forensic medical examination for any resident of a Developmental Center or any resident of a State Hospital, as applicable, who is a victim or is reasonably suspected to be a victim of sexual assault, as defined, performed at an appropriate facility off the grounds of the Developmental Center or State Hospital in accordance with specified provisions.

VETOED LEGISLATION

AB 199 (Holden)

Subject: Institutional purchasers, sale of California produce

Summary: The Choose California Act would have required all California state-owned or state-run institutions, except public universities, public schools, and school districts (including DSH State Hospitals), to purchase agricultural products grown in California to the extent possible from a California company before those that are grown outside of the state, as specified, until January 1, 2017.

Governor's Veto Message: I am returning Assembly Bill 199 without my signature. This bill would require the state to implement a preference for agricultural products grown in California and offered by a California company. This preference would be difficult to comply with and quite onerous. Every purchase, even a single bag of apples, would be affected. I strongly support California's agricultural industry and encourage all state-run institutions to support local farmers and businesses. In fact, state growers and processors have no trouble competing for and winning the state's business. Today, approximately half of all food the Department of General Services purchases for state institutions comes from California, without a preference or a mandate.

SB 205 (Corbett)

Subject: Prescription drugs, labeling

Summary: Would have required, beginning January 1, 2016, certain portions of the required information on a prescription label, including the name of the patient or patients, to be printed in at least a 12-point typeface. This requirement would have included prescription medications dispensed at DSH State Hospitals.

Governor's Veto Message: I am returning Senate Bill 205 without my signature. The bill would require certain parts of a prescription drug's label to be printed in at least 12-point typeface. The Board of Pharmacy is required to provide an update of its 2010 labeling guidelines to the Legislature next month. I prefer to wait for their findings before mandating such a change.

OTHER KEY LEGISLATION Affecting the Department of State Hospitals

Assembly

AB 1321 (Jones)

Subject: Serious felonies

Status: Died in committee

Summary: Would have added certain felonies, including threatening a witness and human trafficking, to the definition of a serious felony, as specified. This bill would have specified that references to code sections contained in the Three Strikes Law are to those statutes as they existed January 1, 2014.

Senate

SB 742 (Nielsen)

Subject: Defendants

Status: Died in committee

Summary: Would have provided that any person who willfully removes or disables an electronic monitoring or supervising device, including a GPS or other monitoring device, affixed to his or her person or the person of another, knowing that the device was affixed as part of a criminal sentence or juvenile court disposition, as a condition of parole or probation, or otherwise pursuant to law, is guilty of a public offense, punishable as specified. The bill would also have provided for revocation of probation, parole, or postrelease community supervision, and would subject persons with a specified sex offense conviction who violate the section to be subject to lifetime GPS monitoring.

TWO-YEAR LEGISLATION

Tracked by the Department of State Hospitals

The following bills did not advance in 2013, but are eligible for consideration in 2014 as two-year legislation. Two-year legislation must clear its house of origin by January 31, 2014 to remain active.

Assembly

AB 2 (Morrell)

Subject: Sex Offenders, parole violations

Status: Assembly Public Safety Committee

Summary: Would require a criminal defendant who is released on parole or to postrelease community supervision, who has suffered a prior or current felony requiring registration as a sex offender, and who violates that parole or postrelease community-based supervision by violating the requirement to register as a sex offender to serve any period of incarceration ordered for that violation in the state prison. This bill would also make a conforming change by authorizing the revocation hearing officer to revoke and terminate postrelease community supervision and order the person to confinement in the state prison, upon a finding that the person has violated the conditions of postrelease community supervision.

AB 63 (Patterson)

Subject: Electronic monitoring, removing or disabling

Status: Assembly Public Safety Committee

Summary: Would provide that unauthorized removal, as specified, of an electronic, global positioning system (GPS), or other monitoring device affixed as a condition of postrelease community supervision parole, or mandatory supervision is an offense punishable by imprisonment in the county jail for not more than one year, or in the state prison for 16 months, 2 years, or 3 years. This bill contains other related provisions and other existing laws.

AB 208 (Gorell)

Subject: State employees, additional compensation

Status: Assembly Appropriations Committee

Summary: Existing law requires the Department of Personnel Administration to provide the extent to which, and to establish the method by which, ordered overtime or overtime in times of critical emergency is compensated based on the practices of private industry and other public employment, the needs of state service, and internal relationships, except that conflicting provisions of a memorandum of understanding are controlling, as specified. This bill would provide that a salaried employee earning a fixed wage may not earn additional compensation by being employed at a second, hourly-wage job within the same agency, except that conflicting provisions of a memorandum of understanding are controlling, as specified.

AB 252 (Yamada)**Subject:** Social workers**Status:** Assembly Appropriations Committee**Summary:** Would prohibit an individual from representing himself or herself as a social worker, unless he or she possesses certain academic qualifications from an accredited school, as specified. This bill would prohibit an employer from representing his or her employee as a social worker, unless that employee possesses certain academic qualifications. This bill would apply those prohibitions to an individual employed by a governmental entity, certain academic institutions, an institution that is both nonprofit and charitable, and other individuals.**AB 334 (Gomez)****Subject:** State personnel, employment of outside legal counsel**Status:** Senate Appropriations Committee***Summary:** Current law requires a state agency, when it submits a contract for outside counsel to the Department of General Services in connection with state contracting requirements, to also submit a copy of the contract to the designated representative of State Employees Bargaining Unit 2. This bill would provide that the failure of a state agency to provide a copy of the contract for outside counsel to the designated representative State Employees Bargaining Unit 2 when it provides a copy to the Department of General Services, as described above, is an independent basis for the State Personnel Board to disapprove the contract.**AB 396 (Fox)****Subject:** Prescriptions**Status:** Introduced**Summary:** Would require that every prescription include a legible, clear notice of the condition or purpose for which the drug is prescribed, unless the patient or prescriber requests that this information be omitted. The bill would also require that every prescription container be correctly labeled to include that information, if so indicated on the prescription, unless the patient or prescriber requests that this information be omitted. This bill contains other related provisions and other existing laws.**AB 623 (Lowenthal)****Subject:** Inmates, psychiatric medication: informed consent**Status:** Introduced**Summary:** Current law prohibits, except as specified, a person sentenced to imprisonment in a county jail from being administered any psychiatric medication without his or her prior informed consent. This bill would instead prohibit, except as specified, a person confined in a county jail from being administered any psychiatric medication without his or her prior informed consent.

*Bill will be active in the upcoming 2014 session.

AB 768 (Achadjian)

Subject: Sexually violent predators, conditional release

Status: Assembly Public Safety Committee

Summary: Would prohibit a sexually violent predator who has been granted conditional release from being released as a transient in any county or being placed in housing that consists of a recreational or other vehicle. The bill would also declare that extraordinary circumstances justifying the placement of a person who has been granted conditional release in a county other than his or her county of domicile are present when housing, as specified, cannot be located within the county of domicile within 180 days of a court ordering that the person be conditionally released.

AB 961 (Levine)

Subject: Health facilities, investigations: public disclosure

Status: Assembly Appropriations Committee

Summary: Would require the State Department of Health Care Services to complete its investigation of health facilities and issue a citation within specified time periods, but would allow for an extension of these periods for up to 30 days if the department is unable to complete its investigation due to extenuating circumstances beyond its control, and would require the department to document these circumstances in its final determination.

AB 1065 (Holden)

Subject: Parole

Status: Assembly Public Safety Committee

Summary: Would require that a person released from state prison who has served a previous prison term for which he or she was required, as a condition of parole, to undergo treatment by the State Department of State Hospitals to be subject to parole supervision by the Department of Corrections and Rehabilitation and the court in the county in which the parolee is released.

AB 1084 (Melendez)

Subject: Firearms, punishment

Status: Assembly Public Safety Committee

Summary: Would make a violation of certain provisions related to possession of a firearm punishable in the state prison. If the person is within a class of persons prohibited from possessing a firearm, the bill would require the person to be punished in the state prison for 4, 5, or 6 years if the violation was on the school grounds, and by imprisonment in the state prison for 3, 4, or 5 years if the violation was within 1,000 feet from the school grounds. In the case of a person who is within a class of persons prohibited from possessing a firearm, the bill would also require a mandatory 9-month term of incarceration in a county jail as a condition of probation. By increasing the punishment for certain crimes, this bill would impose a state-mandated local program.

AB 1296 (Skinner)**Subject:** Firearms, mentally disordered persons**Status:** Assembly Appropriations Committee**Summary:** Current law prohibits a person from possessing a firearm or deadly weapon for a period of 6 months whenever he or she communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. This bill would increase the prohibitory period from 6 months to 5 years. By increasing the scope of an existing crime, this bill would impose a state-mandated local program.**AB 1334 (Conway)****Subject:** Parole**Status:** Assembly Public Safety Committee**Summary:** Would require any person who has been released after serving a term for an offense for which the person is required to register as a sex offender to be subject to parole supervision by the Department of Corrections and Rehabilitation. The bill would also require that a person released from state prison who has a prior conviction or juvenile adjudication for which the person is required to register as a sex offender to be subject to parole supervision by the Department of Corrections and Rehabilitation and the jurisdiction of the court in the county in which the person is released or resides.**AB 1340 (Achadjian)****Subject:** State Hospital Employees Act**Status:** Senate Health Committee***Summary:** Would establish an Enhanced Treatment Facility and specified programs within the DSH, and subject to available funding, would require each state hospital to establish and maintain an enhanced treatment unit (ETU) as part of its facilities. The bill would authorize a State Hospital under the jurisdiction of the DSH to be licensed to offer an ETU that meets specified requirements, including that each room be limited to one patient, and would authorize the department to adopt and implement policies and procedures, as specified.Senate**SB 124 (Corbett)****Subject:** Public contracts, bid preferences, clean energy**Status:** Assembly Appropriations Committee***Summary:** Would authorize a public agency, including, but not limited to, the Trustees of the California State University, to award a contract based on the fact that a clean energy device, technology, or system was manufactured in the state if the contract is an energy service contract determined to be in the best interest of the public agency. The bill would, until January 1, 2020, require state agencies and the Trustees of the California State University that accept bids or proposals for a contract for the purchase or installation of a clean energy device, technology, or system, as defined, to provide a 5% preference to a bidder that certifies that all of

the parts of the clean energy device, technology, or system to be installed have been manufactured in the state, in accordance with specified criteria.

SB 226 (Emmerson)

Subject: Defendants, severe mental disorder: incarceration in state prison

Status: Senate Public Safety Committee

Summary: Would require a court, upon conviction of a defendant for certain specified offenses involving force or serious bodily injury, or involving the threat of force or violence likely to produce substantial physical harm, that is punishable as a felony by imprisonment in a county jail, if the court has reason to believe the defendant has a severe mental disorder, to suspend the imposition of the sentence and transport the defendant to the Department of Corrections and Rehabilitation for evaluation to determine whether the defendant has a severe mental disorder and whether the severe mental disorder was an aggravating factor in the prisoner's criminal behavior, as provided.

SB 709 (Nielsen)

Subject: Inmates, mental evaluations

Status: Senate Public Safety Committee

Summary: Current law requires that, prior to release on parole, the person in charge of treating the prisoner and a practicing psychiatrist or psychologist from the State Department of State Hospitals have evaluated the prisoner at a facility of the Department of Corrections and Rehabilitation. This bill would require the evaluation to be a face-to-face evaluation.

SB 710 (Nielsen)

Subject: Parole

Status: Senate Public Safety Committee

Summary: Would require all offenders released from prison on and after January 1, 2014, to be subject to parole supervision by the Department of Corrections and Rehabilitation and the Board of Parole Hearings for a minimum period of 3 years. For crimes committed on or after January 1, 2014, the bill would set the period of parole not to exceed 5 years and not less than 3 years in the case of an inmate imprisoned for any offense other than first or 2nd degree murder for which the inmate has received a life sentence, and would set a parole period not to exceed 4 years and not less than 3 years in the case of any other inmate. The bill would prohibit a person from being discharged from parole without first completing 12 consecutive months of supervision without a parole violation or arrest on new criminal charges, and would provide that no person may be discharged from parole while incarcerated or if his or her whereabouts are unknown.

SB 728 (Wolk)

Subject: Long-term care facilities, health care decisions

Status: Senate Health Committee

Summary: Would require specified health facilities and residential facilities and residential care facilities for the elderly to provide a person with a Physician Orders

for Life-Sustaining Treatment form, as defined, upon his or her admission to the facility. The bill would provide that violations of these provisions do not constitute a crime.

*Bills will be active in the upcoming 2014 session.

LEGISLATION BY AUTHOR

Assembly

Achadjian, Katcho

AB 610: State hospitals, involuntary treatment

AB 768: Sexually violent predators: conditional release

AB 1340: State Hospital Employees Act

Alejo, Luis

AB 900: Medi-Cal reimbursement: distinct part nursing facilities

Ammiano, Tom

AB 500: Firearms

Conway, Connie

AB 1334: Parole

Fox, Steve

AB 396: Prescriptions

Frazier, Jim

AB 1317: State government operations

Gomez, Jimmy

AB 334: State personnel, employment of outside legal counsel

Gorell, Jeff

AB 208: State employees, additional compensation

Holden, Chris

AB 199: Institutional purchasers, sale of California produce

AB 1065: Parole

Jones, Brian

AB 1321: Serious felonies

Levine, Marc

AB 961: Health facilities, investigations: public disclosure

Logue, Dan

AB 11: Employees, reserve peace officers and emergency rescue personnel

Lowenthal, Bonnie

AB 623: Inmates, psychiatric medication: informed consent

Melendez, Melissa

AB 1084: Firearms, punishment

Morrell, Mike

AB 2: Sex offenders, parole violations

Pan, Richard

AB 906: Personal services contracts

Patterson, Jim

AB 63: Electronic monitoring, removing or disabling

Salas, Rudy

AB 633: Emergency medical services, civil liability

Skinner, Nancy

AB 1131: Firearms

AB 1296: Firearms, mentally disordered persons

Wagner, Donald

AB 383: Maintenance of the codes

Yamada, Mariko

AB 252: Social workers

AB 602: Mentally and developmentally disabled persons: reporting abuse

Senate

Corbett, Ellen

SB 205: Prescription drugs, labeling

SB 124: Public contracts, bid preferences, clean energy

Emmerson, Bill

SB 226: Defendants, severe mental disorder, incarceration in state prison

SB 295: Sexually violent predators, civil commitment

Gaines, Ted

SB 127: Firearms, mentally disordered persons

Nielsen, Jim

SB 709: Inmates, mental evaluations

SB 710: Parole

SB 742: Defendants

Pavley, Fran

SB 651: Developmental centers and state hospitals

Wolk, Lois

SB 728: Long-term care facilities, health care decisions