

California State Legislature Bills, August 19, 2014

Bills Approved and Chaptered:

Title: Medi-Cal Drug Treatment Program: group outpatient drug free services

Bill: SB 1045

Bill's author: Beall

Status: Approved by Governor and Chaptered by Secretary of State 7/7/14, Chapter 80, Statutes of 2014.

Summary of Bill:

Requires that the maximum allowable rate for *group* outpatient drug free services be set on a per person basis and requires that a group consist of a minimum of 2, and a maximum of 12, individuals, at least one of which must be a Medi-Cal eligible beneficiary. The bill would also require, if one of the individuals in a 2-member group is ineligible for Medi-Cal, that the individual who is ineligible for Medi-Cal be receiving outpatient drug free services for a substance abuse disorder diagnosed by a physician.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1045

Title: Health

Bill: SB 857

Bill's author: Committee on Budget and Fiscal Review

Status: Approved by Governor and Chaptered by Secretary of State 06/20/14, Chapter 31, Statutes of 2014.

Summary of Bill: This bill requires large group, small group, and individual health care service plan contracts to provide covered mental health and substance use disorder benefits in compliance with the provisions of federal law governing mental health parity no later than January 1, 2015. Department of Health Care Services (DHCS) would issue (and publish on its website) a provider bulletin describing the approved fee structure on an annual basis and consult with interested parties and appropriate stakeholders regarding new fees or fee changes. The bill also requires DHCS to utilize a joint state-county decision-making process to determine the appropriate use of state and local training, technical assistance, and regulatory resources to meet the goals of the state's mental health and substance use disorder services system.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB857&search_key_words

Title: Public safety

Bill: AB 1468

Bill's author: Committee on Budget

Status: Approved by Governor and Chaptered by Secretary of State June 20, 2014, Chapter 26, Statutes of 2014.

Summary of Bill: This bill would authorize the California Department of Corrections & Rehabilitation (CDCR) to provide programs and services including transitional housing, mental health, and *substance abuse treatment* to an offender who is released pursuant to the

provisions of Proposition 36 of 2012 (Changes in the "Three Strikes" Law), and who is not subject to parole or post-release community supervision. This bill would require a substance abuse treatment program funded by the CDCR to include a peer counseling component, allowing prisoners to receive the necessary training within those facilities to become certified addiction counselors.

Links for more information: <http://www.legtrack.com/bill.html?bill=201320140AB1468>

Title: Overdose Treatment Liability Act

Bill: AB 635

Bill's author: Ammiano

Status: Approved by Governor and Chaptered by Secretary of State 10/10/13, Chapter 707, Statutes of 2013 (became law as of January 1, 2014).

Summary of Bill: AB 635 provides protection to licensed health care professionals statewide from civil or criminal prosecution for practicing medicine without a license when, if acting with reasonable care, they prescribe, dispense, or oversee the distribution via a standing order of naloxone for an overdose prevention program or as standard medical practice. The law clarifies that licensed prescribers are encouraged to prescribe naloxone to individual patients on chronic opioid pain medications in order to address the prescription drug overdose epidemic.

Link for more information: <http://harmreduction.org/overdose-prevention/caoverdoseprev/>

Title: Jails: discharge of prisoners

Bill: SB 833

Bill's authors: Liu

Status: Approved by Governor and Chaptered by Secretary of State on 07/07/14, Chapter 90, Statutes of 2014.

Summary of Bill: This bill would authorize the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter. Such a stay would offer the prisoner the ability to be discharged directly to a treatment center. Many inmates are discharged to reentry centers for substance abuse treatment, transitional housing or other services; however if the discharge happens after hours, most of these centers do not have transportation services available at night or cannot admit during nighttime hours.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB833

Bills Pending (not yet approved)

Title: Narcotic treatment programs

Bill: SB 973

Bill's author: Hernandez

Status: Read third time. Passed. Ordered to the Senate on 08/18/14; in Senate. Concurrence in Assembly amendments pending.

Summary of Bill: Existing law authorizes a program to admit a patient to narcotic maintenance or narcotic detoxification treatment 7 days after completion of a prior withdrawal treatment

episode. This bill, instead, would authorize a program to admit a patient to a narcotic treatment program (NTP) at the discretion of the medical director. This bill would also authorize take-home doses to be provided to patients who are clearly adhering to the requirements of the program if daily attendance at a clinic would be incompatible with retirement or medical disability or if the program is closed on Sundays or holidays and providing a take-home dose is not contrary to federal laws and regulations. The bill would require an NTP medical director to determine whether or not to dilute take-home doses.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB973

Title: Medi-Cal

Bill: AB 2612

Bill's author: Dababneh

Status: From committee on 8/19/14: Do pass as amended.

Summary of Bill: Existing law authorizes the Department of Health Care Services (DHCS), subject to federal approval, to create a health home program for enrollees with chronic conditions. This bill would require the department to request a waiver of federal law to authorize the state to claim federal financial participation for health home services provided to individuals, who are otherwise eligible under the health home program and who are state or county inmates in their last 30 days in custody. The 8/14/14 amendment would delete the provisions of the bill that would require DHCS to seek a waiver of federal Medicaid law to authorize federal matching funds for residential (drug and alcohol) treatment lasting less than 120 days that is provided within an institute of mental disease.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2612

Title: Drug Medi-Cal

Bill: SB 1161

Bill's author: Beall

Status: Read second time and amended on 8/18/14. Ordered to second reading.

Summary of Bill: SB 1161 requires the Department of Health Care Services (DHCS) to request a specified federal waiver, in order to receive federal financial participation under the Drug Medi-Cal program. DHCS may seek federal approval to obtain federal financial participation for services provided by institutions for mental diseases (IMDs), which are otherwise excluded from federal financial participation.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1161

Title: Pharmacists: naloxone hydrochloride

Bill: AB 1535

Bill's author: Bloom

Status: Senate amendments concurred in. To Engrossing and Enrolling Office, 8/14/14 (this Office carries out functions of preparing legislation to be printed and finalized before leaving the Assembly).

Summary of Bill: The bill would require the Board of Pharmacy (BOP) and the Medical Board of California (MBC) to include procedures requiring the pharmacist to provide a consultation to ensure the education of the person to whom naloxone hydrochloride (NH) is furnished, and notification of the patient's primary care provider of drugs or devices furnished to the patient. The bill would prohibit a pharmacist furnishing NH from permitting the person to whom the drug is furnished to waive the consultation. NH is a safe and effective antidote to opioid overdose, that when administered by a family member or another witness, can prevent death or disability. This bill improves access to this life-saving medication by allowing pharmacists to furnish NH in accordance with standardized procedures.

Link for more information:

http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml?session_year=20132014&bill_number=1535&house=Both&author=All

Title: Advanced Alcohol and Drug Licensing Act

Bill: SB 570

Bill's author: DeSaulnier

Status: Held under submission on 8/14/14 (action taken when a bill is heard in committee and there is an indication that the author and the committee want to work on, or discuss the bill further).

Summary of Bill: SB 570 establishes the Advanced Alcohol and Drug Counselor Licensing Board (Board) within the Department of Consumer Affairs (DCA) to carry out the Advanced Alcohol and Drug Counselor Licensing Act, which regulates licensed alcohol and drug counselors (AADC). According to the California Association of Alcoholism and Drug Abuse Counselors (CAADAC), this legislation will address the unregulated market of AOD services outside of licensed and certified facilities.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB570

Title: Substance abuse: adult recovery maintenance facilities

Bill: AB 2491

Bill's author: Nestande

Status: Held under submission on 8/14/14.

Summary of Bill: This bill would require Department of Health Care Services (DHCS) to administer the licensure and regulation of adult recovery maintenance facilities (e.g., sober living homes) and would require DHCS to adopt emergency regulations, applicable only to adult recovery maintenance facilities, to implement the fee process for initial licensure, and the provisions for the extension of licensure, follow-up compliance visits, and civil penalties.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2491

Title: Substance abuse: recovery and treatment services

Bill: AB 2374

Bill's author: Mansoor

Status: From committee: Do pass as amended on 8/18/14.

Summary of Bill: AB 2374 requires resident deaths at Department of Health Care Services (DHCS) licensed residential facilities to be reported by telephone and in writing in a timely manner. It requires counselors working in DHCS programs to be registered or certified by DHCS-approved organizations, and prohibits DHCS from approving organizations that do not consult with the available electronic databases of other DHCS-approved organizations to obtain specified information. DHCS would require a counselor working within a substance use disorder (SUD) program licensed or certified by DHCS to be registered with or certified by a DHCS-approved certifying organization.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2374

Title: Controlled substances: opioid antagonists

Bill: SB 1438

Bill's author: Pavley

Status: Ordered to third reading on 8/11/14.

Summary of Bill: This bill would clarify that peace officers are included among the persons authorized to receive and distribute opioid antagonists including naloxone. It requires the Emergency Medical Services Authority to develop and adopt training and standards, and promulgate regulations, for all pre-hospital emergency care personnel regarding the use and administration of naloxone and other opioid antagonists. This bill seeks to remove ambiguity in existing law by expressly authorizing peace officers to possess and administer opioid antagonists.

Links for more information:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1438

Title: Cocaine base: penalties (Fair Sentencing Act)

Bill: SB 1010

Bill's author: Mitchell

Status: In Senate. Concurrence in Assembly amendments pending. on 8/14/14.

Summary of Bill: This bill equalizes penalties for possession for sale of cocaine base (crack) and possession for sale of powder cocaine. It changes the penalty for possession for sale of cocaine base from three, four, or five years, to two, three, or four years of incarceration. The bill prohibits granting probation to a person convicted of possession for sale of 28.5 grams or more of cocaine base, or 57 grams or more of a substance containing at least 5 grams of cocaine base, rather than 14.25 grams, unless the court finds unusual circumstances demonstrating that probation promotes justice. The bill states legislative findings and declarations that powder cocaine and cocaine base are "two forms of the same drug..., and to mete out unequal punishment for the same crime...is wholly and cruelly unjust." This bill would make additional persons eligible for probation.

Links for more information: <http://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml>