

AB 2397 (Allen) – Mental Health: State Hospitals: Ancillary Clinical Staff-to-Patient Ratios

Introduced February 24, 2012, Amended May 25, 2012

This bill would require the Department of Mental Health (DMH) to reimburse an independent entity for the purposes of conducting a review and analysis of staffing ratios to determine the appropriate levels for effective patient treatment in state hospitals. Specifically, this bill:

1) Requires, to the extent permitted by existing law, DMH to reimburse an independent entity for the purposes of conducting a review and analysis of staffing ratios to determine the appropriate levels for effective patient treatment.

2) Requires DMH to provide information to this entity as necessary for it to complete its analysis and provide recommendations.

3) Maintains that it is the intent of the Legislature that DMH request the independent entity to complete this analysis by March 1, 2013.

4) Requires a report to be submitted to the Legislature by August 1, 2013, regarding the independent entity's findings to ensure state hospitals are making progress and to enable the Legislature to consider further action that may be necessary during the subsequent legislative year.

5) Repeals the provisions of this bill on January 1, 2015, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

According to a March 1, 2012, brief by the Legislative Analyst's Office regarding the oversight and accountability of state hospitals, DMH oversees the operation of the following five state hospitals that provide inpatient psychiatric care to more than 5,000 individuals committed to the hospitals civilly or in connection with criminal proceedings:

1) Atascadero State Hospital (ASH) located in the Central Coast treats an all-male maximum security forensic patient population and houses over 1,000 patients;

2) Coalinga State Hospital, located in the City of Coalinga, houses over 900 patients, most of whom are sexually violent predators;

3) Metropolitan State Hospital (MSH), located in the City of Norwalk houses over 400 individuals who have a history of escape from a detention center, a charge or conviction of a sex crime, or one convicted murder;

4) Napa State Hospital (NSH), located in the City of Napa, is classified as a low-to-moderate-security level state hospital with slightly less than 1,000 patients; and,

5) Patton State Hospital (PSH), located in San Bernardino County treats approximately 1,500 patients and is primarily a forensic hospital.

In May 2006, four out of five of the state hospitals were found to be in violation of the Federal Civil Rights of Institutionalized Persons Act. The investigation found that these hospitals failed to provide a safe environment for its patients, failed to provide complete psychiatric assessments, and in some cases neglected to regularly review a patient's needs before prescribing medication. The United States Department of Justice (USDOJ) and the state reached a settlement, through a consent judgment, which required MSH, NSH, PSH, and ASH to implement an "Enhancement Plan" (EP) to improve conditions. The extensive reforms required by the EP were intended to ensure that individuals in the hospitals are adequately protected from harm and provided adequate services to support their recovery and mental health. A court monitor and a team of clinical experts were appointed to review the compliance of each hospital.

In November 2011, the USDOJ released PSH and ASH from oversight, deeming them in compliance with the majority of the EP's demands. However, USDOJ officials asked for an extension of federal oversight of NSH and MSH, finding that these facilities have failed to comply with critical provisions of the EP.

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2397

Introduced by Assembly Member Allen

February 24, 2012

An act to add and repeal Section 4140 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2397, as amended, Allen. Mental health: state hospitals: ancillary clinical staff-to-patient ratios.

Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of Mental Health, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities.

This bill would require ~~these state hospitals to have, at a minimum, an ancillary clinical staff-to-patient ratio of 1 to 15 for admissions teams and 1 to 25 for all other teams, as specified, for each applicable staff classification, based on the facility's licensed bed capacity with a specified shift relief factor.~~ The bill would require the department to reimburse an independent entity to conduct a review and analysis of staffing ratios to determine the appropriate levels for effective patient treatment, and would require a report with findings to be submitted to the Legislature by August 1, 2013.

This bill would repeal these provisions on January 1, 2015.

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. Section 4140 is added to the Welfare and
2 Institutions Code, to read:

3 ~~4140. (a) A state hospital under the jurisdiction of the State~~
4 ~~Department of Mental Health shall have, at a minimum, an~~
5 ~~ancillary clinical staff-to-patient ratio of 1 to 15 for admissions~~
6 ~~teams and 1 to 25 for all other teams at any point in time for each~~
7 ~~applicable staff classification.~~

8 ~~(b) The ancillary clinical staff-to-patient ratios shall be based~~
9 ~~on the facility's licensed bed capacity with a shift relief factor of~~
10 ~~0.2, as calculated by the State Department of Mental Health, to~~
11 ~~reflect absences, such as those due to illness, vacation, and training.~~

12 ~~(c) For the purposes of this section, "ancillary clinical staff"~~
13 ~~means any of the following:~~

- 14 ~~(1) Treating psychiatrist.~~
15 ~~(2) Treating psychologist.~~
16 ~~(3) Treating rehabilitation therapist.~~
17 ~~(4) Treating social worker.~~
18 ~~(d)~~

19 ~~4140. (a) (1) To the extent permitted by the California~~
20 ~~Constitution and Section 19130 of the Government Code, the State~~
21 ~~Department of Mental Health shall reimburse an independent entity~~
22 ~~for the purposes of conducting a review and analysis of staffing~~
23 ~~ratios to determine the appropriate levels for effective patient~~
24 ~~treatment. The State Department of Mental Health shall provide~~
25 ~~information to this entity as necessary for it to complete its analysis~~
26 ~~and provide recommendations. It is the intent of the Legislature~~
27 ~~that the State Department of Mental Health request the independent~~
28 ~~entity to complete this analysis by March 1, 2013. A report shall~~
29 ~~be submitted to the Legislature by August 1, 2013, regarding the~~
30 ~~independent entity's findings to ensure state hospitals are making~~
31 ~~progress and to enable the Legislature to consider further action~~
32 ~~that may be necessary during the subsequent legislative year.~~

33 ~~(2) A report submitted pursuant to paragraph (1) shall be~~
34 ~~submitted in compliance with Section 9795 of the Government~~
35 ~~Code.~~

1 (e)
2 (b) This section shall remain in effect only until January 1, 2015,
3 and as of that date is repealed, unless a later enacted statute, that
4 is enacted before January 1, 2015, deletes or extends that date.

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