

Status of Mental Health Bills
from 2003-2004 Legislative Session

BILL # & AUTHOR	POSITION	DESCRIPTION	STATUS
AB 37 Yee	Support if Amended	Health Care Coverage: Mental Health: This bill would require a health service plan & a health insurer to contract with a county department of mental health to provide all medically necessary treatment available through the department to an enrollee or insured suffering from a serious emotional disturbance, if that treatment is not available through a contracting provider & would impose a state-mandated local program.	Assembly Health (Hearing postponed by committee.)
AB 183 Nation		Medi-Cal: Benefits: This bill would include licensed marriage and family therapist and licensed clinical social worker services within the scope of Medi-Cal covered benefits, to the extent that federal matching funds are available for those services.	Vetoed
AB 232 Chan		Statewide Health Planning and Development: Hospitals: Self-Pay Policies: Would 1) require each general acute hospital, acute psychiatric facility, and special hospital to develop a self-pay policy specifying how the hospital shall determine the prices to be paid to self-pay patients, 2) require the self-pay policy to include a section addressing charity care patients, 3) require each hospital to perform various functions in connection with the hospital self-pay policy, including notifying patients of the policy, and attempting to determine the availability of private or public health insurance coverage for each patient, 4) specify billing and collection procedures to be followed by hospitals, 5) require the office to develop a uniform self-pay application to be used by all hospitals, and 6) require each hospital to provide information to the office, including a copy of the hospital's self-pay policy.	Senate Appropriations
AB 348 Chu	Support	Mental Health: Involuntary Confinement: Psychologists: This bill would provide that a psychologist who has personally evaluated or examined a person & has a collaborative treatment relationship with the psychiatrist may also recommend the person's early release in certain situations. The bill would also require the psychologist & psychiatrist to consult with one another before either may recommend a person's release.	Chapter 94
AB 367 Koretz		Postpartum Mood and Anxiety Disorder: Information Program: Would establish within the Maternal and Child Health Branch the	Assembly Appropriations

		Postpartum Mood and Anxiety Disorder (PPMAD) information program, to increase awareness and education among pregnant women and new mothers, and in the health care community, about specified postpartum mood and anxiety disorders.	
AB 376 Chu		California Mental Health Planning Council: Composition: This bill would allow new members in the California Mental Health Planning Council to include representatives who are direct service providers in either the public or private sector who are also members of labor organizations representing employees who work in mental health settings.	Chapter 71
AB 380 Steinberg		Children’s System of Care Program: Evaluation Standards: County Mental Health Programs: This bill would require that each county that enters into a performance contract to provide services pursuant to the Children’s System of Care program collect and maintain locally, and provide to the department of mental health annually, data that demonstrates the outcomes of the Children’s System of Care program in that county based on outcomes achieved for individual enrollees, as specified.	Senate Inactive File
AB 441 Matthews	Support if Amended	Juveniles: Court-Ordered Evaluations: This bill would authorize a court to order an evaluation at an outpatient mental health site if the court is in doubt as to whether the minor is mentally disordered or mentally retarded. It would also provide that if the court determines, based on the outpatient evaluation, that the person is mentally retarded or mentally disordered, specified provisions of law concerning treatment or commitment would apply.	Assembly Health (1st hearing cancelled at author’s request.) 5/06/03
AB 458 Chu	Support Recommended	Foster Care: This bill would add to the rights contained in the policy for foster care children, the rights of a foster child to have fair & equal access to all available services, placement, care, treatment, & benefits, & to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status; & it would require training for administrators, licensing personnel, licensed foster parents, & relative caretakers to include training about these rights.	Chapter 331
AB 490 Steinberg	Support	Education: Foster Youth: This bill would ensure that pupils in foster care & those who are homeless, as defined by federal law, have an opportunity to meet the academic achievement standards to which all pupils are held, are placed in the least restrictive educational programs, & have access to the same academic resources, services, & extracurricular & enrichment	Signed by Governor 10/12/03

		activities as all other pupils.	
AB 647 Nunez	Support	Tenancy: Code Violations: Penalties: This bill would provide that a landlord who institutes an unlawful detainer proceeding or other action to collect rent, and who is in violation of specified provisions is liable to the tenant or lessee for reasonable attorney's fees and costs of the suit, in an amount to be fixed by the court.	Chapter 109
AB 831 Goldberg	Support	Unlawful Detainer: This bill would permit the court to order a landlord to restore a defendant in an unlawful detainer action to possession who has been displaced pursuant to a writ for possession executed as the result of fraud, mistake, clerical mistake, inadvertence, surprise, or excusable neglect, if a specified action is taken by the defendant within 10 days of displacement.	Assembly Inactive File (Passage refused – to Inactive File at author's request.) 6/05/03
AB 938 Yee		Mental Health Professions: Educational Loan Reimbursement: Funding: This bill would do two things: 1) require the Medical Board of California, the Board of Psychology, and the Board of Behavioral Sciences to charge licensees, at the time of license renewal, an additional \$5 assessment fee and 2) establish the Licensed Mental Health Provider Education Program to provide grants to licensed mental health service providers who provide direct patient care in a publicly-funded health facility.	Chapter 437
AB 939 Yee	Oppose Unless Amended	Telemedicine: Psychiatric Inpatient Hospital Services: This bill would provide that Medi-Cal reimbursement for a psychiatrist who has admitting privileges at a hospital that has a Medi-Cal fee-for-service contract & that offers inpatient hospital professional services based on a contract with any mental health plan, shall be established through negotiations between the psychiatrist & the mental health plan in the county in which the psychiatrist has these admitting privileges, and may not exceed the allowable amount under Medicare for comparable services. The bill would also provide that the psychiatrist may authorize the hospital to negotiate a contract with a mental health plan on the psychiatrist's behalf.	Senate Health and Human Services Committee 6/12/03
AB 941 Yee		State Hospitals: This bill would 1) require the Department of Mental Health annual report on days paid for mentally incompetent individuals to be given to the Legislature in February instead of January and that the report must include a data sheet that itemizes by county the number of days that exceed the 10 day limit 2) revise other requirements concerning the patient population at Napa State Hospital and 3) repeal certain obsolete	Chapter 356

		requirements concerning the construction of Atascadero State Hospital.	
AB 1042 Parra		Inmates: Use of Pepper Spray in State Department of Mental Health Facilities: Requires the State Department of Mental Health to issue pepper spray to medical technical assistants while on duty and assigned to State Department of Mental Health Facilities located within state prisons.	Assembly Inactive File
AB 1059 Lieber	Support	Landlord & Tenant: Harassment: This bill would increase the maximum punitive damages allowed from \$1,000 to \$2,000 for actions by a landlord that result in menacing or threatening conduct that interferes with the tenant's right of quiet enjoyment of the property.	Chapter 542
AB 1102 Yee	Support	Peace Officers: Training Related to the Mentally Ill: Current law requires the Commission on Peace Officer Standards & Training to submit a report to the Legislature by 10/1/03 regarding this training. This bill extends the reporting date to 10/1/04 & requires it to include an analysis by the Legislative Analyst's Office of the curriculum, structure, & effectiveness of the Police Crisis Intervention Training Program used by San Francisco and San Jose Police Departments. Assesses training used in these programs and compares it with existing courses offered in order to evaluate adequacy of mental health and developmental disability trainings.	Chapter 269
AB 1370 Yee	Oppose	Mental Health: Community Treatment: Program Standards: Seclusion & Restraint: Prohibits the Department of Mental Health from requiring 24-hour onsite nursing staff at community treatment facilities, but would require these facilities to retain at least on full-time, or full-time equivalent, registered nurse onsite, in specified circumstances, to maintain other nursing staff to be available on call, and to have all direct care staff trained in providing first aid and other emergency services.	Chapter 575
AB 1371 Yee	PAI Sponsored	Human Experimentation: This bill increases fines for failure to obtain consent, requires a surrogate decision maker to use a "substituted judgment" rather than a "reasonable knowledge" standard, and requires the individual conducting the experiment to disclose any financial stake in excess of \$10,000.	Chapter 397
AB 1424 Mountjoy	Oppose Unless Amended	Minors: Psychotropic Drugs: This bill would provide that the refusal of a parent or guardian of a child to administer or consent to the administration of any psychotropic drug to the child or to consent to any other psychological or psychiatric diagnoses or treatments for the child does not, in and of itself, constitute a basis for finding that the child comes within the definition of a dependent child, for adjudging the child to be a dependent child of the juvenile court, or for removing the child from the physical	Assembly Health Committee (Hearing postponed by committee.) 5/06/03

		custody of a parent or guardian.	
AB 1475 Steinberg	Support Recommended	Housing: Homeless: This bill would require that the Department of Housing & Community Development's selection criteria for funds under the Multifamily Housing Program give priority to projects that include a supportive services component that meets specified criteria, which includes participating in an evaluation under the criteria set forth in the Adult and Older Adult Mental Health System of Care Act. It also provides that the criteria for selecting projects should give priority to supportive housing for people with disabilities who would otherwise be at high risk of homelessness where the applications represent collaboration with programs that meet the needs of people with disabilities.	Chapter 578
AB 1504 Spitzer	Oppose	Release of Committed Persons: This bill would require the prosecutor to notify the victim or next of kin of the victim, if he or she has filed a request for notification, of the hearing date and pending release of a person who has been committed.	Senate Appropriations (Held under submission.) 8/29/03
AB 1528 Cohn		California Health Care Quality Improvement and Cost Containment Commission: This bill accompanies SB 2. The bill would require the Governor to convene a 27-person commission on healthcare quality and cost containment to research and recommend strategies for promoting high quality care and containing health costs. The Governor will appoint 17 of the members. Membership will include representatives of business, organized labor, healthcare professionals (providers, hospitals, and practitioners), disability community reps, pharmaceutical companies, health insurance plans, a health economist, and an expert in disease management.	Chapter 672
AB 1536 Goldberg	Oppose	Employment Discrimination: This bill would provide that where a person claiming to be aggrieved by an unlawful practice is represented by private counsel, private counsel, & not the Department of Fair Employment and Housing, would serve the complaint, & in either case, service is to be completed within 60 days.	Chapter 447
AB 1596 Frommer	Oppose	Medi-Cal: Drugs: Existing law requires Department of Health Services to use specified criteria in evaluating drugs for retention on, addition to, or deletion from, the list of contract drugs for the purpose of providing prescription drugs under the Medi-Cal program. This bill would add the availability of other drugs with similar therapeutic effects to these criteria.	Assembly Health
AB 1669 Chu		Psychological Evaluations: This bill would require that the mandatory evaluation of the emotional and mental condition of peace officers be done	Signed by Governor

		by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology or by a licensed psychologist who has a doctoral degree in psychology and at least 5 years of postgraduate experience.	10/12/03
AB 1705 Judiciary Committee	Support	Trustees: Distributions: Liability: This bill would prohibit a trustee from requiring a beneficiary to relieve the trustee of liability as a condition for making a distribution or payment to, or for the benefit of, the beneficiary, if the distribution or payment is required by the trust instrument.	Chapter 585
AB 1715 Judiciary Committee	Support	Employment Arbitration Agreements: Invalidates pre-dispute arbitration agreements between employers and employees related to employment practices covered by the Fair Employment and Housing Act (FEHA) that are required as a condition of employment or continued employment. Establishes that any waiver of rights or procedures under the FEHA must be knowing, voluntary, and not made as a condition of employment or continued employment.	Vetoed
AB 1754 Committee on Budget		Education Finance: This bill would require local educational agencies to use funds received for the purpose of providing mental health services by community mental health agencies, if funds are received. Would also require the funds be used exclusively for those mental health programs and used to offset revenues in any reimbursable mandate claim relating to special education programs.	Chapter 227
ACA 1 Longville	Board	Budget Bill: Passage: This measure would exclude appropriations made in the Budget Bill from the 2/3-vote requirement. This bill would also provide that, notwithstanding current constitutional requirements of a 2/3-vote for urgency statutes & statutes increasing state tax revenues, a bill making changes in law to implement an enacted Budget Bill may be passed by a majority vote in each house. Would also require that, if a Budget Bill is not passed by midnight on June 30, Members of the Legislature forfeit any salary or reimbursement for travel and living expenses for the period from July 1 to the date a Budget Bill is passed.	Assembly Budget 3/28/03
ACR 51 Koretz		Postpartum Mood and Anxiety Disorder Awareness Month: This measure would proclaim the month of May 2003 as Postpartum Mood and Anxiety Disorder Awareness Month in California, and would request the State Department of Health Services and the State Department of Mental Health to work together to explore ways to improve women's access to mental health care at the state and local levels, to facilitate increased awareness and education about postpartum mood and anxiety disorders, to explore and encourage the use	Chapter 50

		of prenatal screening tools, and to improve the availability of effective treatment and support services.	
ACR 90 Chan		Asian and Pacific Islander Mental Health Awareness Month: This measure would proclaim May 2003 as Asian and Pacific Islander Mental Health Awareness Month, and would urge Californians to join forces with mental health advocates, mental health care workers, and leaders in the Asian American community to raise awareness of mental health concerns in the Asian American community and the State of California.	Chapter 57
HR 30 Lowenthal		Suicide Prevention Week: May 4 through May 10 will be “Suicide Prevention Week.”	Adopted 5/23/03
SB 2 Burton & Speier	Support if Amended	Health Care Coverage: This bill creates new law & requires specified employers to provide health care coverage for eligible employees & dependents that is equivalent to coverage required to be provided by health care service plans, but that includes coverage for basic prescription drugs.	Chapter 673
SB 3 Burton	Support	Death Penalty: This bill would define the term “mentally retarded” & provide that at the request of the defendant, the court shall conduct a mental retardation hearing without a jury prior to the commencement of trial. The defendant’s request for such a hearing constitutes a waiver of a jury hearing on the issue of mental retardation.	Chapter 700
SB 130 Chesbro	PAI Sponsored	Hospitals: Use of Seclusion & Behavioral Restraints: This bill implements measures to reduce the use of seclusion and behavioral restraints in facilities, and prohibits the most dangerous restraint techniques. The bill requires facilities to conduct initial medical risk assessments, reviews and debriefings, and document each episode of seclusion or restraint. Within existing resources, the bill requires administrative review and data collection, public dissemination of data, and development of technical assistance and training programs. http://info.sen.ca.gov/pub/bill/sen/sb_0101-0150/sb_130_bill_20031010_chaptered.pdf	Chapter 750
SB 244 Speier		Continuity of Care: This bill would require a health care service plan, other than a specialized health care service plan offering mental health services on an employer-sponsored group basis, to file with the department by March 31, 2004, a written continuity of care policy describing its procedures for the block transfer of enrollees from a terminated provider group or hospital, as defined, to a new provider group or hospital, including	Chapter 590

		the notice it proposes to send affected enrollees, and its process to facilitate the completion of covered services for enrollees.	
SB 345 Kuehl	Support	Tenancy: This bill would specify additional information to be included in the notice that a landlord is required to give prior to entry. The bill would provide that oral notice is sufficient under certain circumstances, and specify information that the oral notice is required to include, and that the entry that is being noticed be within one week. The bill would also revise information a plaintiff must include in a verified complaint in a summary proceeding for possession of real property.	Chapter 787
SB 366 Johnson, et al	Oppose	Psychiatric Injuries: Compensation: This bill would require proof by clear and convincing evidence of specified matters in order to establish a psychiatric injury, including, among others, proof that the mental disorder arose out of and in the course of employment.	Senate Labor & Industrial Relations Committee (Reconsideration granted.) 5/7/03
SB 372 Margett	Oppose	Involuntary Detention: Grave Disability: This bill would redefine the definition of “gravely disabled” to include, in addition to situations in which such an indictment or information is pending against the defendant, situations in which a criminal complaint is pending against the defendant at the time of commitment, as specified.	Senate Health & Human Services Committee (1st hearing – failed passage – reconsideration granted.) 3/26/03
SB 464 Murray	Neutral	Minors: Foster Care: Residential Treatment Providers: This bill would require a school district, special education local plan area, or county office of education, to also invite to the individualized education program team meetings a representative of the group home, in those cases in which a pupil with exceptional needs has been placed in a group home by a juvenile court.	Chapter 413
SB 577 Kuehl	PAI Sponsored	Statutory Authority: This bill updates California law to conform to current federal statutes and regulations governing Protection and Advocacy, Inc. (PAI)’s authority to access client records. The bill will minimize potential confusion and conflicts over PAI’s authority and facilitate PAI’s ability to conduct investigations of abuse and neglect.	Chapter 878
SB 583 Committee on		Personal Medical Information: This bill would make certain legislative findings and declarations relative to the right of individuals to privacy of personal medical information and to access of their own personal medical	Senate Judiciary Committee

Insurance		information.	
SB 598 Machado	Oppose Unless Amended	Confidentiality of Medical Information: This bill would exempt from provisions of the California Medical Information Act specified disclosures of medical information that are made for the purpose of diagnosis of treatment of a patient.	Assembly Health (Pass, rerefer to Committee on Judiciary with consent calendar recommendation) 7/10/03
SB 696 Scott	Oppose	Teacher Credentialing: Suspension of Credential: This bill would require the governing board, if a majority of the panel finds that an employee is suffering from mental illness to a degree that renders him/her incompetent to perform his/her duties & places the employee on mandatory sick leave of absence, to notify the Commission on Teacher Credentialing of the action & provide the commission with a copy of the panel's written report not later than 10 days after that action.	Senate Education (1st hearing – cancelled at author's request.) 4/23/03
SB 831 Perata	Support Recommended	Medi-Cal Plan Enrollment Eligibility: This bill would authorize the Department of Health Services (DHS) to undertake efforts to provide opportunities for voluntary enrollment in managed care plans & primary care case management plans for any individual who is eligible for benefits under the Medi-Cal program and who has an obligation to pay a share of the cost of the benefits. It would also authorize the DHS to pursue all federal waivers and state Medicaid plan amendments necessary to implement the plan.	Assembly Appropriation 8/29/03
SB 853 Escutia	Support	Health Care Service Plans: Culturally & Linguistically Appropriate Services: This bill would require the Department of Managed Health Care to adopt, not later than 1/1/06, regulations ensuring access to language assistance & culturally competent health care services.	Chapter 713
SB 921 Kuehl		Universal Health Insurance: This bill would establish the California Health Care System to be administered by the newly created California Health Care Agency under the control of an elected Health Care Commissioner. The bill would make all California residents eligible for specified health care benefits under the California Health Care System.	Assembly Health (Hearing cancelled at request of author.) 7/8/03
SB 969 Bowen		Telephone Medical Advice Services: Existing law provides for the regulation and certification of telephone medical advice services, and requires the staff of those advice services to be appropriately licensed, certified, or registered in various healing arts professions. This bill would	Chapter 885

		include licensed clinical social workers as health care professionals certified to operate these services.	
SCA 8 Vasconcellos		Prisoners: Rehabilitation: This measure would require the director to cause each person incarcerated in state prison, within 90 days of entry, to be evaluated, as specified, with respect to his or her educational and vocational level of development and capacity and with respect to his or her psychosocial level of development and ability to lead a constructive life. Based on these evaluations, the measure would require that a program be prescribed and implemented for the inmate that addresses his or her deficient levels of educational, vocational, and psychosocial development, as specified, so as to better equip him or her to lead a constructive life upon release from prison.	Senate Appropriations
SR 18 Ortiz		Relative to Suicide Prevention Week: May 4 through May 10 th 2003, and every first full week in May hereafter, shall be known as “Suicide Prevention Week.”	Read and adopted. 4/28/03
SR 20 Alpert	Support	Relative to Eugenics: This resolution addresses past bigotry & intolerance against persons with disabilities & others who were viewed as “genetically unfit” by the eugenics movement & intends all individuals must honor human rights & treat others with respect regardless of race, ethnicity, religious belief, economic status, disability, or illness.	Read and adopted. 6/30/03