

# **AB 572 (QUIRK-SILVA): ALCOHOLISM OR DRUG ABUSE TREATMENT FACILITIES: ORANGE COUNTY PILOT PROGRAM**

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## **IN BRIEF**

This bill would create a voluntary pilot program for the cities in the County of Orange, run out of Costa Mesa (the Lead Agency), to fund and house a Department of Health Care Services (DHCS) Complaint Analyst to investigate local, licensed Residential Treatment Facility (RTF) complaints.

## **THE ISSUE**

An overwhelming number of California cities face complicated public safety, and quality care issues having to do with licensed RTF or licensed “sober living facilities”. The challenges, deriving from non-compliant facilities are a strain on law enforcement resources, the community, and negatively affect the patients seeking treatment.

According to the Department of Health Care Services (DHCS), there are only 16 investigative Complaint Analysts that handle the entirety of the state’s noncompliant sober living home and facility investigations.

California has between 2,000 licensed facilities and treatment centers – an alarming 15% of those facilities are saturated in Orange County. Unfortunately, the Complaint Analysts are all located in Sacramento, causing a backlog in complaint processes, investigation response, and general monitoring.

Due to a lack of regulatory authority, cities need support from the State to ensure that facilities are following state regulations, and unlicensed facilities are not operating treatments that would be required by a license.

## **EXISTING LAW**

The Department of Health Care Services has sole authority to license and investigate facilities providing 24-hour residential nonmedical services to eligible adults who are recovering from problems related to alcohol or other drug misuse or abuse.

Licensure is required when at least one of the following services is provided: detoxification, group sessions, individual sessions, educational sessions, or alcoholism or drug abuse recovery or treatment planning.

Additionally, facilities may be subject to other types of permits, clearances, business taxes or local fees that may be required by the cities or counties in which the facilities are located.

## **THE SOLUTION**

AB 572 would require DHCS to establish a pilot program to locate an investigator within the City of Costa Mesa in Orange County to investigate complaints against licensed adult alcoholism or drug abuse recovery or treatment facilities within the County. This would be an added resource for cities, helping them to enforce state and local regulations, and most importantly provide patients with better outcomes.

Over the last several decades, cities in California have struggled in managing regulations related to sober living facilities, within their residential communities. This bill would help alleviate the enforcement shortfall that is currently experienced throughout the County.

AB 572 would incentivize residential treatment facilities to stay in compliance with cities and the state, while offering a high level of care.

## **FOR MORE INFORMATION**

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AMENDED IN SENATE JULY 3, 2017

AMENDED IN ASSEMBLY MAY 26, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 572**

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**Introduced by Assembly Member Quirk-Silva**

February 14, 2017

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An act to add and repeal Section 11834.015 of the Health and Safety Code, relating to alcoholism or drug abuse recovery or treatment facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 572, as amended, Quirk-Silva. Alcoholism or drug abuse treatment facilities: ~~Orange County~~ *City of Costa Mesa* pilot program.

Existing law provides that the State Department of Health Care Services has the sole authority in state government to license adult alcoholism or drug abuse recovery or treatment facilities, as defined. Existing law authorizes the department to conduct announced or unannounced site visits to licensed facilities to review compliance with all applicable statutes and regulations.

This bill would require the State Department of Health Care Services to establish a pilot program to locate an investigator within a participating ~~county~~ *city* to investigate complaints against licensed adult alcoholism or drug abuse recovery or treatment facilities within the ~~county~~ *city*. The participating ~~county~~ *city* would be the ~~County of~~ *City Council of the City of Costa Mesa* if the ~~Orange County Board of Supervisors~~ *City Council of the City of Costa Mesa* elects to participate in the pilot program. The bill would require the department to implement the pilot program by executing a contract with the ~~County of~~ *City of*

*Costa Mesa* providing that the department will assign an investigator and the ~~county~~ city will reimburse the department for the costs associated with the pilot program, including, but not limited to, the administrative costs and the investigator's compensation and benefits. *The bill would authorize the City of Costa Mesa to contract with the County of Orange or a city incorporated within the County of Orange to assign the investigator to investigate complaints within those entities if the Orange County Board of Supervisors or the city council of the city adopts an ordinance or resolution electing to participate in the pilot program.* The bill would require the pilot program to be completed no later than December 31, 2019, and would require the ~~county~~ City of Costa Mesa to submit a report of the results of the pilot program, as specified, to the Legislature no later than July 1, 2020. *The bill would require the pilot program to be conducted in conformance with federal confidentiality laws and regulations.* The provisions of this bill would be repealed on January 1, 2021.

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 11834.015 is added to the Health and  
2 Safety Code, to read:  
3        11834.015. (a) (1) The State Department of Health Care  
4 Services shall establish a pilot program to locate a Substance Use  
5 Disorder Compliance Division investigator within a participating  
6 ~~county~~ city to investigate licensed adult alcoholism or drug abuse  
7 recovery or treatment facilities within that ~~county~~ city. The  
8 participating ~~county~~ city shall be the ~~County of Orange, City of~~  
9 ~~Costa Mesa, if the Orange County Board of Supervisors City~~  
10 ~~Council of the City of Costa Mesa~~ adopts an ordinance or resolution  
11 electing to participate in the pilot program.  
12       (2) The department shall implement the pilot program by  
13 executing a contract with the ~~County of Orange City of Costa Mesa~~  
14 that provides for all of the following:  
15       (A) The department shall assign a Substance Use Disorder  
16 Compliance Division investigator to investigate complaints against  
17 licensed adult alcoholism or drug abuse recovery or treatment  
18 facilities within the ~~County of Orange, City of Costa Mesa~~.

1     (B) The ~~County of Orange~~ *City of Costa Mesa* shall reimburse  
2 the department for the costs associated with the pilot program,  
3 including, but not limited to, the administrative costs and the  
4 investigator's compensation and benefits.

5     (C) The ~~County of Orange~~ *City of Costa Mesa* shall provide  
6 office space and amenities to the investigator.

7     (D) *If the Orange County Board of Supervisors or a city council  
8 of a city incorporated within the County of Orange adopts an  
9 ordinance or resolution electing to participate in the pilot program,  
10 the City of Costa Mesa may contract with that entity. The terms  
11 of the contract shall include all of the following:*

12     (i) *The City of Costa Mesa shall assign the Substance Use  
13 Disorder Compliance Division investigator to investigate  
14 complaints against licensed adult alcoholism or drug abuse  
15 recovery or treatment facilities within an unincorporated area of  
16 the County of Orange or the participating city as contracted.*

17     (ii) *The County of Orange or the participating city shall enter  
18 into a memorandum of understanding with the City of Costa Mesa  
19 to determine a cost-sharing arrangement for the investigator's  
20 compensation and benefits. The City of Costa Mesa shall reimburse  
21 the department for the investigator's compensation and benefits.*

22     (b) The pilot program established pursuant to subdivision (a)  
23 shall be completed no later than December 31, 2019.

24     (c) If the ~~County of Orange~~ *City of Costa Mesa* participates in  
25 the pilot program authorized by subdivision (a), it shall, no later  
26 than July 1, 2020, submit a report of the results of the pilot program  
27 to the Legislature, in compliance with Section 9795 of the  
28 Government Code, that includes both of the following:

29         (1) An evaluation of the effectiveness of the pilot program.  
30         (2) Recommendations for subsequent actions.

31         (d) *The pilot program shall be conducted in conformance with  
32 federal confidentiality laws and regulations, including, but not  
33 limited to, Section 290dd-2 of Title 42 of the United States Code  
34 and Part 2 of Subchapter A of Chapter I of Title 42 of the Code of  
35 Federal Regulations.*

36         (e)

37         (e) This section shall remain in effect only until January 1, 2021,  
38 and as of that date is repealed.