

DEPARTMENT OF MENTAL HEALTH

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January 2, 1998

DMH INFORMATION NOTICE No.: 98-02

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: NEW LEGISLATION ON AFTERCARE PLANS AT
DISCHARGE

REFERENCE: Health and Safety Code Section 1262 and Welfare and Institutions
Code Sections 5622 and 5768.5

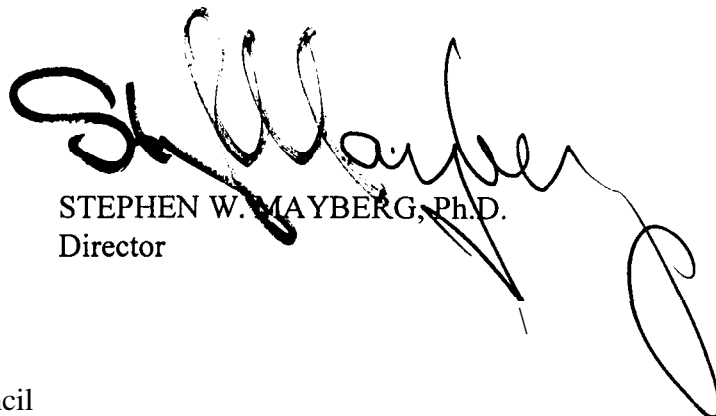
EXPIRES: Retain Until Rescinded

This notice is to provide information about recent legislation that defines the circumstances under which confidential patient information must be released to specified individuals.

Assembly Bill 482 (Chapter 5 12, Statutes of 1997) adds Section 1262 to the Health and Safety Code and Section 5768.5 to the Welfare and Institutions Code and amends Section 5622 of the Welfare and Institutions Code. A copy of this chaptered legislation is attached for your information.

This legislation requires state mental hospitals, psychiatric health facilities, mental health rehabilitation centers, skilled nursing facilities with special treatment programs, general acute care hospitals and acute psychiatric hospitals to prepare a written aftercare plan, as redefined, prior to the discharge of any patient. This aftercare plan must be provided to the patient and the patient's conservator, guardian, or other legally authorized representative, prior to the patient's discharge, and to any other person designated by the patient.

If you have any questions regarding this law, please contact Delores Spahn, Ph.D., in Licensing & Certification at (916) 654-2396



STEPHEN W. MAYBERG, Ph.D.
Director

Attachment

cc: California Mental Health Planning Council
Chief, Technical Assistance and Training
Executive Directors, State Hospitals
Clinical Directors, Psychiatric Health Facilities
Directors, Mental Health Rehabilitation Centers
Administrators, Skilled Nursing Facilities with Special Treatment Programs

Assembly Bill No.482

CHAPTER 512

An act to add Section 1262 to the Health and Safety Code, and to amend Section 5622 of, and to add Section 5766.5 to, the Welfare and Institutions Code, relating to human services.

[Approved by Governor September 28,1997. Filed with Secretary of State September 29,1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 462, Aroner. Psychiatric health facilities: discharge information.

Existing law provides for various types of health facilities in which inpatient psychiatric services are provided.

This bill would require that when a psychiatric patient is being discharged from any of specified health facilities the discharge or aftercare plan to be provided to the caregiver shall include specified basic information about the nature of the patient's illness and the followup required, in order to facilitate the patient's care after he or she is discharged.

The people of the State of California do enact as follows:

SECTION 1. Section 1262 is added to the Health and Safety Code, to read:

1262. (a) When a mental health patient is being discharged from one of the facilities specified in subdivision. (c), the patient and the patient's conservator, guardian, or other legally authorized representative shall be given a written aftercare plan prior to the patient's discharge from the facility. The written aftercare plan shall include, to the extent known, all of the following components:

- (1)** The nature of the illness and followup required.
 - (2)** Medications including side effects and dosage schedules. If the patient was given an informed consent form with his or her medications, the form shall satisfy the requirement for information on side effects of the medications.
 - (3)** Expected course of recovery.
 - (4)** Recommendations regarding treatment that are relevant to the patient's care.
 - (5)** Referrals to providers of medical and mental health services.
 - (6)** Other relevant information.
- (b)** The patient shall be advised by facility personnel that he or she may designate another person to receive a copy of the aftercare plan.

A copy of the aftercare plan shall be given to any person designated by the patient.

(c) Subdivision (a) applies to all of the following facilities:

(1) A state mental hospital.

(2) A general acute care hospital as described in subdivision (a) of Section 1250.

(3) An acute psychiatric hospital as described in subdivision (b) of Section 1250.

(4) A psychiatric health facility as described in Section 1250.2.

(5) A mental health rehabilitation center as described in Section 5675 of the Welfare and Institutions Code.

(6) A skilled nursing facility with a special treatment program, as described in Section 51335 and Sections 72443 to 72475, inclusive, of Title 22 of the California Code of Regulations.

SEC. 2. Section 5622 of the Welfare and Institutions Code is amended to read:

5622. (a) A licensed inpatient mental health facility, as described in subdivision (c) of Section 1262 of the Health and Safety Code, operated by a county or pursuant to a county contract, shall, prior to the discharge of any patient who was placed in the facility, prepare a written aftercare plan. The aftercare plan, to the extent known, shall specify the following:

(1) The nature of the illness and followup required.

(2) Medications, including side effects and dosage schedules. If the patient was given an informed consent form with his or her medications, the form shall satisfy the requirement for information on side effects of the medications.

(3) Expected course of recovery.

(4) Recommendations regarding treatment that are relevant to the patient's care.

(5) Referrals to providers of medical and mental health services.

(6) Other relevant information.

(b) Any person undergoing treatment at a facility under the Lanterman-Petris-Short Act or a county Bronzan-McCorquodale facility and the person's conservator, guardian, or other legally authorized representative shall be given a written aftercare plan prior to being discharged from the facility. The person shall be advised by facility personnel that he or she may designate another person to receive a copy of the aftercare plan.

(c) A copy of the aftercare plan shall be given to any person designated under subdivision (b). A patient who is released from any local treatment facility described in subdivision (c) of Section 1262 of the Health and Safety Code on a voluntary basis may refuse any or all services under the written aftercare plan.

SEC. 3. Section 5766.5 is added to the Welfare and Institutions Code, to read:

5768.5. (a) When a mental health patient is being discharged from any facility authorized under Section 5675 or 5766, the patient and the patient's conservator, guardian, or other legally authorized representative shall be given a written aftercare plan prior to the patient's discharge from the facility. The written aftercare plan shall include, to the extent known, the following components:

(1) The nature of the illness and followup required.

(2) Medications including side effects dosage schedules. If the patient was given an informed consent form with his or her medications, the form shall satisfy the requirement for information on side effects of the medications.

(3) Expected course of recovery.

(4) Recommendations regarding treatment that are relevant to the patient's care.

(5) Referrals to providers of medical and mental health services,

(6) Other relevant information.

(b) The patient shall be advised by facility personnel that he or she may designate another person to receive a copy of the aftercare plan. A copy of the aftercare plan shall be given to any person designated by the patient.