



State of California—Health and Human Services Agency  
Department of Health Care Services



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DIRECTOR

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GOVERNOR

DATE: March 16, 2022

Behavioral Health Information Notice No: 22-008

TO: California Alliance of Child and Family Services  
California Association for Alcohol/Drug Educators  
California Association of Alcohol & Drug Program Executives, Inc.  
California Association of DUI Treatment Programs  
California Association of Social Rehabilitation Agencies  
California Consortium of Addiction Programs and Professionals  
California Council of Community Behavioral Health Agencies  
California Hospital Association  
California Opioid Maintenance Providers  
California State Association of Counties  
Coalition of Alcohol and Drug Associations  
County Behavioral Health Directors  
County Behavioral Health Directors Association of California  
County Drug & Alcohol Administrators  
Psychiatric Health Facility Administrators

SUBJECT: Treatment of Psychiatric Emergency Medical Conditions: Summary of Assembly Bill (AB) 451

PURPOSE: Notice of the addition of AB 451 and summarizing its additional requirements for Psychiatric Health Facilities (PHFs) regarding the acceptance of transfers of persons with psychiatric emergency medical conditions.

REFERENCE: [AB 451](#) (Arambula, Chapter 438, Statutes of 2021);  
[Health and Safety \(H&S\) Code section 1317.4b](#)

## BACKGROUND

Licensed health facilities that maintain and operate emergency departments (EDs) must provide emergency services and care to any person requesting the services or care, or for whom services or care is requested, for any condition in which the person is in danger of loss of life, or serious injury or illness when the health facility has appropriate facilities and qualified personnel available to deliver the services or care.<sup>1</sup> When a screening, examination, or evaluation determines that a psychiatric emergency exists, the care and treatment necessary to relieve or eliminate the psychiatric emergency

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<sup>1</sup> Health & Saf. Code, § 1317, subd. (a).

medical condition must be provided to any person requesting the services or care.<sup>2</sup> Any administrative or medical personnel who knowingly and intentionally fails to provide required care, may be charged by the local district attorney with a misdemeanor.<sup>3</sup>

**POLICY:**

AB 451<sup>4</sup> requires PHFs with more than 16 beds, excluding those that are county-owned and operated, to accept the transfer of a person with a psychiatric emergency medical condition from a licensed health facility operating an ED and provide emergency services and care, regardless of whether the PHF operates an ED, if the following criteria are met:

- The treating physician at the sending facility has determined that the patient is medically stable and appropriate for treatment in a psychiatric setting and has included that determination in the patient's medical record;
- The facility has an available bed; and
- The facility has appropriate facilities and qualified personnel available to provide the services or care.

AB 451 also requires facilities accepting a transfer of a person to comply with existing requirements in H&S Code section 1317 (b), (d), and (f).

DHCS recommends providers review [H&S Code section 1317.4b](#) and the statutes it cross-references to ensure providers comply with important changes in the law.

If you have any questions regarding this Information Notice, please contact the Mental Health Licensing Section at [MHLC@dhcs.ca.gov](mailto:MHLC@dhcs.ca.gov) or (916) 323-1864.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief  
Licensing and Certification Division

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<sup>2</sup> *Id.*; Health & Saf. Code, § 1317.1, subd. (a)(2).

<sup>3</sup> Health & Saf. Code, § 1317.6

<sup>4</sup> See Health & Saf. Code, § 1317.4b, as newly added by AB 451.