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DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

DATE: May 11, 2022

Behavioral Health Information Notice No: 22-024

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

SUBJECT: Assessment of Tobacco Use Disorder in Substance Use Disorder (SUD) Recovery or Treatment Facilities: Passage of Assembly Bill (AB) 541

PURPOSE: To require routine assessment of tobacco use disorder in all SUD recovery or treatment facilities, as required by AB 541, which went into effect January 1, 2022.

REFERENCE: [Assembly Bill 541, Chapter 150](#) (Health and Safety Code Section 11756.5)

BACKGROUND:

According to the Centers for Disease Control and Prevention (CDC), a person with a mental health issue, substance use disorder, or both are more than twice as likely to smoke cigarettes as a person without these behavioral health conditions and are more likely to die from a smoking-related illness than from their behavioral health condition. California must reduce barriers to tobacco use disorder treatment in order to eliminate tobacco-related health disparities among persons with substance use disorders (SUD).

Therefore, AB 541 was passed, which added Section 11756.5 to the Health and Safety Code (HSC), requiring licensed and/or certified (SUD) recovery or treatment facilities to assess each patient or client for use of all tobacco products. "Tobacco products" or device is defined in Section 22950.5 of the Business and Professions Code.

SUMMARY OF AB 541:

AB 541 requires a licensed and/or certified SUD recovery or treatment facility to conduct an assessment of tobacco use at the time of the resident or client's initial intake. The assessment shall include questions recommended in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) under Tobacco Use Disorder, or similar evidence-based guidance, for determining that an individual has a tobacco use disorder. Furthermore, the licensed and/or certified SUD recovery or treatment facility shall do the following:

- (1) Provide information to the patient or client on how continued use of tobacco products could affect their long-term success in recovery from(SUD).
- (2) Recommend treatment for tobacco use disorder in the treatment plan.
- (3) Offer either treatment, subject to the limitation of the license or certification issued by the department, or a referral for treatment for tobacco use disorder.

COMPLIANCE:

The California Code of Regulations (CCR), Title 9, Section 10567, and the Alcohol and/or Other Drug Program Certification Standards, Section 7020 requires licensed and/or certified SUD recovery or treatment facilities to complete a client health questionnaire for all residents and clients. The Client Health Questionnaire and Initial Screening Questions (DHCS 5103) form has been updated and may be used to meet the requirements of AB 541. Any licensed and/or certified SUD recovery or treatment facility that fails to adhere with this information notice shall be cited effective July 1, 2022.

RESOURCES:

All medications for tobacco use disorder, including nicotine replacement, are covered benefits on Medi-Cal and are reimbursed through pharmacies when prescribed by licensed prescribers.

Licensed and/or certified SUD recovery or treatment facilities may refer patients or clients to [Kick It California](#) (formerly the California Smokers' Helpline). The following

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website explains referral options. There are also recorded webinars and other educational materials for providers, and more information about setting up a referral system within a clinic's electronic health record.

Licensed and/or certified SUD recovery or treatment facilities can also adopt tobacco-free campus policies. Having a tobacco-free site helps change the social norm of tobacco use, promotes wellness, and reduces exposure to secondhand smoke. The [CA Behavioral Health and Wellness Initiative from the Smoking Cessation Leadership Center](#) is a resource for providers and administrators on treating tobacco dependence in behavioral health settings. They also have a toolkit on the topic available for download ([Tobacco Free Toolkit for Behavioral Health Agencies](#)).

[California Behavioral Health & Wellness Initiative | Smoking Cessation Leadership Center \(ucsf.edu\)](#)

[Clinical Cessation Tools | Smoking and Tobacco Use | CDC](#)

[Tobacco Use and Quitting Among Individuals With Behavioral Health Conditions | CDC](#)

Sincerely,

Original signed by

Janelle Ito-Orille, Chief
Licensing and Certification Division