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California Department of Public Health



EDMUND G. BROWN, JR.
Governor

January 06, 2014

AFL 14-02

TO: Developmental Centers,
State Hospitals

SUBJECT: Patient Abuse Protection in Developmental Centers and State
Hospitals

AUTHORITY: Health & Safety Code (HSC) Sections 1280.4, 1424.6
Welfare and Institutions Code (WIC) Sections 4313.5, 4427.5,
4427.7

This All Facilities Letter (AFL) serves as notification of recently enacted legislation (SB 651, Statutes of 2013, Chapter 724; and AB 602, Statutes of 2013, Chapter 673) which amended WIC Section 4427.5 regarding patient abuse reporting for developmental centers. Effective January 1, 2014, a developmental center that fails to report serious incidents of abuse or criminal conduct to law enforcement within two hours of the developmental center observing, obtaining knowledge of, or suspecting abuse will be subject to penalties.

Existing law requires developmental centers to immediately report serious incidents of abuse or criminal conduct to law enforcement, such as a death; a sexual assault; an assault with a deadly weapon by a nonresident; an assault with force likely to produce great bodily injury; an injury to the genitals when the cause of the injury is undetermined; and a broken bone when the cause of the injury is undetermined.

This year's legislation added penalty provisions against developmental centers that fail to immediately report such abuse, and clarified that reporting abuse 'immediately' means within two hours of the developmental center observing, obtaining knowledge of, or suspecting abuse. SB 651 added HSC Section 1424.6, which authorizes CDPH to issue a Class B violation to a developmental center for a failure to immediately report serious incidents of abuse or criminal conduct if they occur in a distinct part long-term care facility within the developmental center. CDPH may also assess monetary penalties against a general acute care hospital or acute psychiatric hospital portion of a developmental center that fails to report the specified incidents, pursuant to HSC Section 1280.4.

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SB 651 also added provisions that require designated investigators of developmental centers and state hospitals to request a sexual assault forensic medical examination for any resident who is a victim or is reasonably suspected to be a victim of sexual assault. The medical examination should be performed at an appropriate facility off the grounds of the developmental center or state hospital; however, under specified conditions, the medical examination may be performed at the developmental center or state hospital by an independent sexual assault forensic examiner. Local law enforcement must be notified of the medical examination.

The information in this AFL is a brief summary of the provisions of SB 651 and AB 602 related to abuse reporting and investigation requirements in developmental centers, and state hospitals. Facilities are responsible for following all applicable laws. CDPH's failure to expressly notify facilities of legislative changes does not relieve facilities of their responsibility for following all laws and for being aware of all legislative changes. Facilities should refer to the full text of SB 651 and AB 602 to ensure compliance.

Sincerely,

Original signed by Debby Rogers

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