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GAVIN NEWSOM
GOVERNOR

Assembly Bill (AB) 919
Frequently Asked Questions
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The following answers to frequently asked questions intend to provide applicants and licensed or certified alcohol and drug programs with additional guidance and clarification regarding AB 919. This document will be updated as necessary.

For additional information visit:

- Licensing and Certification Webpage on the DHCS website at:
https://www.dhcs.ca.gov/provgovpart/Pages/Residential_and_Outpatient.aspx
- Chapter 811, Assembly Bill 919
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB919
- Contact us at: (916) 322-2911 or at the Toll Free Number (877) 685-8333, or via E-mail at LCDQuestions@DHCS.CA.GOV

❖ **When did AB 919 become effective?**

AB 919 went into effect on January 1, 2020.

❖ **What facilities does AB 919 affect?**

Licensed alcoholism or drug abuse recovery or treatment facilities (residential treatment facilities), and certified alcohol or other drug programs.

❖ **Which sections of the Health and Safety Code (HSC) have been amended by AB 919?**

AB 919 expanded on the prohibitions implemented by Senate Bill (SB) 1228. AB 919 amended HCS Sections 11831.6 and 11831.7, and added new HSC Sections 11831.65 and 11831.7(c).

❖ **What is SB 1228?**

SB 1228 which went into effect on January 1, 2019, added HSC Sections 11831.6 and 11831.7. It prohibits licensed alcoholism or drug abuse recovery or treatment facilities, certified alcohol or other drug programs, as well as owners, partners, directors, employees or shareholders of these facilities and programs from giving or receiving remuneration for the referral of a person who is seeking alcoholism or drug abuse recovery and treatment services. DHCS implemented provisions of SB 1228 through [MHSUDS Information Notice No. 19-002](#).

❖ **Who will ensure compliance with SB 1228 and AB 919?**

HSC grants DHCS the authority to ensure facility and program compliance with HSC Sections 11831.6, 11831.65, and 11831.7, and to impose sanctions upon the discovery of violations of Chapter 7 of HSC.

Housing Prohibitions (HCS Sections 11831.65(a) and 11831.65(b))

❖ **Can a certified outpatient treatment program that leases, manages or owns housing units offer housing to clients?**

Yes. Certified outpatient treatment programs may offer housing to clients provided the following conditions are met:

- The certified outpatient treatment program maintains separate contracts for housing;
- The housing contract clearly states that payment for housing is the responsibility of the individual and does not depend on insurance benefits;
- The housing contract includes a repayment plan for any subsidized rent;
- The certified outpatient treatment program shall make a good faith effort to collect the debt; and
- The offer for housing shall not depend on the individual's agreement to receive services from the certified outpatient treatment program.

❖ **Can a licensed residential treatment facility house individuals that are not current residents or employees of the facility?**

No. Only residents receiving services at the location specified on the DHCS license may reside in the licensed residential treatment facility. Employees employed at the specified residential treatment facility address may also reside at the facility in accordance with their approved fire clearance capacity.

❖ **Can a licensed residential treatment facility offer discounted housing to individuals that have been discharged from the facility?**

Yes, licensed residential treatment facilities may offer discounted housing through recovery residences or housing units provided the following conditions are met:

- The licensed residential treatment facility and the individual enter into a written contract for housing that is separate from the contract for treatment, if the individual also pursues outpatient treatment;
- The housing contract includes a repayment plan for any subsidized rent, and the licensed residential treatment facility makes a good faith effort to collect the debt; and
- The offer for housing is not dependent upon the individual's agreement to attend outpatient treatment at a program that is owned or operated by the licensed residential treatment facility.

❖ **Are individuals that are mandated to participate in outpatient treatment services eligible to continue receiving housing?**

Yes. Individuals mandated to participate in outpatient treatment as a requirement of receiving housing services are able to continue as such. However, the offer for housing must comply with the conditions laid out above (e.g. separate contracts, rent repayment for subsidized rent, etc.), and must not depend on the individual's agreement to receive services from a specific outpatient treatment program if that program that is also owned by the housing provider.

❖ **Can outpatient treatment programs refer individuals to recovery bridge housing?**

Yes. Outpatient treatment programs may refer individuals receiving outpatient treatment services to recovery bridge housing as long as the offer for housing complies with the conditions laid out above (e.g. separate contracts, rent repayment for subsidized rent, etc.), and does not depend on the individual's agreement to receive services from that outpatient treatment program, or any another outpatient treatment program owned by the program referring individuals to recovery bridge housing.

Transportation Prohibitions (HCS Sections 11831.65(c))

- ❖ **Do the transportation prohibitions apply to certified outpatient treatment programs?**

No. Transportation prohibitions are specific to only licensed residential treatment facilities.

- ❖ **Can a licensed residential treatment facility offer ground transportation (program vehicle, train, bus, car-for-hire, etc.) to an individual seeking to receive recovery or treatment services?**

Yes. Licensed residential treatment facilities may offer ground transportation to individuals seeking to receive recovery or treatment services if the ground transportation provided is for less than 125 miles (one-way).

- ❖ **Can a licensed residential treatment facility offer air transportation to an individual seeking to receive recovery or treatment services?**

Yes, licensed residential treatment facilities may offer air transportation provided the following conditions are met:

- The individual is given a return ticket that may be used by the individual upon discharge; and
- In the event the individual does not use the return ticket immediately upon discharge, the return ticket is made available to the individual for a period of one year following the individual's discharge.

- ❖ **What are the limitations on the return ticket?**

The return ticket shall be to the destination from which the individual came from.

- ❖ **If the licensed residential treatment facility did not provide or pay for any ground or air transportation for an individual, does the facility have to pay for the individual's transportation upon discharge from the facility?**

No.

- ❖ **Do the air transportation prohibitions apply to individuals who do not complete the program or discharge the facility against treatment advice?**

Yes. Licensed residential treatment facilities that provide air transportation to an individual who fails to complete the program or discharges against treatment advice, are still required to provide a return ticket to the individual upon discharge and make the return ticket available to the individual for a period of one year following the individual's discharge.

- ❖ **Are there mileage restrictions for air transportation provided by a licensed residential treatment facility?**

No, there is no maximum threshold for air transportation mileage.