



COUNTY OF YOLO

HEALTH AND HUMAN SERVICES AGENCY

POLICIES AND PROCEDURES

SECTION 6, CHAPTER 1, POLICY 003

CALIFORNIA ETHICAL TREATMENT FOR PERSONS WITH SUBSTANCE USE DISORDER ACT

POLICY NUMBER:	6-1-003
SYSTEM OF CARE:	SUBSTANCE USE
FINALIZED DATE:	09/22/2023
EFFECTIVE:	01/01/2023
SUPERSEDES # :	Supersedes Policy #'s: N/A

- A. PURPOSE:** To outline the requirements in the California Ethical Treatment for Persons with Substance Use Disorder Act (Act), SB 349.
- B. RELATED DOCUMENTS:**
1. N/A
- C. DEFINITIONS:**
1. **Marketing or Advertising:** Includes both of the following:
 - a. Information about the types and methods of services provided or used, and information about where they are provided, using the categories of treatment identified in Health and Safety Code subdivision (a) of Section 11834.26 and the levels of care established pursuant to subdivision (a) of Section 11834.015 (i.e. treatment, recovery or detoxification services, etc.)
 - b. The treatment provider's name and brand
 2. **Network Provider:** Any provider, group of providers, or entity that has a network provider agreement with Yolo County HHSA BH and receives Medicaid funding directly or indirectly to order, refer or render covered services as a result of the contract (Title 42 Code of Federal Regulations [42 CFR] § 438.2)
- D. POLICY:** Substance Use Disorder (SUD) recovery or treatment facilities licensed and/or certified by the Department of Health Care Services (DHCS) shall abide by the California Ethical Treatment for Persons with Substance Use Disorder Act (Act), SB 349, which was written into Health and Safety Code (HSC) Section 11857. This Act is summarized below.
1. **Bill of Rights**

- a. Providers shall adopt a client bill of rights for clients receiving treatment for SUD and make the bill of rights available to all clients and prospective clients. A client bill of rights ensures that individuals receiving treatment for a SUD have the right to all of the following:
- i. To be treated for the life-threatening, chronic disease of substance use disorder with honesty, respect, and dignity, including privacy in treatment and in care of personal needs
 - ii. To be informed by the treatment provider of all the aspects of treatment recommended to the client, including the option of no treatment, risks of treatment, and expected result or results
 - iii. To be treated by treatment providers with qualified staff
 - iv. To receive evidence-based treatment
 - v. To be treated simultaneously for co-occurring behavioral health conditions, when medically appropriate and the treatment provider is authorized to treat co-occurring conditions
 - vi. To receive an individualized, outcome-driven treatment plan, recovery plan, or problem list as required.
 - vii. To remain in treatment for as long as the treatment provider is authorized to treat the client
 - viii. To receive support, education, and treatment for their families and loved ones, if the treatment provider is authorized to provide these services
 - ix. To receive care in a treatment setting that is safe and ethical
 - x. To be free from mental and physical abuse, exploitation, coercion, and physical restraint
 - xi. To be informed of these rights once enrolled to receive treatment, as evidenced by written acknowledgment or by documentation by staff in the clinical record that a written copy of these rights were given
 - xii. To be informed by the treatment provider of the law regarding complaints, including, but not limited to, to be informed of the address and telephone number of DHCS
 - xiii. To receive ethical care that covers and ensures full compliance with the requirements set forth in Chapter 5 (commencing with Section 10500) of Division 4 of Title 9 of the California Code of Regulations and the alcohol and other drug program certification standards adopted in accordance with Section 11830.1, if applicable

2. **Records of Referrals**

- a. Providers shall maintain records of referrals made to or from recovery residences, including, if available, information about where the client ultimately elected to go.

3. **Marketing or Advertising**

- a. Any marketing or advertising materials published or disseminated by a provider shall provide accurate and complete information and be written in plain language that is easy to understand.
- b. Additionally, providers and/or entities are prohibited from the following:
- i. Making false or misleading statements, or providing false or misleading information, about the nature, identity, or location of substance use disorder

- treatment services in advertising materials, on a call line, on an internet website, or in any other marketing materials
 - ii. Making false or misleading statements about their status as an in-network or out-of-network provider
 - c. A person or entity is prohibited from all of the following:
 - i. Providing or directing any other person or entity to provide, false or misleading information about the identity of, or contact information for, any treatment provider
 - ii. Including false or misleading information about the internet address of any treatment provider's website, or to surreptitiously direct or redirect the reader to another website
 - iii. Suggesting or implying that a relationship with a treatment provider exists, unless the treatment provider has provided express, written consent to indicate that relationship
 - iv. Working within a licensed or certified alcoholism or drug abuse recovery or treatment facility from making a false or misleading statement about substance use disorder treatment services
 - d. A violation of these laws constitutes a deceptive act or practice under the Unfair Competition Law (Chapter 5, commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code), regardless of whether any consumer was actually misled or deceived.

4. Violations of this Act

- a. Providers are prohibited from requesting, receiving, or retaining payment for SUD treatments provided to a client as a result of conduct declared unlawful under this Act. This Act provides declaratory relief and imposition of civil penalties for violation of the ACT.
 - i. In addition to DHCS' authority, the Attorney General, a district attorney, a county counsel, a city attorney, or any person who has suffered any injury or damages, including, but not limited to, paying for treatment or services that were performed in violation of the Act, may bring a claim that an act or practice violates Chapter 14 and seek one or both of the following:
 - a. Declaratory relief to enjoin a person or entity who has violated or is violating this chapter and/or;
 - b. A civil penalty of not more than twenty thousand dollars (\$20,000) for each violation
- b. Legal action may be taken for an act or practice that violates the Act described by SB 349.
- c. DHCS may investigate an allegation of a violation. Upon finding a violation, DHCS may take any action under HSC Sections 11831.7, 11834.34, and 11834.36 with respect to the offending provider, including, but not limited to, suspension or revocation of a license or certification. If the DHCS imposes a civil penalty, the civil penalty shall not be more than twenty thousand dollars (\$20,000) for each violation.

E. PROCEDURE:

- 1. Network providers shall develop internal policies and procedures which meet the requirements outlined in this policy.

F. REFERENCES:

1. DHCS Information Notice 23-045: California Ethical Treatment for Persons with Substance Use Disorder (SUD) Act: Implementation of Senate Bill 349 (SB 349)

Approved by:



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Date

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Date