STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

PETE WILSON, *Governor*

DEPARTMENT OF MENTAL HEALTH
1600 – 9TH STREET
\CRAMENTO, CA 95814

(916) 654-2309

March 29, 1995

DMH INFORMATION NOTICE NO.: 95-07

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: REPORTS BY HEALTH PRACTITIONERS OF INJURIES RELATED TO CRIMINAL CONDUCT

REFERENCE: Supercedes DMH Information Notice No.: 95-02 (Revisions are underlined) Rescission of DMH Information Notice No.: 94-06; Amendments to Health and Safety Code Section 1257.7 and Penal Code Section 11160 (Chapter 19X, Statutes of 1994)

Chapter 19X, Statutes of 1994 (Assembly Bill 74X, Speier), amends provisions enacted in 1993 relating to the reporting of injuries resulting from assaultive or abusive conduct. As a result, DMH Information Notice No.: 94-06 is hereby rescinded.

As amended by Chapter 19X, subdivision (d) of Section 1257.7 of the Health and Safety Code requires general acute care hospitals, acute psychiatric hospitals, special hospitals, and employees of these hospitals, to report acts of assault or battery, that result in injury or involve the use of dangerous weapons, <u>against any on-duty hospital personnel,</u> to the local law enforcement agency within 72 hours. <u>Any other acts of assault or battery against any on-duty hospital personnel may be reported to the local law enforcement agency within 72 hours.</u> The legislation also contains provisions for protection against civil and criminal liability for the reporting required. Although this legislation applies to psychiatric units of general acute care hospitals and acute (freestanding) psychiatric hospitals, as well as employees of these hospitals, it does not apply to <u>Psychiatric Health Facilities (PHFs)</u>, unless the circumstances below exist. <u>(This subdivision was not addressed in DMH Information Notice No.: 94-06.)</u>

Section 11160 of the Penal Code is also amended to require any health practitioner <u>employed in a facility, clinic, physician's office, local or state public health department or a clinic or other type of facility operated by a local or state public health department</u> who provides medical services for a physical condition to a patient suffering from a wound or other physical injury inflicted by his or her own act or inflicted by

another by means of a firearm, or where the injury is the result of abusive or assaultive conduct, to make an immediate telephonic report and a subsequent written report to a local law enforcement agency within two working days. The legislation also specifies what information is to be reported. Although the term, "health practitioner", includes all licensed mental health professionals, local mental health programs and licensed mental health professionals do not generally provide medical services for a wound or other physical injury, which would precipitate the required report.

In view of the above statutory amendments, effective January 1, 1995, the Department is rescinding DMH Information Notice No.: 94-06. These amended provisions are not applicable to the vast majority of local mental health service settings.

If you have questions regarding these new procedures, contact Al Schmid, Ph.D., Chief, Licensing and Certification, at (916) 654-2308.

STEPHEN W. MAYBERG, Ph.D.
Director

cc: California Mental Health Planning Council
Chief, Technical Assistance and Training
California Association of Health Facilities

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Program Support Branch