



CALIFORNIA DEPARTMENT OF State Hospitals

NOTICE OF PROPOSED RULEMAKING

TITLE 9. REHABILITATIVE AND DEVELOPMENTAL SERVICES DIVISION 1. DEPARTMENT OF MENTAL HEALTH

The Department of State Hospitals (Department) encourages adoption of the proposed regulations below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held if any interested person, or his or her duly authorized representative, requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted by facsimile (FAX) at (916) 651-3090 or by e-mail to DSH.Regulations@dsh.ca.gov. The written comment period closes at 5:00 p.m. on February 15, 2016. The Department will consider only comments received at the Department office by that time. Submit comments to:

Regulations Unit
Department of State Hospitals
1600 9th Street, Room 410
Sacramento, CA 95814

AUTHORITY AND REFERENCES

Authority: Welfare and Institutions Code sections 4005.1, 4027 and 4101 allow the Department to adopt and enforce rules and regulations necessary to carry out the duties of the Department.

References: Sections 4136, 5325.1, and 5326, Welfare and Institutions Code; and Section 1798.33, Civil Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department proposes to adopt regulations to implement constitutional and civil rights laws related to a patient's right to court access through the duplication of court documents. These regulations also follow State laws that limit the amount an agency may charge for duplication services (Civil Code section 1798.33) and clarify duplication services for indigent patients (Welfare and Institutions Code section 4136).

Forms Incorporated By Reference

The Department is incorporating by reference form DSH 2005 (Rev.5/15), Request for Duplication Services. A copy of the form is attached for review and comment. This form is necessary for a patient to request duplication services; for state hospital staff to verify costs based on the number of copies requested, to verify a patient's available trust funds, and to verify indigent patient status under Welfare and Institutions Code section 4136.

Policy Statement Overview

These proposed regulations will:

- provide consistent patient access to duplication services;
- ensure the state hospitals are consistent in the amount charged for duplications services;
- provide duplication services criteria for indigent patients;
- allow the Department to place reasonable restrictions or limitations on duplication services as necessary in order to protect the safety and security of other patients, the staff, and the general public;
- prevent discrimination in providing duplication services for court required documents; and,
- increase openness and transparency in government.

The Department has conducted an evaluation and determined that these regulations are not inconsistent or incompatible with existing state regulations.

Disclosures Regarding the Proposed Regulations

The Department has made the following initial determinations:

- Mandates on local agencies and/or school districts: None.

- Costs or savings to any state agency: None.
- Costs to any local agency or school district that requires reimbursement in accordance with Government Code sections 17500 through 17630: None.
- Other non-discretionary costs or savings imposed on local agencies: None.
- Costs or savings in federal funding to the State: None.
- Significant, statewide adverse economic impact directly affecting business, including the ability to California businesses to compete with businesses in other states: None. The Duplication Services provided in these regulations are currently performed by state employees.
- Cost impacts on a representative private person or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Small business determination: The proposed action will not affect small businesses because this regulatory action serves to specify a standardized process for providing duplication services to state hospital patients.
- Significant effect on housing costs: None

Results of the Economic Impact Analysis

Adoption of these regulations will not:

- create new jobs or eliminate jobs within California;
- create new businesses or eliminate existing businesses within California; and,
- affect the expansion of businesses currently doing business within California.

The benefits of these regulations to the health and welfare of California residents, worker safety, and the state's environment include:

- provides state hospital patients with access to courts through the duplication of court related documents;
- provides state worker safety through a uniform, consistent process for duplication services in all state hospitals; and,
- establishes policy for patients and workers to follow to ensure a safe and orderly process for requesting and obtaining duplication services.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

DSH invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation amendment a during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Karen Gillham
Chief
Department of State Hospitals
Regulations Unit
1600 9th Street, Room 410
Sacramento, CA 95814
Telephone: (916) 651-5578
e-mail: karen.gillham@dsh.ca.gov

The back-up contact person for these inquiries is:

Shazida Chechi
Department of State Hospitals
1600 9th Street, Room 410
Sacramento, CA 95814
Regulations' Telephone: (916) 651-3222
E-mail: shazida.chechi@dsh.ca.gov

Please direct requests to Ms. Gillham at the above address for copies of the proposed text (the "expressed terms") of the regulation, the initial statement of reasons, the modified text of the regulation or any other information upon which the rulemaking is based.

AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF THE PROPOSED REGULATION AMENDMENT, AND THE RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the

proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Ms. Gillham.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulation amendment substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Karen Gillham at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the Ms. Gillham at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at www.dsh.ca.gov.