



---

---

# CALIFORNIA DEPARTMENT OF State Hospitals

## STATEMENT OF READOPTION OF EMERGENCY REGULATIONS

March 15, 2017

The Department of State Hospitals (DSH) is requesting a 90-day readoption of emergency regulations, OAL File Number 2016-0906-03E, Incompetent to Stand Trial Admissions Process at State Hospitals, pursuant to Government Code section 11346.1, subdivision (h).

DSH is now finalizing minor changes to the regulation text that was approved on September 16, 2016, to incorporate minor revisions needed after going through the public hearing and 45-day comment period. We expect to provide notice to the public by March 24<sup>th</sup>, 2017. The readoption period will allow sufficient time for the additional 15-day public comment period, completion of the regular rulemaking and filing of the Certificate of Compliance.

### RESULTS OF ECONOMIC IMPACT ANALYSIS

The Department does not anticipate that these proposed emergency regulations will have any economic impact within the State.

Creation or elimination of jobs within the State of California.

The emergency regulations are designed to streamline the admission of committed individuals to state hospitals. Existing state staff is currently managing the admission of committed individuals, and the emergency regulations only enhance and clarify their current job duties. The emergency regulations affect only state positions already existing. Therefore, no jobs will be created or eliminated within the State because of the emergency regulations.

Creation of new businesses or the elimination of existing businesses within the State of California.

The emergency regulations are designed to streamline the admission of committed individuals to state hospitals. Existing state staff is currently managing the admission of committed individuals, and the emergency regulations only enhance and clarify their

current job duties. Therefore, no businesses will be created or eliminated within the State because of the emergency regulations.

Expansion of businesses currently doing business with the State of California.

The emergency regulations are designed to streamline the admission of committed individuals to state hospitals. Existing state staff is currently managing the admission of committed individuals, and the emergency regulations only enhance and clarify their current job duties. Therefore, no businesses will be expanded or eliminated within the State because of the emergency regulations.

Benefits of the regulations to the health and welfare of California residents, worker safety, and the State of California's environment.

The emergency regulations may benefit the health and welfare of California residents by ensuring that committed individuals who come with a criminal history or pending criminal charges are admitted to, housed in, and treated in the most appropriate state hospital in the most appropriate location. The emergency regulations may also benefit worker safety by placing committed individuals in appropriate state hospitals depending on security risk and escape history. Lastly, the regulations may benefit the State's environment by making more efficient the transport of committed individuals from county custody to state hospitals, potentially reducing the carbon footprint of these deliveries.

The emergency circumstances submitted with the emergency rulemaking file are unchanged since the initial adoption.

#### MATERIALS INCORPORATED BY REFERENCE

- Finding of Emergency submitted in OAL file number 2016-0906-03E.
- Notice of Proposed Emergency Actions submitted in OAL file number 2016-0906-03E.
- Economic and Fiscal Impact Statement, STD 399, submitted in OAL file number 2016-0906-03E.